Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**257**
Land:	Sudan
Kilde:	UK Home Office
Titel:	Country of Origin Information (COI) Report
Udgivet:	11. september 2012
Optaget på baggrundsmaterialet:	11. december 2012

Home Office
UK Border Agency

REPUBLIC OF SUDAN

COUNTRY OF ORIGIN INFORMATION (COI) REPORT

COI Service

Date 11 September 2012

SECURING OUR BORDER CONTROLLING MIGRATION

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Preface

i This Country of Origin Information (COI) Report has been produced by COI Service, UK Border Agency , 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 1 August 2012. The report was issued on 11 September 2012.

ii. To note: the Republic of South Sudan formally separated from the Republic of Sudan on 9 July 2011. Whilst the report aims to provide up-to-date information on the country post-separation in some instances information on a relevant subject is only available covering both Sudan and South Sudan. Offiicials are therefore recommended to carefully consider the date of all source material and whether it refers specifically to Sudan before or after secession.

iii The report is compiled wholly from material produced by a wide range of external information sources and does not contain any UK Border Agency opinion or policy. All information in the report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

iv The report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

v The structure and format of the report reflects the way it is used by UK Border Agency decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the report.

vi The information included in this 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. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.

vii As noted above, the report is a compilation of extracts produced by a number of information sources. In compiling the report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. 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.

viii 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.

ix This report and the accompanying source material are public documents. All reports are published on the UK Border Agency website and the great majority of the source material for the report is readily available in the public domain. Where the source documents identified are available in electronic form, the relevant weblink 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 COI Service upon request.

x Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. UK Border Agency officials also have constant access to an information request service for specific enquiries.

xi In producing this report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

xii The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the UK Border Agency's COI material. The IAGCI welcomes feedback on UK Border Agency's COI reports and other COI material. Information about the IAGCI's work can be found on the Independent Chief Inspector's website at http://icinspector.independent.gov.uk/country-information-reviews/

xiii In the course of its work the IAGCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a more general nature. A list of the Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UK Border Agency's COI material from September 2003

to October 2008) is available at http://icinspector.independent.gov.uk/country-information-reviews/

xiv Please note: it is not the function of the IAGCI to endorse any UK Border Agency 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. The IAGCI can be contacted at:

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Email: chiefinspectorukba@icinspector.gsi.gov.uk
Website: http://icinspector.independent.gov.uk/country-information-reviews/

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The Home Office is not responsible for the content of external websites.

Enough Project
Have the Tripartite Partners Secured Humanitarian Relief for South Kordofan and Blue Nile?, August 2012
http://www.enoughproject.org/files/MOUsHumanitarianAid.pdf
Date accessed 3 September 2012

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Health Resources Availability Mapping System, 2nd Quarter 2012, undated
http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4299.pdf
Date accessed 3 September 2012

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http://reliefweb.int/report/south-sudan-republic/iom-completes-south-sudan-barge-movement-2700-returnees-renk-juba
Date accessed 3 September 2012

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Date accessed 3 September 2012

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Sudanese authorities must end its crackdown on demonstrators and activists, 3 August 2012
http://www.amnesty.org/en/library/asset/AFR54/036/2012/en/34c89cf8-5a72-448c-9800-33f4d83d510e/afr540362012en.pdf
Date accessed 3 September 2012

BBC
UN agrees aid flights into Sudanese rebel held areas, 5 August 2012
http://www.bbc.co.uk/news/world-africa-19136406#
Date accessed 3 September 2012

Waging Peace
The Dangers of Returning Home, September 2012
http://www.wagingpeace.info/images/images/pdf/The_Dangers_of_Returning_Home.pdf
Date accessed 11 September 2012

USEFUL SOURCES FOR FURTHER INFORMATION

Sudan Tribune, http://www.sudantribune.com/
Reuters Africa, Sudan Page, http://af.reuters.com/news/country?type=sudanNews
Sudan Human Baseline assessment, http://www.smallarmssurveysudan.org/
Enough Project, http://www.enoughproject.org/
African Centre for Peace and Justice Studies, http://www.acjps.org/

Human Rights Watch, Sudan Page, http://www.hrw.org/africa/sudan
Amnesty International, Sudan Page, http://www.amnesty.org/en/region/sudan
Refworld Sudan, http://www.unhcr.org/refworld/country/SDN.html
Ecoi.net, http://www.ecoi.net/

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Background Information

1. GEOGRAPHY

SIZE AND POPULATION

1.01 The Permanent Committee on Geographical Names for British Official Use (PCGN) recorded, as of 1 April 2012, Sudan's official name as 'Republic of the Sudan'. **[5]**

1.02 The Republic of the Sudan (Sudan) has a total area of 1,861,484 sq km and is bordered by the Central African Republic, Chad, Egypt, Eritrea, Ethiopia, Libya and South Sudan. (Central Intelligence Agency (CIA) World Fact Book, Sudan, 20 July 2012 - website regularly updated) **[6a](Geography)** South Sudan gained independence from Sudan on 9 July 2011. (BBC News, 9 July 2011) **[3a]** The Sudan-South Sudan boundary is pending final alignment following the separation of South Sudan. The sovereignty status of the Abeyi region is also pending negotiations between Sudan and South Sudan. (CIA World Fact Book, Sudan, last updated 20 July 2012) **[6a](Geography)**

For further information on Sudan's contested border with South Sudan see: Recent History, South Sudan (1956 – 2005) and Recent Developments, South Sudan's independence and renewed conflict (January 2011 – 1 August 2012)

1.03 The website of the Republic of Sudan, Ministry of the Cabinet Affairs, Secretariat General, dated 17 August 2011, stated that the "[p]opulation of Sudan in the beginning of the year 2011 is estimated to be about (33.419.625) persons at a growth rate of 2,53 annually, population density reaches 14 persons for one km square. Population of rural areas constitutes 24,6% of the total population." **[137a]** The US State Department, Background Note: Sudan, 10 January 2012 noted: "According to post-secession figures based on census results released in early 2009, Sudan's population has reached an estimated 33.4 million." **[2a](People)**

See also: Sudan Central Bureau of Statistics, Censuses

1.04 Sudan consists of 17 states or administrative divisions: ((wilyat (singular); wilaya (plural) CIA Factbook, last updated 20 July 2012**, [6a] (Government)**) the names of the states by population size are as follows: Khartoum (Khartoum); Gezira (Wad Madani), North Kordofan (El-Obeid); South Darfur (Nyala); South Kordofan (Kadugli); North Darfur (El-Fashir); Kassala (Kassala); East Darfur (Al-Diayn); White Nile (Rabak); Red Sea (Port Sudan); Al-Gadarif (Al-Gadarif); Sinnar (Sinja); River Nile (Al-Damir); Blue Nile (Al-Damazeen); West Darfur (Al-Jinayna); Northern State (Dongola) and Central Darfur (Zalinji). (Sudan Embassy and Mission in Geneva, Switzerland, undated, accessed 1 August 2012) **[9a](Basic facts)** The states of Central Darfur and East Darfur were the most recent administrative states created, established in January 2012, as part of the Doha Document for Peace in Darfur (DDPD). (Sudan Tribune, 11 January 2012) **[12a]** According to the CIA Factbook, last updated 20 July 2012, the states of East Darfur and Central Darfur were not yet operational. **[6a](Government)**

1.05 The website worldstatesman.org Sudan page, provides further background information on the administrative make up of Sudan since 1991 including details on state governors and their time in post. **[10a]**

1.06 Main towns in Sudan include the capital Khartoum (pop. 2,682,000); El Obeid (408,000), Omdurman (2,805,000), Wad Medani (370,000), Kassala (510,000), Gedaref (355,000) (Economist Intelligence Unit, Sudan Summary, citing 2012 calculations from World Gazetter) **[4a](Basic data)** and Port Sudan (pop. 450,000) (US State Department, Background Note: Sudan, 10 January 2012) **[2a](Profile, Geography)**

ETHNICITY, RELIGION AND LANGUAGE

1.07 Sudan's ethnic groups comprised Sudanese Arab (approximately 70 per cent, including Shaigiyya, Ja'alin, Misseriya, Kababish and Rizegat), Fur, Zaghawa, Massalit, Beja, Nuba and Dinka Ngok. (US State Department, Background Note: Sudan, 10 January 2012) **[2a](People)**

1.08 Arabic and English are the official languages of Sudan. Other tribal languages that are spoken include Nubian, Ta Bedawie, Fur, Zaghawa and Masalit. (US State Department Background Note: Sudan, 10 January 2012) **[2a](People)** The Economist Intelligence Unit (EIU), Summary, which is regularly reviewed, clarified that "[t]here are over 70 tribal languages, of which several are each spoken by more than 100,000 people." **[4a](Basic data)** The website Ethnologue provides a language map of Sudan and also lists Sudan's languages. Readers should note that the material provided by Ethnologue does not distinguish between Sudan and South Sudan. The Encyclopaedia Britannica, Academic Edition, entry on Sudan, last updated 29 March 2012, further noted:

"Most languages spoken in Sudan belong to three families of African languages: Afro-Asiatic, Nilo-Saharan, and Niger-Congo. The Afro-Asiatic languages, Arabic and the Bedawi language of the Beja, are the most widely spoken. The Nilo-Saharan languages include the many Nubian languages, spoken in various places across the country, the Zaghawa and Fur languages, spoken primarily in the west and southwest respectively, and the Dinka language, spoken in the south. The Niger-Congo family is represented by the numerous Kordofanian languages, spoken in southern Sudan, and other languages spoken by smaller ethnic groups. To surmount these language barriers, the vast majority of Sudanese have become multilingual, with Arabic and, to a lesser extent, English as second languages." **[120a](Languages)**

1.09 Islam is the official religion of Sudan (US State Department, Background Note: Sudan, 10 January 2012) **[2a](People)**, with a predominantly Sunni Muslim population. Other faiths include Christianity and indigenous beliefs. (CIA World Fact Book, Sudan, updated 3 May 2012) **[6](People and Society)**

See also: Ethnic demography and diversity and Religious demography

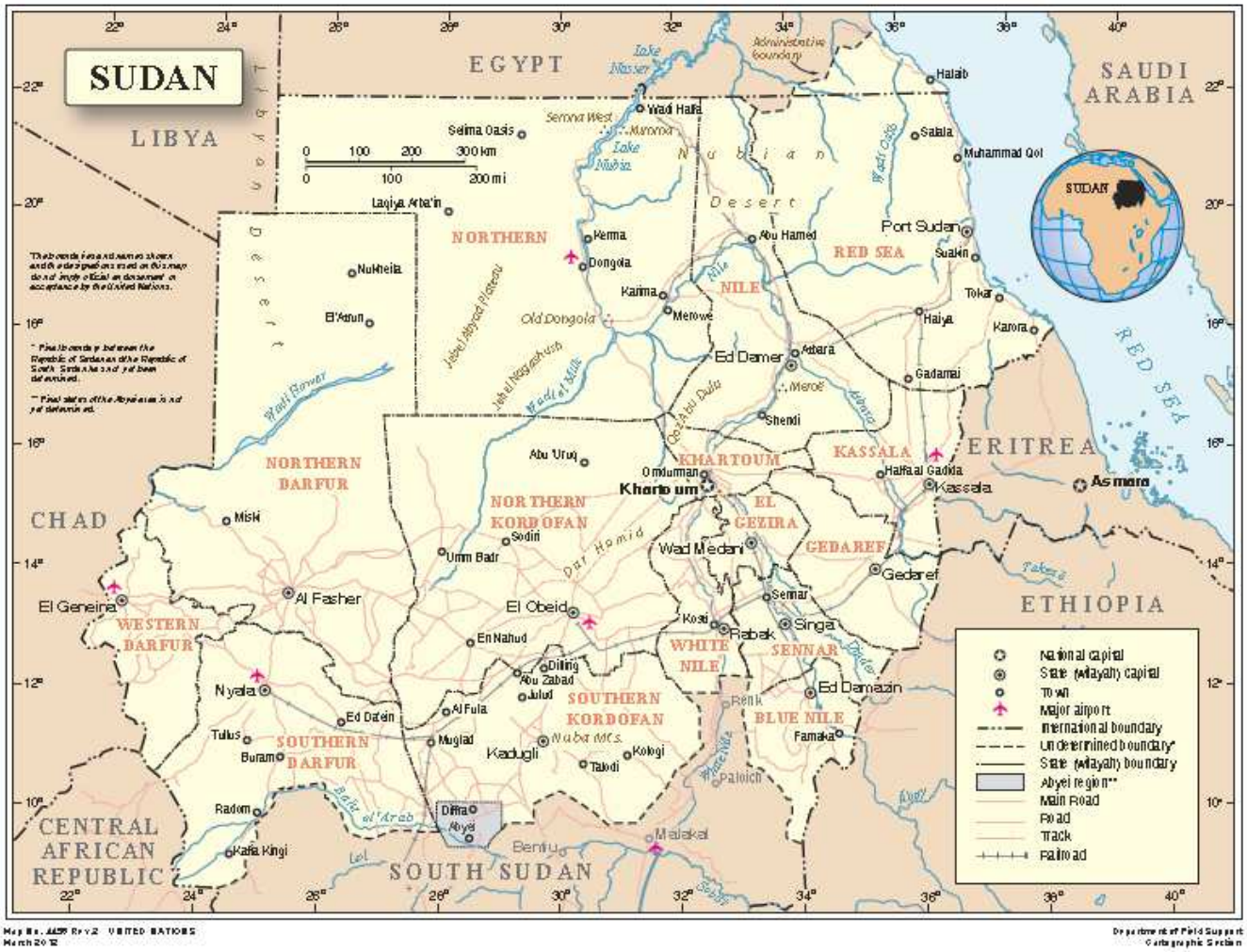
PUBLIC HOLIDAYS

1.10 The EIU Sudan Summary which is regularly reviewed, listed the public holidays in Sudan as follows:

"Independence Day (January 1st); Coptic Christmas (January 7th); Peace Agreement Day (January 9th); the Prophet's birthday (February 4th 2012); Coptic Easter (April 15th 2012); Labour Day (May 5th); Revolution Day (June 30th); Eid al-Fitr (August 19th 2012); Eid al-Adha (October 26th 2012); Islamic New Year (November 15th 2012); Christmas Day (December 25th) ... The dates of the Islamic festivals are uncertain because they depend on the actual sighting of the moon." **[4a](Basic data)**

MAPS

1.11 The following map of Sudan is from the UN's cartographic section, dated March 2012:



[138a]

1.12 To access maps of each administrative state of Sudan, refer to the UN Office for the coordination of Humanitarian Affairs (OCHA) website, which provides a range of Administrative Maps dated March 2012. Additionally, see the website, Logistics Cluster, Operation Sudan, 'Operation Map Centre', which provides a range of maps.

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2. ECONOMY

2.01 The CIA Factbook, Sudan, updated on 31 July 2012, stated in its overview of the economy:

"[S]udan is an extremely poor country that has had to deal with social conflict, civil war, and the July 2011 secession of South Sudan - the region of the country that had been responsible for about three-fourths of the former Sudan's total oil production. The oil sector had driven much of Sudan's GDP growth since it began exporting oil in 1999. For nearly a decade, the economy boomed on the back of increases in oil production, high oil prices, and significant inflows of foreign direct investment. Following South Sudan''s secession, Sudan has struggled to maintain economic stability, because oil earnings now provide a far lower share of the country's need for hard currency and for budget revenues. Sudan is attempting to generate new sources of revenues, such as from gold mining, while carrying out an austerity program to reduce expenditures. Services and utilities have played an increasingly important role in the economy. Agricultural production continues to employ 80% of the work force and contributes a third of GDP. Sudan introduced a new currency, still called the Sudanese pound, following South Sudan''s secession, but the value of the currency has fallen since its introduction and shortages of foreign exchange continue. Sudan also faces rising inflation, which has led to a number of small scale protests in Khartoum in recent months. Ongoing conflicts in Southern Kordofan, Darfur, and the Blue Nile states, lack of basic infrastructure in large areas, and reliance by much of the population on subsistence agriculture ensure that much of the population will remain at or below the poverty line for years to come." **[6] (Economy)**

The CIA Factbook, which is regularly updated, provides various data describing the performance of the Sudan economy. For futher information see: https://www.cia.gov/library/publications/the-world-factbook/geos/su.html

2.02 The report, UN and Partners World Plan 2012, Mid Year Review, undated circa mid 2012 (accessed 1 August 2012), observed in its introduction:

"Sudan's economic challenges continued during the first half of 2012. South Sudan's decision to suspend oil production and the damage to oil production facilities in Higlig has placed significant strain on the Government budget and the Sudanese economy. The Government passed a budget for 2012 based on a 'worst-case' scenario of no oil revenues being generated from the transport of South Sudanese oil. This forced the government to impose a range of austerity measures to reconcile the budget, which is expected to run at a deficit of 3.4% of 2012 gross domestic product (GDP) and may need to be revised further should oil-related revenue not materialize at expected levels. The bulk of reductions over the last year have come from cuts in development spending and federal transfers to state governments for basic service delivery, by 26% and 20% respectively.

"Sudan has also been affected by currency instability and elevated rates of inflation during 2012. The currency depreciated steadily since the secession of South Sudan and loss of oil revenues; the gap between the official and black market exchange rate reached an 85% difference in May. In response, the Government had to de facto devalue the currency to close the gap, thereby increasing the price of imports. The inflation rate, meanwhile, has almost doubled over the last twelve months, reaching a high of 30.4% in May, mostly as a result of high food price inflation and the rising import

cost of basic goods. Sudan, as a net importer of food, is particularly vulnerable to price fluctuations in global food markets. Moreover, these trends have been exacerbated by high commodity prices and lower levels of domestic food production in 2012 (as reported by the World Food Programme (WFP)) due to ongoing conflict in agriculturally productive areas and a poor harvest." **[24m](p10)**

CURRENCY

2.03 Europa World Online, Sudan, Country Statistics, undated, explained: "On 1 March 1999 the Sudanese pound (£S) was replaced by the Sudanese dinar (SDD), equivalent to £S10. The pound was withdrawn from circulation on 31 July 1999. A new Sudanese pound (SDG), equivalent to 100 dinars (and 1,000 old pounds) was introduced on 10 January 2007. The new currency was to circulate along with previous currencies (the old pound had continued to circulate in some regions) for a transitional period, but became the sole legal tender on 1 July 2007." **[7b](Finance)** The Economist Intelligence Unit, Sudan Summary, updated regularly, further noted: "In 2007 the Sudanese pound replaced the Sudanese dinar as the national currency at a value of SDG1=SD100 [SDD]. The pound is made up of 100 qirush/piaster." **[4a](Basic data)**

2.04 The Central Bank of Sudan provided details of the notes and coins in circulation in Sudan, including specimen examples. See: http://www.bankofsudan.org/arabic/id/currencies/cur6.htm

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3. RECENT HISTORY (1956 – 2010)

POLITICAL HISTORY

Independence and civil war (1956)

3.01 Europa World Online, Sudan Profile, undated (accessed 22 May 2012), stated: "The Sudan (as the country was known before 1975) achieved independence as a parliamentary republic on 1 January 1956." **[7a](Contemporary Political History, Historical Context)** The BBC Sudan Profile, updated 1 May 2012, explained that following the end of joint British-Egyptian rule over the country in 1956, "[i]ndependence was rapidly overshadowed by unresolved constitutional tensions with the south, which flared up into full-scale civil war that the coup-prone central government was ill-equipped to suppress." **[3b]** The US State Department, Background Note: Sudan, dated 10 January 2012, explained: "Sudan achieved independence on January 1, 1956, under a provisional constitution. This constitution was silent on two crucial issues for southern leaders--the secular or Islamic character of the state and its federal or unitary structure. However, the Arab-led Khartoum government reneged on promises to southerners to create a federal system, which led to a mutiny by southern army officers that launched ...[the first of two] civil war[s]." **[2a](People, Independence)**

See also: History of Sudan's regional conflicts, South Sudan (1956 – 2005)

Political instability and rise of the National Islamic Front (NIF) (1958 – 1989)

3.02 The Foreign and Commonwealth Office, Sudan Country Profile, last reviewed 29 March 2012, explained that following Sudan's independence from British-Egyptian rule in 1956:

"... [P]olitical infighting and economic incompetence soon extinguished popular optimism. In November 1958, Major-General Ibrahim Abboud led the army to power in a bloodless coup, determined to end the short, flawed rule of the politicians. Six years later faced with popular disillusionment, Abboud's regime collapsed and new parliamentary elections were held in 1965. Once more, parliamentary democracy brought weak, unstable governance and, in 1969, Colonel Jaafar Nimeiri seized power. [However] ... challenges to his [Nimeiri's] rule were met with bloody purges [and w]idening anger eventually sparked a military take-over in April 1985 and the following year elections were held. Parliamentary rule was to last less than four years, a period in which five governments were formed, each under the premiership of veteran politician Sadiq al-Mahdi. Peace talks with southerners and the poor state of the economy strengthened dissent in the north." **[16a](History)**

3.03 The Encyclopaedia Britannica (EB), Academic Edition, entry on Sudan, last updated 29 March 2012, noted in a subsection entitled 'the rise of Muslim fundamentalism in Sudan':

"In the elections of 1965, the Islamic Charter Front, a political party that espoused the principles of the Muslim Brotherhood (Ikhwān al-Muslimīn), received only an insignificant portion of the popular vote. But the election roughly coincided with the return from France of □asan al-Turabi, who assumed the leadership of the party, renamed the Islamic National Front (NIF). Turabi methodically charted the Brotherhood and the NIF on a course of action designed to seize control of the Sudanese government despite the Muslim fundamentalists' lack of popularity with the majority of the Sudanese people. Tightly disciplined, superbly organized, and inspired by the resurgence of Islam in the Middle East, the Muslim Brotherhood consciously sought to recruit disciples from the country's youth. It was relentlessly successful, and by the 1980s the Muslim Brotherhood and the NIF had successfully infiltrated the country's officer corps, the civil service, and the ranks of secondary-school teachers.

"Despite its relatively small size, the Muslim Brotherhood began to exert its influence, which did not go unnoticed by President Nimeiri, whose SSU had failed to galvanize popular support. In the face of deteriorating relations with both the southern Sudanese and the traditionalists of the Ummah-Mahdī grouping, Nimeiri turned increasingly to the Muslim Brotherhood for support. He appointed Turābī attorney general and did not object to the latter's designs for a new constitution based partly on Islamic law, the Sharī□ah. In September 1983 Nimeiri modified the nation's legal codes to bring them into accord with Islamic law." **[120a](The Nimeiri regime, the rise of Muslim fundamentalism)**

3.04 The EB entry further noted that following the overthrow of Nimeiri in a bloodless coup in April 1985, despite elections being held in 1986 which brought Sadiq Al-Mahdi back to power as prime minister, the following three years were characterised by political instability. **[120a](The Nimeiri regime, Nimeiri's overthrow and its aftermath)**The source continued: "These years of indecision came to an end on June 30, 1989, when a Revolutionary Command Council for National Salvation led by Lieutenant General Omar □asan A□mad al-Bashir seized power. The Revolutionary Command Council (RCC) was in fact the vehicle for the NIF." **[120a](The Nimeiri regime, Nimeiri's overthrow and its aftermath)**

For further information on the National Islamic Front, refer to the listing included in Annex C: Political parties and urban protest movements

Repression and the extension of political Islam (1989 – 1999)

3.05 The Freedom House report, Freedom in the World 2012, Sudan country report, dated May 2012, (Freedom House Sudan report 2012) noted that following the overthrow of the 1986 elected civilian government by General Omar al-Bashir three years later in 1989, "[o]ver the next decade, al-Bashir governed with the support of senior Muslim clerics including Hassan al-Turabi, who served as leader of the ruling National Islamic Front (NIF)." **[20a](Overview)** The Encyclopaedia Britannica (EB), Academic Edition, entry on Sudan, last updated 29 March 2012, additionally observed:

"Bashir and his colleagues realized that, as a minority with little popular support, they would have to resort to harsh measures to curtail the educated elites who had been instrumental in organizing populist revolutions in the past. With a ruthlessness to which the Sudanese were unaccustomed, the RCC imprisoned hundreds of political opponents, banned trade unions and political parties, silenced the press, and dismantled the judiciary. It sought to prosecute the war in the south with vigour, inhibited only by the deterioration of the national economy. With the support of the NIF, the Muslim Brotherhood, and a ruthless and efficient security system, the most unpopular government in the modern history of Sudan remained firmly in power as the country entered the last decade of the 20th century" **[120a](Sudan under Bashir)**

3.06 A report from International Crisis Group entitled 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', dated 4 May 2011, also noted: "Security officials dominated the initial actions of the Salvation regime [ie NIF inspired regime]. They adopted two approaches to consolidate their power: control of the economy and brutal force, including torture, to break the will of opponents; and advanced religious justifications to soften their broader constituencies' disapproval of such measures. The strategy was for the military to rule for three years before the government would reveal its NIF colours." **[32a](p.8)**

3.07 The same source also explained with regard to 'Islamisation' of both state and society during this period:

"Within a few months, it was apparent an Islamic movement had seized power – the first after the Iranian revolution. It embarked on cleansing the civil service, including the judiciary, of elements deemed suspicious, because of their known affiliations or considered unlikely to join the Islamist cause in view of their social conduct as monitored by party members in schools, workplaces and neighbourhoods. Under the pretext of reducing expenditures, hundreds of thousands were fired without compensation.

"...The intelligence and security organs are the key institutions of the Islamic regime. Their members took control of all aspects of regime consolidation. They purged the top ranks of the Sudan Armed Forces (SAF) of all those perceived as non-Islamists, changed the fighting doctrine to an Islamic one and created a parallel military structure, the Popular Defence Forces (PDF), to defend their organisation and the regime from all threats, including the army. ... They put their people in senior positions, transforming the security forces from national bodies to ones concerned more with the safety of the Islamist elites. ... The top ranks of the SAF were purged and replaced by more junior

officers. Bashir was promoted from brigadier to lieutenant general and chief of the army, which came under the full control of Islamist civilian elites.

"... In accordance with Islamisation of all aspects of life, the concept of jihad was extended beyond the traditional notion linking it to defence to include unifying the sectors of society: women, youth, old people, rich and poor, workers and business people. The NIF issued a temporary presidential decree for formation of the PDF, as a key step for indoctrinating the people to protect their revolution from the SPLM/A and the political opposition, which sought a secular country, as well as from regional and other international opponents. Judges were trained, including some who fought in the South. School clothing for girls and boys became military camouflage uniforms as part of the process, and military training was made compulsory for school and university graduates. Students who refused were denied diplomas or job opportunities. Many resisted and tried to escape." **[32a](p.8-9)**

Al-Bashir's split from the Islamists and regime consolidation (1999 – 2010)

3.08 The Freedom House Sudan report 2012 noted that: "Al-Bashir fired al-Turabi in 1999 and oversaw flawed presidential and parliamentary elections a year later [in 2000], which the National Congress Party (NCP) (formerly the NIF) won overwhelmingly." **[20a](Overview)** A report from International Crisis Group entitled 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', dated 4 May 2011, also observed:

"[In the late 1990s a] ... period of debate and disagreement over consolidating the governance system [of the NIF] and ending the war in the South marked a turning point in the movement's history. Serious disputes erupted between the civilian leadership led by Turabi and the military ... In December 1999, Bashir took 'the Ramadan decisions', stripping Turabi of his posts, dissolving the parliament, suspending the constitution and declaring a state of national emergency. He ruled for a year under the emergency laws, after which he and his associates won presidential and parliamentary elections in December 2000. To maintain grassroots support, they kept the rhetoric of an Islamic government, but their neighbours and key Western players knew that the new regime was no longer ideologically extreme, at least for the time being." **[32a](p.11 – 12)**

3.09 A paper by Jago Salmon published by the Small Arms Survey, entitled 'A Paramilitary Revolution: The Popular Defence Forces', dated December 2007, commenting on the evolving power structures of the Sudanese state since the 1989 Bashir led coup, noted:

"The social and institutional character of the Sudanese state has undergone a radical transformation since the seizure of power by the National Salvation regime on 30 June 1989. The most enduring element of this self-proclaimed revolution has not been the Islamist ideology from which it drew inspiration, but the transfer of authority and resources from the state bureaucracy to parastatal organizations. As a result, the political system, broadly defined, has blurred the boundaries between state, economy, and society. Two years after the signing of the Comprehensive Peace Agreement (CPA), the interference of the governing National Congress Party (NCP) is still felt throughout civil society, the private sector, and the state bureaucracy." **[23h](p.9)**

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HISTORY OF SUDAN'S REGIONAL CONFLICTS

Causes of conflict

3.10 The Centre for Strategic and International Studies (CSIS) report, Sudan: Assessing risks to stability, dated June 2011, explained:

"The narrative thread that runs through Sudan from the colonial period onward is one in which political power and wealth have been concentrated in the center and peripheral areas have been chronically neglected. The ability of the Khartoum-based elite to manage the volatile and alienated hinterland varied with time. The more capable operators, which have included the ruling NIF [National Islamic Front] and the NCP [National Congress Party] for long periods since 1989, have relied on a combination of violence, threats and inducements to keep the country intact. A patronage network that purchased loyalty from strategically placed tribal leaders, political allies, and militiamen provided the glue that held the system together. It was eventually picked apart by marginalized communities in the South during two civil wars (1955 – 1972 and 1983 – 2005) and by uprisings in the Nuba Mountains, in Blue Nile State, by the Beja people in the East and by rebels in Darfur." **[15a](p4)**

3.11 The same report further observed that, following independence, Sudan became divided along ethnic and religious lines, with power concentrated among an Arab, Islamic elite. As noted:

"A tradition of predatory government extends back to the colonial period ... The British accentuated the differences between North and South by ruling them as separate entities, simplistically identified as 'Arab' and 'African'. Attention was focused on the North, where a collaborative working arrangement quickly reached with sections of the religious elite. The South, conversely, had to be conquered and was not 'pacified' until the 1920s. Economic activity and social development were concentrated in the North. ... The Northern elite, which inherited an independent Sudan in 1956, took its cue from its erstwhile masters. A succession of governments followed a myopic governance model that focused on the 'core' Arab tribes of the Northern riverine states, while ignoring the aspirations of Southerners and other marginalised groups, and emphasizing Islamic and Arab exclusivity." **[15a](p5)**

3.12 A transcript of a testimony given by Jonathan Temin from the US Institute for Peace (USIP) to the Senate Foreign Relations Committee, dated 14 March 2012, similarly noted how the concentration of power and wealth in Sudan around an Arab, Islamic elite, was a key driver in Sudan's regional conflicts. As the testimony acknowledged:

" ... [F]or decades, Sudan's leaders have employed a model of governance that is ultimately unsustainable. This is not a coincidence. Rather, the model of governance employed by the current Government of Sudan – and several governments before it – is a central cause of Sudan's continuous instability. This model concentrates wealth, power and resources at the center of the country, meaning in and around Khartoum, to the detriment of populous peripheral areas. It is exclusionary and riddled with corruption. Since the beginning of Sudan's oil production, Khartoum has been a boomtown, while the peripheral areas have remained generally poor and underdeveloped. The rich and some of the middle class prosper, while many more suffer. Under the current government, this model has been accompanied by an effort to impose an Arab, Islamic identity throughout Sudan. The result has been a series of rebellions from peripheral areas seeking more equitable sharing of resources and

resisting the imposition of identity or religion. The government has often responded to these rebellions with brutal and disproportionate military force. The government has learned that it benefits from promoting instability and division in peripheral areas, as it weakens the ability of opposition forces based in the periphery to challenge the center.

"The international community has spent decades working to end these conflicts on Sudan's periphery, with some success, such as the Comprehensive Peace Agreement (CPA). But the international community continues to chase these conflicts around the periphery while rarely making concerted efforts to help Sudanese reform the flawed governance model that is a root cause of instability." **[17a]**

Overview of the main conflicts

3.13 The above-referenced testimony by Jonathan Temin (USIP) to the Senate Foreign Relations Committee, dated 14 March 2012, explained that "[f]or decades, Sudan ... has lurched from one crisis to another, from the two north-south civil wars to the violence in Darfur to the recent fighting in Abyei to the current conflict in Southern Kordofan and Blue Nile states." **[17a]** Thomson Reuters Alertnet in an article, 'Sudan conflicts', dated 16 February 2012, stated: "Sudan has been at war for half a century, with impoverished border regions clashing with Khartoum for more political power and a greater share in the country's wealth." **[102b]** The source went on to list the main conflicts as follows:

- "… An ongoing humanitarian crisis in Darfur in the west where at least 300,000 have died and about 2.2 million been displaced by fighting since 2003
- Clashes in oil-rich states bordering South Sudan, called the Three Areas [Abyei, South Kordofan and Blue Nile]
- Tensions with South Sudan following a brutal 21-year civil war between the north and the south that ended in 2005. South Sudan seceded from the north in July 2011
- Slow recovery from conflict in east Sudan where insurgents threatened to challenge the government for a share of the country's power and natural-resources." **[102b]**

The following subsections provide a brief overview of these conflicts. Officials should note that although the Comprehensive Peace Agreement signed between Sudan and South Sudan in 2005 formally brought to an end conflict between the 'north' and 'south', the disputed status of Abeyi and popular consultations in Blue Nile and South Kordofan continued to be a source of tension in Sudan post 2005.

For further information on the armed groups involved in Sudan's regional armed conflicts see: Annex D: Armed Opposition groups

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South Sudan (1956 – 2005)

The following information should be considered together with Independence and civil war (1956)

3.14 The Freedom House Sudan report 2012 noted:

"Between 1956 and 1972, the Anyanya movement, representing mainly black Africans in southern Sudan, battled Arab Muslim–dominated government forces. In 1969, General Jafar Numeiri took power in a coup. The South gained extensive autonomy under a 1972 accord, but Numeiri reneged on the deal in 1983 and imposed Sharia (Islamic law), igniting a civil war with the main rebel group, the Sudan People's Liberation Army (SPLA). The fighting lasted until 2004, causing the deaths of an estimated two million people." **[20a](Overview)**

3.15 The US State Department, Background Note: Sudan, dated 10 January 2012, in explaining the developing peace process between the 'north' and 'south' observed:

"In July 2002, the Government of Sudan and the SPLM/A reached a historic agreement on the role of state and religion and the right of southern Sudan to self-determination. This agreement, known as the Machakos Protocol, named after the Kenyan town where the peace talks were held, concluded the first round of talks sponsored by IGAD [Inter-governmental Authority on Development (in Eastern Africa)]. ...

"On November 19, 2004, the Government of Sudan and the SPLM/A [Sudan People's Liberation Movement/Army] signed a declaration committing themselves to conclude a final comprehensive peace agreement by December 31, 2004. The declaration came in the context of an extraordinary session of the United Nations Security Council (UNSC) in Nairobi, Kenya--only the fifth time the Council had met outside of New York since its founding. At this session, the UNSC unanimously adopted Resolution 1574, which welcomed the commitment of the government and the SPLM/A to achieve agreement by the end of 2004, and underscored the international community's intention to assist the Sudanese people and support implementation of the comprehensive peace agreement. In keeping with their commitment to the UNSC, the Government of Sudan and the SPLM/A initialed [sic] the final elements of the comprehensive agreement on December 31, 2004. The two parties formally signed the Comprehensive Peace Agreement (CPA) on January 9, 2005. The U.S. and the international community welcomed this decisive step forward for peace in Sudan." **[2a](People, End to the Civil War)**

3.16 The Freedom House Sudan report 2012 further explained:

"The government ended the civil war with the South in January 2005 by signing the Comprehensive Peace Agreement (CPA) with the SPLA and its political arm, the Sudan People's Liberation Movement (SPLM). The pact established a power-sharing government in Khartoum between the SPLM and the NCP, granted autonomy to a Government of Southern Sudan (GoSS) led by the SPLM, and allowed for a referendum on Southern independence to be held after a six-year transitional period [in 2011]." **[20a](Overview)**

See also: The Comprehensive Peace Agreement Between the Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army 2005

For more recent developments see: Update on Sudan's regional regional conflicts, South Sudan's independence and renewed conflict (January 2011 – 1 August 2012)

The disputed status of Abyei

3.17 The Amnesty International report, 'Sudan-South Sudan: Destruction and Desolation in Abyei', dated 20 December 2011, explained:

"The area of Abyei, which straddles the border between north and South Sudan, has long been a major flashpoint of political and inter-communal tensions between the region's Dinka Ngok population and the northern nomadic Misseriya tribes. The Misseriya migrate southward through Abyei annually to graze their cattle during the dry season, and some have settled in Abyei in recent decades. ...

"According to the Abyei Protocol, a 2004 agreement between the GoS [Government of Sudan] and the SPLM/A [Sudan People's Liberation Movement/Army] to resolve the Abyei conflict, a referendum on the future of Abyei – to decide whether it should be part of Sudan or secede – was to be held at the same time as the South Sudan referendum on 9 January 2011. However, the referendum has not yet been held as disputes persist between the parties concerning voters' eligibility. Sudan insists that large numbers of Misseriya nomads, who spend several months a year grazing cattle in Abyei, are eligible to vote, whereas South Sudan backs the Dinka Ngok's demand that only the historical inhabitants of the region (mostly Dinka Ngok) be allowed to vote. Though both parties accepted a 2009 ruling by the Permanent Court of Arbitration on the boundaries of Abyei, the two countries have so far failed to reach agreement on the final border demarcation in the Abyei area." **[8c](p19)**

3.18 The same source further explained:

"... Over the past years ... [Sudan Armed Forces] SAF-backed Misseriya armed militias, have repeatedly attacked Dinka Ngok residents and forced them out of their homes and out of Abyei altogether and have looted and burned down their homes, seemingly in a deliberate attempt to prevent their return to Abyei. Dinka Ngok community leaders have accused the GoS of using Misseriya militias to deliberately force the Dinka Ngok population out of Abyei in order to replace them with Misseriya loyal to the GoS. The GoS and the Misseriya for their part have complained that the Dinka Ngok are seeking to undermine their long-established residency and grazing rights in Abyei. ... Long-standing tensions in Abyei took on a new dimension after the 2005 Comprehensive Peace Agreement (CPA) between the GoS and the SPLM, and with the discovery of significant oil resources. ... For example, in May 2008 fighting between SAF and SPLA and attacks by SAF-backed Misseriya militias caused the displacement of some 60,000 Dinka Ngok residents of Abyei." **[8c](p.19-20)**

For information on recent developments in Abyei since January 2011 see: Update on Sudan's regional conflicts, Abyei.

South Kordofan/Nuba Mountains and Blue Nile

3.19 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 (UN Independent expert report 2011), explained: "Southern Kordofan is a border State between North and southern Sudan. It is populated largely by the Nuba, the Hawazma and Misseriya nomadic Arab tribes." **[1a](para 31)** A paper from the Sudan Human Security Baseline Assessment, entitled 'Conflict in South Kordofan/Nuba Mountains', dated 18 November 2011, further noted:

"The conflict in the Nuba Mountains dates back to the 1980s; its genesis was closely tied to the growing SPLM/Army-led rebellion that began in 1983. Local discontent at political marginalization drove many Nuba to sympathize with the southern rebels, even though many of the conflict drivers were local. The scores of Nuba tribes that

populate the Nuba Mountains have a culture and dozens of unique languages distinct from South Sudan's Nilotic and Bantu peoples. Although many Nuba are Muslim converts, many others subscribe to Christianity or traditional beliefs. Beginning near the end of President Jafaar Nimeiri's rule (1969–85), the Nuba's fierce cultural independence increasingly clashed with the government's Arabist policies and its conservative brand of political Islam. ... Although the 2002 Nuba Mountains Ceasefire—an effort spearheaded by United States (US) special envoy John Danforth—led to the Naivasha talks and eventually the 2005 Comprehensive Peace Agreement (CPA), the final agreement failed to resolve the conflict in the Nuba Mountains. The CPA called for a vague 'popular consultation' process in South Kordofan [and Blue Nile], leading to negotiations between the state and the national government over the state's post-CPA status. After the death of SPLM leader John Garang in June 2005, the situation in the so-called Three Areas— Abyei, South Kordofan, and Blue Nile—became ever more contentious, as South Sudan's secession grew increasingly inevitable."
[23d](Background to the conflict)

3.20 The UN independent expert report 2011 observed with regard to the 'popular consultations' legislated under the Comprehensive Peace Agreement:

"Under the Comprehensive Peace Agreement, Southern Kordofan and neighbouring Blue Nile States were expected to hold popular consultations to determine whether the Agreement had met the aspirations of their citizens and to resolve any outstanding issues related to its implementation. The popular consultation did not accommodate a right to self determination for the two States. Rather, it offered the local communities the opportunity to address their grievances and expectations for which they had taken up arms against the the [sic] Government of the Sudan and which had not been met by the Agreement. The two States will remain part of the Sudan regardless of the consultation's outcome, but they may retain some autonomy. The Agreement left the popular consultation process relatively vague, both in terms of content and of the processes to be used to guarantee the implementation of outcomes. The popular consultation process was delayed in Southern Kordofan to allow the conduct of State elections, which were not held during the [April] 2010 nationwide elections owing to disputes between the Agreement partners over census figures." **[1a](para 31-32)**

3.21 A visiting 2010 delegation from the UN Security Council to Sudan, which met with the Governor of Blue Nile state, the Speaker of the Blue Nile State Assembly, the Deputy Governor of Southern Kordofan state and the speaker of the Southern Kordofan State Assembly in Khartoum on 9 October 2010, provided the delegation with information regarding the mechanisms and processes of these popular consultations. The representatives from Blue Nile state clarified that "... consultations with political parties, civil society groups and citizens would be held through seminars, workshops and other forums, after which the State Assembly would finalize a report, to be submitted to the central Government." (Report of the Security Council mission to Uganda and the Sudan, 4 to 10 October 2010', dated 7 January 2011. (UN Security Council Mission report 2011) **[18a](para 36)** However the UN Security Council Mission report 2011 noted that in both Blue Nile and South Kordofan "... issues related to autonomy, power-and wealth-sharing and cultural and religious rights were likely to be major concerns." **[18a](para 37)**

For information on recent developments in South Kordofan/Nuba Mountains and Blue Nile since January 2011 see: Update on Sudan's regional conflicts, Blue Nile and South Kordofan (Nuba Mountains) For information on the Nuba ethnic groups see: Nuba

Darfur (2003 – present)

3.22 The Freedom House Sudan Report 2012 explained:

"While the CPA [Comprehensive Peace Agreement] was being negotiated, a separate conflict erupted in Darfur [West Sudan]. Rebels from Muslim but non-Arab ethnic groups attacked military positions in 2003, citing discrimination and marginalization by the government. In 2004, government-supported Arab militias known as janjaweed began torching villages, massacring the inhabitants, and raping women and girls. The military also bombed settlements from the air. More than two million civilians were displaced. The scale of the violence led to accusations of genocide by international human rights groups and the United States. The government reached a peace agreement with one of Darfur's multiple rebel groups in 2006 [resulting in the signing of the Darfur Peace Agreement in May 2006 with Minni Minnawi who led a faction of the Sudan Liberation Movement], but the others refused to sign the pact, and fighting continued despite the presence of international peacekeepers. In March 2009 the International Criminal Court (ICC) issued an arrest warrant for al-Bashir on charges of war crimes and crimes against humanity in Darfur. A charge of genocide was added in 2010." **[20a](Overview)**

3.23 The International Institute for Strategic Studies, Armed Conflict Database (accessed 30 May 2012) summarised the Darfur conflict as follows:

"Since 2003, the Darfur conflict has pitted ethnic-minority rebels in this remote western region of Sudan against the Arab-dominated regime in Khartoum. Rebels from the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM) attacked government targets, claiming black Africans were being oppressed. Khartoum has denied backing Arab Janjaweed militias, although many Janjaweed raids have followed government air attacks and poverty-stricken militiamen have admitted to accepting offers of state money. Nevertheless, tales of raiders on horses and camels sweeping into villages to kill, torture and steal made Darfur a cause celebre, including in Hollywood. The United Nations says up to 300,000 have been killed in Darfur; Khartoum says 10,000. Whether this amounts to genocide or lesser war crimes has been an ongoing source of controversy – between the West and Sudan, and within the international community. The International Criminal Court's attempts to hold President Omar al-Bashir responsible have also created friction. A huge United Nations–African Union peacekeeping force (UNAMID) has been deployed, and fighting has decreased. However, rebel groups have splintered into rival factions, and the conflict has dragged on through failed peace attempts. About 2.7 million people have fled their homes, and remain vulnerable in refugee camps. After the US government offered Khartoum incentives in 2009 to improve the situation, movement resumed on peace talks." **[21a](Conflict Summary)**

3.24 A study funded by Physicians for Human Rights released in April 2012, conducted retrospective "... analysis of medical records from all 325 patients seen for treatment from September 28, 2004, through December 31, 2006, at the Nyala-based Amel Centre for Treatment and Rehabilitation of Victims of Torture" in order "… to investigate the nature and geographic scope of alleged abuses against civilians in Darfur and endeavor to substantiate these allegations by analyzing the medical records of patients attending the Amel Centre…". **[22a](Methods and Findings)**. The study concluded that:

"Allegations of widespread and sustained torture and other human rights violations by GoS and/or Janjaweed forces against non-Arabic-speaking civilians were corroborated by medical forensic review of medical records of patients seen at a local non-governmental provider of free clinical and legal services in Darfur. Limitations of this study were that patients seen in this clinic may not have been a representative sample of persons alleging abuse by Janjaweed/GoS forces, and that most delayed presenting for care. The quality of documentation was similar to that available in other conflict/post-conflict, resource-limited settings." (PLOS Medicine, 'Medical Evidence of Human Rights Violations against Non-Arab-Speaking Civilians in Darfur: A Cross Sectional Study', 3 April 2012) **[22a](Conclusions)**

3.25 The key findings from the study highlighted: "...

- 90% of patients from 12 different non-Arabic-speaking tribes alleged that they had been attacked by GoS and/or Janjaweed forces in 23 rural areas across Darfur
- Of those attacked, 16% stated that GoS and Janjaweed forces attacked in concert, often with aerial bombardment coordinated with simultaneous ground assault by GoS and Janjaweed forces
- The most common abuses were beatings (50%), gunshot wounds (43%), destruction or theft of property (37.2%), and involuntary detainment (30%)
- Villages were repeatedly attacked, with 5 villages reportedly attacked a total of 41 times during the study period
- Virtually all (99%) of the reported attacks occurred in the absence of active armed conflict between Janjaweed/GoS forces and rebel groups
- Forensic review of these medical records by PHR's medical experts corroborated the allegations of abuse in 100% of cases in which there was adequate information on which to base an expert opinion.
- Approximately one-half (49%) of all women disclosed that they had been sexually assaulted, and one-half of sexual assaults were described as having occurred in close proximity to a camp for internally displaced persons." (PHR, press release entitled 'Medical Evidence of Widespread Torture in Darfur Released by PHR in PLoS Medicine, 4 April 2012) **[22b]**

For further information on the janjaweed and other pro-governmennt militia groups see: Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias

3.26 With regard to the ongoing political discussions to mediate a peaceful solution to the conflict in Darfur, a blog entry from the Enough Project entitled 'Darfur: The Doha Peace Process, December 2010 – present', dated 10 January 2012, observed: "The most recent peace process [to resolve the conflict in Darfur] started in Doha, Qatar in December 2010 with the Darfuri rebel movements, including JEM [the Justice and Equality Movement], negotiating with the Sudanese government. The main points of the negotiations were: ... Wealth sharing[;] ... Restitution for Darfuri survivors[;] ... A ceasefire agreement[;] ... Release of JEM prisoners in Khartoum [and] ... Recognition of JEM as a political party." **[51i]**

For information on recent developments in Darfur since January 2011 see: Update on Sudan's regional conflicts, Darfur (January 2011 – 1 August 2012) For information on the Darfur's ethnic groups see: Darfurian Arabs and Non-Arab Darfurians

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East Sudan (1990 – 2007)

3.27 Jane's Sentinel Country Risk Assessment, Sudan, Security, dated 20 July 2011, explained:

"Unlike the conflicts in the south and west of the country, the insurgency in the east received far less international attention. While a low-level insurgency, the groups had similar grievances, namely perceived marginalisation by the government, and took up armed struggle in the 1990s. Following the signing of the CPA of January 2005, there appeared to be a renewed impetus in the east to push the government for a larger share of economic wealth and political representation for the region as well.

"In February 2005, the Beja Congress and the Rashaida Free Lions, respectively based on the Beja and Rashaida peoples, formed the Eastern Front, which launched its first major offensive in June of that year. Breaking out of Hameshkoreb, 'liberated territory' on the Eritrean border that the rebels have occupied since the late 1990s, the Front launched an assault on the Sudanese government garrison at Tokar, about 60 km further north. The rebels claimed to have destroyed three government camps (not Tokar) and captured significant quantities of weapons. Both sides claimed to have inflicted significant losses. While fighting was sporadic, the Front operated in an area of strategic importance - near port and oil infrastructure - and as such was of concern to the government, particularly as the movement showed itself capable of effective hit-and-run style attacks. Sudan's oil terminal at Suakin presents an obvious target, while road and rail connections between Khartoum and Port Sudan are vulnerable to ambushes.

"In May 2006, Khartoum released three members of the Eastern Front who had been arrested some two months before. This had been a key demand by the rebels before peace talks could go ahead. While previous attempts at mediation, such as those by Libya in December 2005, failed to appease the Beja and Rashaida groups, a new round of peace talks mediated by Eritrea in Asmara looked far more positive. Both the government and the Eastern Front appeared committed to finding a resolution to the conflict. The first round of negotiations, launched on 13 June 2006, led to a declaration of principles to guide future negotiations, as well as an agreement by both parties to cease hostilities. The second round, launched on 17 July that year, was briefly postponed, but resumed on 7 August. Issues discussed included wealth- and power-sharing, as well as security issues. By 18 August, the parties had reportedly decided on a framework for the development of the region, although there were differences over what money Khartoum should be allocating in terms of implementation. Khartoum appeared keen to build on the peace agreements already signed in other parts of the country and avoid the international spotlight that has fallen on other insurgencies in Sudan. An agreement was signed in October 2006, although there were delays in moving forward with implementation. In May 2007 three former rebel leaders from eastern Sudan were appointed to senior posts in the Khartoum government as per the deal." **[31a](Low-level insurgency in the east)**

For information on recent developments in East Sudan since January 2011 see: Update on Sudan's regional conflicts, East Sudan (January 2011 – 1 August 2012). For further information on the Beja ethnic groups see: Non-Arab groups and identities (including Darfurians and Nuba).

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4. RECENT DEVELOPMENTS (JANUARY 2011 – 1 AUGUST 2012)

OVERVIEW

4.01 The Human Rights Watch, World Report 2012, covering events in 2011, January 2012, observed:

"South Sudan seceded from Sudan on July 9 [2011] under the terms of the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's 22-year civil war. The split was peaceful but Sudan saw increasing popular unrest and widening armed opposition in the months that followed. In Khartoum, the capital, government authorities pursued familiar repressive tactics including harassing, arresting, detaining, and torturing perceived opponents of the government; censoring media; and banning political parties. ... Volatile areas north of the South Sudan border descended into conflict while a peace agreement signed by the government and one rebel group did not end simmering conflict or improve the human rights situation in the western province of Darfur. At this writing Sudan's proposed new constitution had not been adopted amid calls by President Omar al-Bashir to impose a strict version of Islamic law without exception for religious and ethnic minorities." **[19b]**

For further information on Sudan's border conflicts see: Update on Sudan's regional conflicts

4.02 The International Institute for Strategic Studies, Armed Conflict Database (IISS ACD), accessed 1 August 2012, referring to events in 2011, also noted:

"Although President Omar al-Bashir's National Congress Party (NCP) did begin talks with opposition coalition the National Umma Party (NUP) [a Sudanese opposition political party, with a view to forming a government], other rebel groups consistently refused to negotiate with NCP, and by the end of the year formed a new alliance called the National Revolutionary Front [i.e. the Sudan Revolutionary Front – for further information on the SRF refer to the listing included in Annex D: Armed Opposition groups]. The sole aim of this alliance is to overthrow Bashir and his government. Sudan's next elections are not until 2015, and Bashir has already announced that he will not run for re-election." **[21a](Political Trends 2011)**

4.03 An article in the Sudan Tribune dated 9 July 2012 further updated: "The First Vice-President of Sudan, Ali Osman Mohammed Taha, said on Monday [9 July] that the government intends to approach opposition parties for dialogue on alternation of power... In a televised interview broadcast by a number pro-government channels, Taha said that the dialogue would also include a new constitution to replace the current one. He stressed that all contentious issues regarding the constitution would be open for wide discussions." **[12s]** However, the same source highlighted how mainstream opposition parties were also aiming for regime change in Sudan through peaceful means. **[12s]** As noted:

"... On Wednesday last week [4 July 2012], mainstream opposition parties allied under the National Consensus Forces (NCF) signed the Democratic Alternative Charter (DCA) which called for regime change 'through peaceful means.' ... The NCF, which includes the National Umma Party (NUP) of former Prime Minister Al-Sadiq al-Mahdi and the

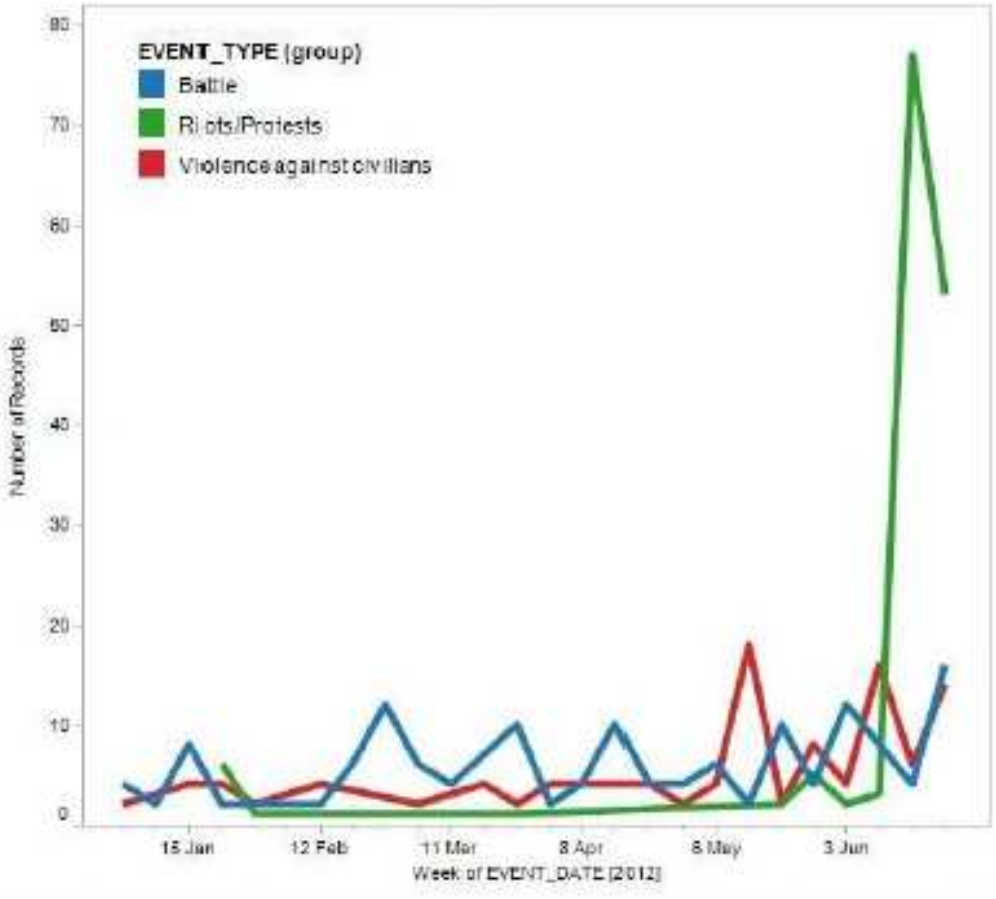
Popular Congress Party (PCP) led by Hassan Al-Turabi among others, also agreed on a three years transitional period governed by a caretaker cabinet and a presidential college with rotating chairmanship to rule the country when the National Congress Party's (NCP) regime is overthrown." **[12s]**

See also: Constitution. For further information on Sudan's opposition political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements

4.04 The publication 'Conflict Trends (No.4): Real-Time Analysis of African Political Violence', dated July 2012, from the Armed Conflict Location & Event Dataset, noted:

"June saw a large number of [political] events in Sudan, representing a significant increase over previous months. Anti-regime protests and the state's response constituted the largest share of the increase, which included riots, protests and reports of violence against civilians by security agencies. At first glance, the sheer number of events seems enormous, but the format of the protests shaped this: diffuse, discrete gatherings of small numbers of protests spread across multiple locations in Khartoum and other cities have been coded distinctly. This was a deliberate strategy on the part of protesters, in a bid to wear down security forces and have maximal impact (Af Con, 6th July 2012). This latest wave of protests attests to a continued situation of multiple threats to the Khartoum regime, which although not coordinated, are responses of multiple groups to a regime perceived to be weak ..." **[14c](p.5)**

4.05 The same source provided the following figure on 'conflict events by type, Sudan, Jan-Jun 2012:



[14c](p.5)

See also: Freedom of Association and Assembly, June – July 2012 protests

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Possibility of regime change

4.05 The New York Times, Sudan page updated 16 July 2012, explained with reference to the prospect of regime change in Sudan:

"In the summer of 2012, protests began to start up slowly again in what was called the 'lick your elbow' movement — a reference to pulling off the impossible [For further information see: Freedom of Association and Assembly, June – July 2012 protests]. ... It seems much of the kindling for a Libyan-style revolution is already there: a repressive, autocratic regime that has been in power 23 years; a dire economic crisis; heavily armed insurrection in several corners of the country; and a fired-up protest movement that goes beyond the usual suspects of students and unemployed youths to shopkeepers and housewives, all willing to literally take a beating. ... Add to that the regional writing on the wall. In both Egypt, to the north, and Libya, to the northwest, popular anger (along with NATO airstrikes in Libya's case) eventually toppled longstanding dictators. Beyond that, Sudan has a history of popular revolts bringing down governments. It happened in 1964 and in 1985. ... But many Sudan experts are skeptical that Sudan's government, led by Omar Hassan al-Bashir, who seized power in a military coup in 1989, is about to fall." **[26d]**

4.06 Commenting on possible divisions within the ruling National Congress Party, an article from Time magazine entitled 'The Next Big Mess: The Conflict Between the Sudans", dated 8 August 2011, observed:

"International sources engaged with al-Bashir and the Sudanese government say the situation in Khartoum, the capital, is more volatile than most realize. According to a senior official with direct knowledge of the situation, the Sudanese military pulled what could have amounted to a soft internal coup in Khartoum in the weeks leading up to South Sudan's independence [in July 2011], during which time the North invaded the disputed border district of Abyei and then sparked a messy renewed conflict in the nearby Nuba mountains that has brought charges of ethnic cleansing. Senior military supervisors now sit in on al-Bashir's external meetings, say Western and African sources, even briefing outsiders beforehand on what the President will say. This picture seems to be corroborated by Julie Flint, a longtime journalist in Sudan, who reported this past week that a well-informed source close to the ruling National Congress Party (NCP) told her that in early May, the Sudanese military successfully demanded from al-Bashir unchecked power to do as it pleased.

"Much remains hazy. It is not clear if the military's move reflects a permanent power bid or just a temporary flash of military impetuousness. Nor is it clear how it alters al-Bashir's hand. A military man himself, who rose to power in an Islamist-backed coup in 1989, al-Bashir has always carefully maintained his military constituency within his wider party coalition of Islamist politicians and businessmen. The cracks in that coalition are as visible as ever, with al-Bashir even nixing a framework agreement for peace negotiated with rebel forces by his rigid NCP deputy, Nafie Ali Nafie, in late June, after the deal came under heavy criticism from military and other hard-liners." **[123b]**

4.07 The International Crisis Group report, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', dated 4 May 2011, further observed:

"The National Congress Party (NCP) has not addressed the root causes of Sudan's chronic conflicts and has exacerbated ethnic and regional divisions. Facing multiple security, political, social and economic challenges, it is deeply divided over the way forward. Its security hardliners see these as minor issues, not imminent threats to their survival, and remain committed to a military solution to chronic instability. Others call for internal party reform – a 'second republic' – to address the NCP's problems but are giving little thought to resolving those of the country. The party has mobilised its security apparatus to suppress any revolts, has decided to end the debate about Sudan's diversity and identity, remains committed to an Arab-Islamic identity for all Sudanese and keeping Sharia and is ready to subdivide key states to accommodate political barons. These are ad-hoc decisions that set the stage for continued violence that may not be containable and could lead to further fragmentation of the country."
[32a](Executive summary)

For further historical background, including reference to Sudan's regional conflicts and political history, notably Bashir's split from the Islamists and the consolidation of the current regime in the period 1999 – 2010, see: Recent history (1956 – 2010); for further information on divisions within Sudan's armed forces see: Armed Forces.

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UPDATE ON SUDAN'S REGIONAL CONFLICTS

Officials should be aware that Sudan's regional conflicts are inter-connected and overlap. It is therefore recommended to read all the material below to fully understand the recent developments in each conflict region. Historical information on each conflict can also be found in the section: Recent history (1956 – 2010) – this should be considered to give a wider contextual understanding of the recent developments in Sudan.

For further information on the armed groups involved in Sudan's regional armed conflicts see: Annex D: Armed Opposition groups. Also refer to Sudan's current Security situation.

South Sudan's independence and renewed conflict (January 2011 – 1 August 2012)

Independence and post-succession issues

4.08 The US State Department, Background Note: Sudan, dated 10 January 2012, explained: "In January 2011, the South voted in a referendum to secede from Sudan. Ninety-eight percent of voters cast ballots for secession in mostly orderly and peaceful balloting. International and national observers hailed the referendum process as consistent with international standards and representing the free expression of voters. On July 9, 2011, the Republic of South Sudan officially declared independence, seceding from Sudan." **[2a](People, End to the Civil War)** The Freedom House report, Freedom in the World 2012, Sudan country report dated May 2012 noted: "The border conflicts in Abyei, Southern Kordofan, and Blue Nile soured relations with the South, which formally became the independent Republic of South Sudan on July 9. Khartoum

accused the SPLM of interfering in the conflicts, and negotiations stalled on a host of bilateral issues, including border demarcation, management of the oil industry, and defining citizenship in the two new countries." **[20a](Overview)**

4.09 Referring specifically to the issue of citizenship, a testimony given by Anne C. Richard, Assistant Secretary of State at the Bureau of Population, Refugees and Migration to the Subcommittee on Africa, Global Health and Human Rights, Committee on Foreign Affairs, US House of Representatives, dated 26 April 2012, observed:

"Nationality and citizenship were early issues in the Comprehensive Peace Agreement (CPA) process. One concern was that some would be left stateless if Sudan became two countries. Regrettably, these issues remain part of the unfinished business of the CPA. Before the latest round of fighting, both governments had agreed to the idea of a Presidential summit that would have addressed many of these outstanding issues, including citizenship and residency. With help from the African Union High Level Implementation Panel, the parties were working on practical arrangements on citizenship and residency, even though the nine-month post-independence grace period for southerners living in Sudan and northerners living in South Sudan to regularize their status and residency expired on April 8. Unfortunately, that Presidential summit has not yet occurred." **[2g](p.2)**

See also: Citizenship and Nationality

Escalating tensions and cross border conflict

4.10 The 'R2P Monitor', dated 15 July 2012 (issue 4), a bimonthly bulletin by the Global Centre for the Responsibility to Protect, observed with regard to Sudan:

"The Sudanese government has alleged that South Sudan continues to support the SPLM-N and other rebel groups operating in Sudan. A dispute over oil transit fees has contributed to growing tensions, which escalated when the Sudan People's Liberation Army (SPLA), the army of South Sudan, with support from the Sudan Revolutionary Front (SRF), an alliance of rebel groups, occupied the Heglig oilfields in South Kordofan on 10 April [2012]. After ten days of occupation and a large scale military confrontation between Sudan and South Sudan, the SPLA withdrew from Heglig. ... The AU Peace and Security Council released a comprehensive 'Roadmap' on 24 April demanding a complete cessation of violence by all parties within 48 hours, an end to support for proxy forces operating in the other's territory and a resumption of peace talks within two weeks with a goal of concluding them within three months. Despite a 2 May UNSC resolution supporting the Roadmap [UN resolution 2046 (2012)], reported provocations by both sides continued until mid-May." **[134a](p.4)**

4.11 The most recent 'Report of the Secretary General on South Sudan', dated 26 June 2012, also noted:

"The security situation along the border with the Sudan deteriorated significantly during the reporting period, consuming a great deal of the attention of the Government of the Republic of South Sudan and UNMISS. In Unity State, on 26 March, an SPLA position in Tishwin [South Sudan] was reportedly attacked by air and ground forces. The following day bombs were dropped in the vicinity of Bentiu, the state capital, and on 31 March, aerial bombardments occurred in the area of Manga and Panakuach. The Government of the Republic of South Sudan announced its retaliation by pushing the Sudanese Armed Forces from the area of Tishwin towards Heglig. ... After extensive

international engagement, both sides agreed to withdraw to their original positions, although they continued to accuse one another of starting the hostilities and involvement in activity on opposite sides of the border. The situation remained relatively calm until 10 April, when, following reports of new bombings, the SPLA advanced across the border and captured Heglig and associated oil installations. The situation seriously escalated, with intensive ground fighting between SPLA and the Sudanese Armed Forces and air attacks by the Sudanese Armed Forces in South Sudan, including bombardments in and around Bentiu on 14-15 April, resulting in several civilian casualties, and an aerial bombardment that killed seven people and damaged a United Nations county support base in Mayom County, Unity State, on 15 April. ...

"For several days following the adoption on 2 May of Security Council resolution 2046 (2012), UNMISS continued to receive reports of indiscriminate aerial bombardments and Sudanese Armed Forces attacks in Unity State. Notably, bombings were reported in Lalop on 3 May, hours before the Security Council deadline for cessation of hostilities, and UNMISS confirmed the presence of fresh craters in the area, 24 km inside South Sudan. Access to some areas, notably in Western Bahr el Ghazal, has continued to be restricted by SPLA despite repeated Government of the Republic of South Sudan commitments." **[18w](para 24-26)**

4.12 A paper from the International Crisis Group entitled 'Preventing Full-Scale War between Sudan and South Sudan', dated 18 April 2012, observed more generally on conflict between the two states:

"The most recent fighting between the SAF [Sudanese Armed Forces] and SPLA [Sudan People's Liberation Movement] arose amid a murky mix of armed actors and interests in the contested borderlands, including a variety of northern opposition forces and proxy militias. The exact cause is vigorously disputed, but the flare-up is the predictable outcome of negative trends: conflicts in Southern Kordofan and Blue Nile; lack of agreement on transitional economic and financial arrangements between the two countries; Khartoum's seizure of Southern oil; South Sudan's decision to stop oil production; and sporadic cross-border attacks and bombings. It occurs amid mutual recriminations: of Khartoum arming Southern rebels and the SPLA providing material support to its former brothers-in-arms now fighting for the Sudanese Peoples' Liberation Movement-North (SPLM-N) in Southern Kordofan and Blue Nile, as well as political support to members of the Sudan Revolutionary Front (SRF) seeking to topple President Bashir. ... In part to prevent the resupply of the SPLM-N, the SAF has also bombed refugee camps and towns in South Sudan and recently attacked Bentiu, the capital of Unity State." **[32b]**

For further information on the escalation of conflict around April 2012 between Sudan and South Sudan see the following briefing papers by the Sudan Human Security Baseline Assessment, 'The Conflict over Heglig', dated 26 April 2012 and 'Weapons identified in Heglig/Panthou and Bentiu', dated 5 June 2012.

For further information on the security situation in South Sudan, including the occurrence of aerial bombings by Sudan, refer to the latest report from the Secretary-General on South Sudan, accessible via the website of the UN Mission in the Republic of South Sudan.

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Drivers of Sudan's conflict with South Sudan

4.13 An article from the website 'African Arguments', entitled 'North and South Sudan are at War – by Alex De Waal', dated 24 April 2012, explained:

"Alex de Waal's African Arguments Online lecture to the Royal African Society on 17th April 2012 began with the statement that 'it all looked so good just over a year ago.' A few days before the referendum on self-determination, the Republic of Sudan's President, Omar el-Beshir, had visited South Sudan's capital Juba and promised to welcome and recognise a vote for secession, if this was, 'the price of peace.' Indeed, Bashir kept his promise and attended the independence celebrations and was the first to recognize the new state of South Sudan. Today, the two countries are at war, in the border area of Heglig, as well as by proxy in Southern Kordofan and Blue Nile, and increasingly in the borderlands of South Sudan as well. ... Alex de Waal is a leading authority on Sudan ... His explanation is complex." **[117b]**

4.14 The article continued:

"The roots of the current crisis stem from several factors ... [Firstly] ... the respective leaderships of North and South Sudan are not sufficiently strong with respect to special interests within their ruling parties and military establishments, to be able to enforce compromise positions ... [; secondly] ... Issues deferred during the CPA remain unresolved – these included the status of SPLA soldiers in Southern Kordofan and Blue Nile States ... [; thirdly] ... The parties have not agreed on the common borderline. The delineation of the agreed border, as it stood on 1 January 1956, is not the problem. Rather it is the status of the five disputed areas, and whether the South is permitted to make additional claims to territory beyond those that were agreed during the CPA period ... [and finally] ... The shutdown of oil production in South Sudan in January [2012] created a situation in which there is an objective deadline for the resolution of key issues, before the South uses up its cash reserves." **[117b]**

4.15 A Crisis Group an article, 'Preventing Full-Scale War between Sudan and South Sudan', 18 April 2012, observed that:

"Fundamentally, the current conflict [between Sudan and South Sudan] is rooted in the CPA's unimplemented provisions, such as the status of Abyei, the cancelled popular consultations in Southern Kordofan and Blue Nile and disputed borders, as well as unresolved issues stemming from separation. While they have acknowledged their interdependence, the two countries must still reach detailed agreements on many divisive issues, such as the joint exploitation of oil, transitional financial arrangements, citizenship, security and trade… Absent the democratic transformation long overdue in Khartoum, Sudan remains unstable as power, resources and development continue to be overly concentrated in the centre. A 'new South' has emerged in Abyei, Southern Kordofan and Blue Nile that – along with Darfur, the East and other marginal areas – chafes under NCP domination. Because of historic ties, and despite South Sudan's separation, the North's centre-periphery wars continue to draw in Juba." **[32b]**

UN Security Council Resolution 2046

4.16 A briefing from the Enough Project entitled 'TIMELINE: Tracking Compliance with U.N. Security Council Resolution 2046', undated (accessed 1 August 2012) observed:

"On May 2, the United Nations Security Council enacted a resolution [resolution 2046] addressing recent violence that has flared along the poorly defined international border separating Sudan and South Sudan, as well as the nearly year-long conflict between Sudanese government forces and the Sudan Revolutionary Front, or SRF. It was an important move, and a significant one given the political gridlock the Security Council often faces when considering issues related to the two Sudans. ... But the value of the Security Council's action will hinge on compliance and consequences, and in the two weeks since the resolution was adopted, the parties have traded accusations of ongoing violations." **[51e]** See also: Enough Project: UNSC Resolution 2046 Compliance Tracker.

4.17 The Sudan Tribune in an article dated 1 August 2012 updated:

"The United Nations Security Council (UNSC) has reminded both sides [i.e. Sudan and South Sudan] of their commitment to reach an agreement before the 2 August deadline, which the UNSC [UN Security Council] set in May and warned the two countries of facing non-military sanctions if they failed to meet it. ... Mark Lyall Grant, UK envoy to the UNSC, noted on Tuesday that the meeting between Al-Bashir and Kiir has not yet taken place and urged both leaders to show the 'necessary statesmanship to make the necessary compromises so an agreement can be reached ... The UNSC has set a deadline and expects results by that deadline' he stressed. ... The UNSC demands that the two sides concludes their talks on oil issues, demarcation of borders, the status of Abyei and citizenship by the 2 August deadline. ... But the talks themselves, which focused mainly on border security and oil transit fees, have so far failed to reach agreement on any of these issues amid reports that the two sides are planning to request a joint extension of the deadline." **[12o]**

For historical background information see: History of Sudan's regional conflicts and South Sudan (1956 – 2005)

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Abyei

Military build-up and resumption of armed conflict (January – May 2011)

4.18 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 (UN Independent expert report 2011), noted that from 2011 there was an escalation in tensions between Sudan and South Sudan over the lack of progress in resolving the status of Abyei:

"Tensions began rising when it became clear that the Abyei referendum would not be held as scheduled [in January 2011], and both the SAF [Sudan Armed Forces] and the SPLA [Sudan People's Liberation Army] increased their presence in the region in anticipation of future clashes. In the run-up to the South Sudan referendum [in January 2011], fighting erupted between Misseriya militias and the Abyei police in several locations in the region, which resulted in casualties on both sides and the displacement of a large number of civilians. Dialogue mediated by the United Nations resulted in the signing of two agreements, in Kadugli on 13 and 17 January. The agreement provided for the disarming of the feuding parties and allowed southerners returning from the North free movement through Abyei, while guaranteeing the Misseriya limited grazing

rights through the Abyei corridor. The agreement also provided for the withdrawal of the Abyei police unit to be replaced by two new battalions of joint integrated units composed of SPLA and SAF troops. While the parties committed to demilitarization, extensive military build-up by both sides continued on the ground, leading to further clashes, including an attack on a SAF convoy on 1 May [2011], which reportedly killed 11 SAF soldiers." **[1a](para 27)**

4.19 The same source further noted:

"On 19 May [2011], a United Nations convoy escorting SAF joint integrated units was ambushed by the SPLA in violation of the Kadugli agreement. Sudanese authorities reported that at least 22 of its soldiers were killed in the attack. On 21 May, the SAF retaliated by launching a full-scale aerial and ground offensive that culminated in the seizure and occupation of Abyei. The attack involved the use of heavy artillery, tanks and aircraft and the bombing of several villages in the area. Two UNMIS peacekeepers were injured when several shells fired by the SAF landed at the Mission compound. Most town residents managed to flee before the attack. An estimated 110,000 Abyei residents are believed to have fled southwards to various parts of South Sudan, including Agok and Turalei and other villages in Northern and Western Bahr el Ghazal, Unity and Warrap States. The Government of the Sudan unilaterally dissolved the regional administrative council and removed the head of the Abyei administration. It is alleged that Misseriya tribesmen, with the support of SAF troops, invaded Abyei and burned and looted the town." **[1a](para 28)**

Peace agreement and establishment of UN peace keeping force (June 2011 – 1 August 2012)

4.20 The Freedom House Sudan report 2012 observed that: "Under a deal negotiated in June [2011 in Addis Ababa], both sides agreed to withdraw their forces to make way for UN peacekeepers, which began deploying in September [2011]." **[20a](Overview)** The UN independent expert report 2011 further expanded:

"On 20 June, the Government of the Sudan and the SPLM signed an agreement on temporary arrangements for the administration and security of Abyei. The agreement provides for the withdrawal of SAF and SPLA forces from Abyei and for the immediate deployment of an interim security force composed of Ethiopian troops. The Security Council endorsed the agreement and adopted resolution 1990 (2011), in which it established the United Nations Interim Security Force for Abyei (UNISFA) for a period of six months." **[1a](para 30)**

4.21 The UN resolution 2047 (2012) passed on 17 May 2012 by the UN Security Council extended "… for a period of 6 months, the mandate of the United Nations Interim Security Force for Abyei (UNISFA) …" **[18x](p.3)** A paper from the Sudan Human Security Baseline Assessment, entitled 'The Crisis in Abyei', dated 2 June 2012, explained with regard to political developments:

"On 30 May [2012], just over a year after the Sudan Armed Forces (SAF) occupied Abyei, its troops withdrew from the territory. The move came as Sudan and South Sudan resumed talks in Addis Ababa following a series of clashes between the two countries along the disputed border. ... In Abyei itself, South Sudan responded to the UNSC [UN Security Council] resolution by withdrawing its police force. The United Nations Interim Security Force for Abyei (UNISFA) confirmed that 700 Southern Sudan Police Service (SSPS) personnel had withdrawn from Abyei by 10 May [2012], and

moved to Warrap state, inside South Sudan. ... The Sudan People's Liberation Movement (SPLM) said the withdrawal of the SSPS from Abyei did not affect South Sudan's claim to the territory. On 11 May, South Sudan's government released a map, showing the divergences between its border claims and those of Sudan. Abyei, along with Heglig and Kafia Kingi, were placed within South Sudan. Riek Machar, South Sudan's vice-president, said the two countries had only agreed 40 per cent of the border—much less than the 80 per cent claimed by Sudan." **[23c]**

4.22 The same source, commenting on the implementation of the June 2011 Addis Ababa agreement, observed:

"The establishment of the Abyei Area Administration (AAA) is still stalled. Both sides agreed to form a new AAA, along with an Abyei police force, as part of the Addis Ababa agreement of 20 June 2011. But they disagreed over the composition of the entity, with Sudan claiming that South Sudan rejected all its nominees for the position of deputy administrator, while some Ngok Dinka leaders complained that Sudan was nominating National Congress Party (NCP) members from Khartoum, rather than people from Abyei." **[23c]**

For information on the UN peace keeping mission in Abyei see: Security forces, UN Interim Security Force for Abyei (UNISFA)

See also: Agreement between the government of the Sudan and the Government of South Sudan on border security and the joint political and security mechanism, Addis Ababa, Ethiopia, 29 June 2011 and South Sudan's independence and renewed conflict (January 2011 – 1 August 2012)

For historical background information see: History of Sudan's regional conflicts; South Sudan (1956 – 2005) and the disputed status of Abyei. For information on the current security situation in Abyei see: Security situation, Abyei

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Blue Nile and South Kordofan (Nuba Mountains)

2011 regional state elections and escalation of violence (May 2011 – June 2011)

4.23 The website of the UN Mission in Sudan in a briefing entitled 'Popular Consultations in Blue Nile State: FAQ', dated 25 January 2011, explained that the popular consultations, mandated under the Comprehensive Peace Agreement, began in Blue Nile state in January 2011. (UNMIS, 'Popular Consultations in Blue Nile State: FAQ', 25 January 2011 **[136a](p.2)**) Similar consultations, due to be held in South Kordofan, were delayed primarily due to the scheduling of regional state level gubernatorial and legislative elections. (Office for the Coordination of Humanitarian Affairs (OCHA), Sudan Humanitarian Update, 2nd Quarter 2011, September 2011) **[24b](p.1)**

4.24 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 (UN Independent expert report 2011), further explained:

"The Southern Kordofan gubernatorial and legislative elections were finally held

from 2 to 4 May 2011. Despite the tensions preceding the elections, the polling was generally peaceful and was deemed credible by the Carter Center Observer Mission, the only foreign organization to monitor the elections. However, on 10 May, prior to the announcement of the results, the SPLM withdrew from the elections, citing irregularities and alleging that the elections had been rigged. The final results announced by the National Elections Commission on 15 May showed a narrow victory for the incumbent State Governor, Ahmed Haroun [over his SPLM rival, the then deputy governor Abdul-Aziz]. On 23 May, the President of the Sudan ordered the dismantling of the joint integrated units in Southern Kordofan and Blue Nile States, and informed the SPLA that its forces in the two States should either disarm or move south of the 1956 border.

"On 5 June 2011, the SAF reportedly began blocking all major roads in and out of Kadugli [the state capital of South Kordofan]. Fighting then broke out between the SAF and the SPLA, with the SAF claiming that the SPLA had instigated the fight by taking over a police station in an attempt to procure arms. The SPLA in turn accused the SAF of attempting to forcibly disarm the SPLA joint integrated units. On 8 June, the SAF began aerial bombardments and launched ground offensives against SPLA positions in and around Kadugli, Talodi and other neighbouring localities. The situation then deteriorated rapidly as the SAF intensified its ground assaults in several areas including Kadugli, Dilling, Rashad, Heiban, Kauda, Um Dorein and Talodi. Many of the civilians affected by the fighting took refuge in the Nuba Mountains. Wounded civilians made their way to hospitals around Kadugli. Civilian casualties were reported in Kadugli, Um Dorein, Um Serdeiba, Heiban, Kauda, Dilling and Salara. It was also reported that civilians were trapped in some of the localities as a result of roadblocks mounted by both the SAF and the SPLA." **[1a](para 33-35)**

Failed peace agreement and establishment of the Sudan Revolutionary Front (SRF) (mid 2011 – late 2011)

4.25 The Freedom House report, Freedom in the World 2012, Sudan country report dated April 2012 noted:

"A framework agreement to end the Southern Kordofan conflict was publicly disowned by al-Bashir [in June 2011], and the fighting continued. In November [2011], the United Nations accused Sudan of launching an air raid on a camp in South Sudan housing refugees from Southern Kordofan; at least 12 people were killed. ... Violence spread to neighboring Blue Nile State in September [2011], displacing more than 100,000 people. Khartoum accused the SPLM-North (SPLM-N), an offshoot of the liberation movement in the South, of leading a rebellion. Al-Bashir declared a state of emergency, replaced the SPLM-N governor with a military appointee, and banned the SPLM-N as a political party, shutting its offices and detaining scores of its members throughout the country. For its part, the SPLM-N pledged to work for regime change in Khartoum."
[20a](Overview)

See also: Framework Agreement between Sudan's ruling NCP and SPLM-N on Blue Nile and South Kordofan, 28 June 2011

4.26 A briefing from the Sudan Human Security Baseline Assessment, dated 29 February 2012 explained with regard to the establishment of the Sudan Revolutionary Front:

"On 13 November [2011], SLA-MM [Sudan Liberation Army – Minni Minawi], SLA-AW [Sudan Liberation Movement – Abdul Wahid], JEM [Justice and Equality Movement], and the Sudan People's Liberation Movement-North (SPLM-N) formed a coalition

named the Sudan Revolutionary Front (SRF). While aspiring to be a unified political structure, the SRF is, at this stage, more a coalition of military forces with broad agreement on a political vision. Whether it becomes more than just a loose political and military affiliation remains to be seen. Its main platform is the need for a geographically comprehensive peace process and the further unification of all Sudanese opposition forces." **[23o]**

4.27 A blog article from the Enough Project, referring to an interview with Yasir Arman (Secretary-General of the SPLM-N (Sudan Tribune, 'Yassir Saeed Arman', undated accessed 1 August 2012 **[12u]**), entitled 'Sudan Opposition Rallying Around Sudan Revolutionary Front?', dated 2 December 2011 noted:

"Yasir Arman told the Enough Project, 'The Sudan Revolutionary Front is growing.' In addition to both the military wing and grassroots side of the Democratic Unionist Party, or DUP, the Beja Congress of eastern Sudan and the Kush from northern Sudan are supporting the front. Arman said, 'The SRF is working on building wide political consensus in Sudan['']. … Arman told Enough that the SRF is reaching out to other political parties, including the Umma Party of Sadiq al-Mahdi and the Popular Congress Party, or PCP, of Hassan al-Turabi." **[51f]**

See also: The Sudanese Revolutionary Front (SRF), Briefing Points on the SRF's founding principles, 28 November 2011 (posted on the website Act for Sudan) Additionally see paragraph 4.03 for details on the National Consensus Forces collation formed in July 2012.

4.28 Commenting on support provided to the SPLA-N (ie. SPLM-N) by the South Sudan government, an article from the Enough Project, 'South Sudan and Sudan Back to War? A View from Juba', dated May 2012, explained:

"The full range of reasons for South Sudan's continued support of the SPLA-N in South Kordofan and Blue Nile can only be left to conjecture, but those reasons appear to be deeper than a convenient alliance of interests to weaken the Khartoum regime. These factors include years of fighting together during the civil war, the personal ties of SPLM-N leaders Abdelaziz al-Hilu and Malik Agar to the Juba leadership, the SPLM's political solidarity with the SPLM-N, the moral imperative to protect civilians against indiscriminate attacks, and security concerns over the South's longest and most vulnerable border. As a result, Juba will likely continue to resist international pressure to end support to the SPLA-N until negotiations between the SPLM-N and Khartoum resume. It is unclear what level of support the South is providing to JEM—sightings of the Darfuri group in Unity state are frequent, and the support provided is likely an extension of support for the SPLA-N, which has allied with JEM in the rebel coalition known as the Sudan Revolutionary Front, or SRF." **[51g](p.4)**

Continued fighting, political stalemate and a deteriorating humanitarian situation (early 2012 – 1 August 2012)

4.29 An updated briefing from the Sudan Human Security Baseline Assessment on the 'Conflict in South Kordofan/Nuba Mountains', dated 5 July 2012, observed:

"Only a political solution is likely to end the conflict. Some headway was made in mid-2011 under the auspices of the African Union, but talks broke down and have not restarted since the SPLA-North army in Blue Nile returned to war with the government there in September 2011. The creation of the SRF has made the prospects for

negotiations even more difficult. The SPLM-North says it will only negotiate under the SRF umbrella, a demand that Khartoum finds difficult to accept. In May [2012], the UN Security Council called on Sudan and SPLM-North to resume negotiations. U.S. officials believe that the remaining issues between Sudan and South Sudan are unlikely to be resolved until there is a resolution to the South Kordofan conflict." **[23p](p.3)**

4.30 The Foreign and Commonwealth Office in their 'Rights and Democracy, Sudan quarterly update', dated 30 June 2012, expressed 'deep concern' over the "… ongoing conflict between the Sudan Armed Forces and the Sudanese Revolutionary Front on the border between Sudan and South Sudan …" **[16d]** The report continued:

"[The conflict] … escalated in April [2012] with the direct involvement of the South Sudanese armed forces [who invaded Heglig in South Kordofan]. In response, the Government of Sudan announced a state of emergency along its border to include South Kordofan, White Nile and Sennar states, in addition to existing states of emergency in Blue Nile and Darfur. This allows the Government to suspend the constitution and gives the President (and anyone with his mandate) the right to establish 'special courts' to handle criminal and terrorist cases. As a result, local media have reported that traders have been sentenced to jail terms for smuggling food across the border to South Sudan, thus breaking the Government's trade embargo.

"In June [2012], the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that 500,000 people in Blue Nile and South Kordofan had so far been displaced or severely affected by the conflict. The office of the UN High Commissioner for Refugees (UNHCR) estimates that there are now some 183,000 Sudanese refugees in camps in South Sudan and Ethiopia, with 35,000 refugees arriving in South Sudan in the last two weeks of May alone, which suggests that the humanitarian situation is deteriorating. In June [2012], OCHA ... reported that armed groups had been raiding and looting markets in South Kordofan and North Kordofan, forcing civilians to flee their homes.

"On 2 May, the UN Security Council [under security resolution 2046 (2012)] demanded a ceasefire and political talks to resolve the conflict in Southern Kordofan and Blue Nile, as well as address wider issues in Sudan and South Sudan. We [the UK's Foreign and Commonwealth Office] welcome the fact that both the Government of Sudan and South Sudan have been cooperating with the African Union High-Level Implementation Panel to reach agreement on the issues. We have urged the Government of Sudan to accept the tripartite proposal to permit humanitarian access in South Kordofan and Blue Nile and we continue to monitor the situation actively." **[16d]**

4.31 A press release from the African Union entitled 'Sudanese parties to begin talks to address the humanitarian crisis in Blue Nile and Southern Kordofan', dated 23 July 2012 noted that representatives of the Government of Sudan and the Sudan People's Liberation Movement – North (SPLM-N) were scheduled to meet in Addis Ababa, under the auspices of the African Union High-Level Implementation Panel (AUHIP) to discuss the humanitarian situation. The press release further updated: " … In February 2012, the AU, the United Nations and the League of Arab States forwarded their Joint Proposal for Access to Provide and Deliver Humanitarian Assistance to War-Affected Civilians in South Kordofan and Blue Nile States to the Parties. This proposal was immediately accepted by the SPLM-N. On 27 June 2012, the Government of Sudan signaled its acceptance of the Joint Proposal." **[135a]**

4.32 However the OCHA Weekly Humanitarian Bulletin, Sudan, 23 – 29 July 2012 noted:

"From 23-25 July, the Government of Sudan and the SPLM-N held indirect negotiations in Addis Ababa under the auspices of the tripartite initiative of the African Union (AU), the League of Arab States (LAS) and the United Nations (UN) to facilitate the delivery of humanitarian assistance to all people affected by conflict in South Kordofan and Blue Nile states. The negotiations reached an impasse due to a significant difference of views between the Government and the SPLM-N regarding the implementation modalities of the initiative. The United Nations Special Envoy of the Secretary-General for Sudan and South Sudan, Haile Menkerios, told the media that the members of the tripartite initiative decided to suspend talks on humanitarian aces between the two parties." **[24l](p.1)**

Political impasse (late July 2012)

4.33 An article from the Sudan Tribune dated 31 July 2012 observed:

"The Sudanese negotiating delegation to the political talks with the Sudan People's Liberation Movement - North (SPLM-N) accused the rebel group of hampering the process by seeking to include issues not related to the agenda. … The head of the Sudanese team, Kamal Obeid, said from Addis Ababa that the SPLM-N had handed the mediation team a five page position paper that only dedicates one and a half lines to the issue of the talks, the Blue Nile and South Kordofan states. … Obeid asserted that the SPLM-N in its paper dealt with issues that were not pertinent to the process. … He also added that rebel group asked to open a similar track to deal with the grievances of Darfur, East Sudan, Dams area in northern Sudan, North Kordofan State and the Gezira scheme in central Sudan." **[12p]**

4.34 On issue of humanitarian access an article from the Enough Project, 'Down to the Wire, An update on Negotiations Between the Sudans', July 2012 observed:

"Talks between the SPLM-N and the Sudanese government began on July 23, 2012 on the issue of humanitarian access into South Kordofan and Blue Nile. The SPLM-N position was a continued commitment to the tripartite proposal signed in February 2011, with two additions: 1) aid is temporarily, but immediately, distributed to SPLM-N controlled areas cross-border, not cross-line and 2) that the SPLM-N would enter into a one-month renewable cessation of hostilities in order to facilitate humanitarian access. Cross-border means that humanitarian aid would be distributed from across Sudan's borders; cross-line means that humanitarian aid would be distributed from within Sudan itself into South Kordofan and Blue Nile. Khartoum reiterated the same nine principles the government laid out in June 2012, a position that effectively continues to deny international, third party humanitarian access into SPLM-N-held areas. The government maintains that it is in their sovereign right to have only government-approved actors distribute aid in SPLM-N held areas.

"The impasse over the humanitarian access issue prompted international facilitators to end the humanitarian track on July 25 to initiate talks on the political issues underlying the conflicts in South Kordofan and Blue Nile. This shift in focus is based on the argument that because the humanitarian access question is essentially a political one, progress on the political track is needed before agreement on access can be found. In a statement on July 26, SPLM-N leader Yasir Arman decried this decision as a delaying tactic on Khartoum's part. 'Allowing Khartoum to smuggle the implementation of the tripartite proposal into [the] political agenda seriously undermines the A.U. resolution and the UNSC resolution 2046 and it is sentencing civil populations to death,' the statement said.

"It is unlikely that the political track will yield any progress in the short-term. Both the Sudanese government and SPLM-N have separately held consultations with the AUHIP [African Union High Level Implementation Panel] on potential talks. The government of Sudan submitted a proposal on July 29 that emphasized the need for South Sudan to disengage from the situation in South Kordofan and Blue Nile, pinned the blame for the start of the conflicts on the SPLM-N, but did not offer any clear solutions forward. The SPLM-N's position is that the right environment is not in place for genuine talks to begin. Representatives remain dubious of the Sudanese government's intentions for engaging in talks when Khartoum has not expressed willingness to negotiate on the basis of the 'June 28 Framework Agreement' and because the SPLM-N remains an illegal entity in Sudan (as a result of a decision taken by Khartoum in response to the outbreak of conflict), among other reasons. Resolution 2046 calls on the two parties to negotiate on the basis of the June 28 agreement, a previous pact signed by the two parties but was subsequently rejected by Khartoum.

"Given that the security issues between North and South are inextricably tied to the conflicts in Sudan, North-South relations can only improve alongside progress on the resolution of all of Sudan's conflicts—not just those in South Kordofan and Blue Nile. Without the commencement of and measurable gains on a North-North track that tackles the governance issues at root of the conflicts in Sudan, it is difficult to see the conclusion of a sustainable and comprehensive North-South agreement." **[51h](p.4-5)**

To consider wider recent developments between Sudan and South Sudan (which are linked to situation in South Kordofan and Blue Nile) see: South Sudan's independence and renewed conflict (January 2011 – 1 August 2012) For historical background information see: History of Sudan's regional conflicts; South Sudan (1956 – 2005) and South Kordofan/Nuba Mountains and Blue Nile. For information on the current security situation see: Security situation: Blue Nile and South Kordofan

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Darfur (January 2011 – 1 August 2012)

Overview

4.35 The Amnesty International Annual Report 2012: The state of the world's human rights, dated 2 May 2012 observed: "Human rights abuses remained widespread during the year throughout Darfur. Attacks including aerial bombardments were carried out by government forces, including the Central Reserve Police and Popular Defense Force (PDF) and government allied militia, as well as ground attacks by armed opposition groups in and around towns and villages including camps for internally displaced people (IDPs). There were civilian deaths and injuries, and looting and destruction of property." **[8b]** A report from the Sudan Human Security Baseline Assesssment, entitled 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012 further noted:

"A major change [in the conflict in Darfur] came at the end of 2010 with the return to the rebellion of the Sudan Liberation Army-Minni Minawi (SLA-MM). While it is the only movement to have signed the DPA with the government in 2006 in Abuja, Nigeria, SLA-MM has received few benefits since then, instead suffering a constant loss of its political influence, troops, and territory. ... SLA-MM's return to rebellion has allowed the

movement to gain and regain troops and leaders from various other splinter factions originating from the SLA and even JEM, including some who had previously joined the Liberation and Justice Movement (LJM)—the umbrella created by the international community to negotiate with the government in the framework of the peace talks [at Doha (for further information see Darfur peace process in Doha)]." **[23n](p.14)**

For further information on the armed groups involved in the Darfur conflict see: Annex D: Armed Opposition groups.

4.36 In reference to political developments in Dafur the International Institute for Strategic Studies, Armed Conflict Database (IISS ACD), accessed 1 August 2012, noted with regard to events in 2011: "Tensions and conflicts with rebel forces continued to plague the government of Sudan in 2011, particularly on the issue of Darfur. ... [2011] did, however, see the formation of a new cabinet and some integration of Darfuri representatives [following the signing of the Doha Document for Peace in Darfur (DDPD), signed with the Liberation and Justice Movement in July 2011]." **[21a](Political Trends 2011)** The source continued:

"[I]n July, the Doha Peace Agreement was renewed and the government established a Darfur Regional Authority. In September, Bashir appointed a Darfuri vice president, but the two largest rebel groups remained sceptical of the appointment and said it was not enough to earn their support. Leaders of the rebel groups further claimed that they do not trust UN mediators, believing that negotiations and mediations lack neutrality. Opposition groups, particularly the Democratic Unionist Party [an opposition political party], strongly criticised Khartoum for its inability to engage opponents' views ..." **21a](Political Trends 2011)**

4.37 More recently referring to developments in 2012 the same source highlighted:

"Darfur has experienced little political progress since the signing of the Doha Peace Agreement in July 2011 between the Sudanese government and an umbrella group of various rebel organisations, known as the Liberty and Justice Movement. ... Khartoum is following through with plans to divide and rule Darfur in order to more effectively control the region. In early January [2012], President Omar al-Bashir created the Eastern and Central Darfur states, resulting in five Darfur states. The announcement of new governors in Darfur states resulted in days of protest and clashes between the ruling National Congress Party (NCP) and Darfuri citizens, demonstrating the mistrust and continuing tensions between Darfuris [and] Khartoum." **[21a](Political Trends – latest update)**

4.38 UN Security resolution 2063 (2012) adopted by the Security Council on 31 July 2012 decided to "... extend the mandate UNAMID [the African Union-United Nations Hybrid Operation in Darfur] as set out in resolution 1769 (2007) for a further 12 months to 31 July 2013." **[18y](para 1)** According to paragraph 17 of resolution 2063, "... the UN Security Council also encouraged the UNAMID to 'cooperate and share information' on the 'Lord's Resistance Army' after referring to paragraph 19 of resolution 2057 about the UNMISS mandate in South Sudan." (Sudan Tribune, 'Sudan expresses 'strong reservations' over LRA inclusion in UNAMID's mandate', 31 July 2012) **[12q]**

4.39 An article from the Sudan Tribune dated 31 July 2012 observed:

"[The Government of] Sudan expressed its 'strong reservations' over a paragraph dealing with the LRA rebels included in the UN Security Council resolution 2063

renewing the mandate of Darfur peacekeepers. ... Speaking to the media after the [UN Security Council] meeting, Daffa-Alla Elhag Ali Osman, Sudan's UN Ambassador pledged that his country will keep cooperating with the UNAMID over its 'original mandate'. He further said he registered 'very strong reservations' to paragraph 17 of the UNAMID resolution before the Council. ... He pointed out that there was no proof of the LRA's [Lord's Resistance Army] presence in Darfur, and the UN Secretary general, on his latest report about Darfur did not mention such an issue, he said. ... Daffa-Allah went further to say that instead of including the LRA rebels the Council has to focus on Sudanese rebel groups and to ask the government in Juba to stop its support for Darfur holdout rebel groups who work to hamper peace implementation." **[12q]**

For further information on UNAMID see: Security Forces, UN/African Union Hybrid operation in Darfur (UNAMID); for information on the Lord's Resistance Army, refer to the listing included in Annex D: Armed Opposition groups

For historical background on the Darfur conflict see: History of Sudan's regional conflicts, Darfur (2003 – present); for information on the current security situation see: Security situation: Darfur

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Darfur peace process in Doha

The following section provides a brief overview on key developments related to the peace process staged at Doha, Qatar, between January 2011 and 1 August 2012. For a more detailed chronology of events see the Sudan Human Security Baseline Assessment's, 'Darfur Peace Process Chronology', dated 21 February 2012.

4.40 The IISS ACD, accessed 1 August 2012 observed:

"... [T]he leaders of the Justice and Equality Movement (JEM) and the Liberation and Justice Movement (LJM) pledged commitment to the Doha negotiations in January [2011, however] ... by February the groups withdrew their support and called on the NCP to compensate victims, cease human-rights abuses, and involve civil society in governing the country. ... JEM suspended peace talks with Khartoum in April to protest against the government's referendum on Darfur's administration. The issue of how to govern Darfur, and the appropriate level of power sharing between Darfuris and the NCP, became a central point of divergence. ..." **[21a](Political Trends 2011)**

4.41 An article from the Enough Project entitled 'Darfur: The Doha Peace Process, December 2010 – present', dated 10 January 2012 stated:

"[B]y May 2011 [the Doha] talks fell apart and JEM, the largest and most militarily sophisticated of the rebel groups in Darfur, removed itself from the process after failing to make gains in the negotiations, despite its provision of a counter-draft proposed agreement and increased attacks by the Sudanese Armed Forces, or SAF. Factions of the SLA-MM [Sudan Liberation Movement – Minni Minawi] and SLA-AW [Sudan Liberation Movement – Abdul Wahid] who continue to engage in military operations, were likewise outside the peace process, but were engaged in back channel negotiations during the Doha talks. ... In a scramble to salvage some sort of integrity of the Doha process in light of the extraordinary expense and international engagement, the Liberty and Justice Movement, or LJM, a group of 11 rebel factions, was cobbled together by international mediators for the purpose of negotiations to serve as the

unified voice of the Darfuri rebels. However, the members of this group had been living abroad for decades and had little to no connection to the people in Darfur or military presence. Despite the withdrawal of JEM, and the non-participation of many of the other major rebel groups, the Doha talks continued, with LJM serving as the main Darfuri negotiators." **[51i]**

4.42 A report from the Sudan Human Security Baseline Assesssment, entitled 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012 remarked that: "Although the African Union–United Nations Joint Chief Mediator Djibril Ypène Bassolé sought not to repeat the mistakes of Abuja, notably the signing of an agreement with only one movement, the Doha Document for Peace in Darfur (DDPD) was nonetheless signed on 14 July 2011 only with the LJM." **[23n](p.14-15)** Commenting on the fragile make up of the Liberation and Justice Movement the same source highlighted:

"... Even before signing the DDPD, the LJM had itself begun to fragment, notably by losing its strongest (ex-SLA) military factions, recruited among the Zaghawa of the Wogi sub-group and led by Ali Mokhtar (sometimes called SLA-Field Leadership) and Ali Abdallah 'Kerubino'. Before their defection, both were part of the LJM's High Council of the Presidency as well as its Military Council. On 18 April 2011 they withdrew their support to chairman Tijani Sese along with six other members of the High Council, six of the Military Council, and 120 other leaders of the movement, and left the Doha talks. Ali Mokhtar joined SLA-MM while 'Kerubino' formed his own faction under the name SLA-Justice, giving himself the position of chief of staff, with his kinsman Musa Tajeddin as political leader. After the signing of the DDPD, the LJM also suffered the defection of Ahmad Abdeshafi 'Toba', the most prominent of the LJM's few Fur leaders beyond its chairman." **[23n](p.15)**

Doha Document for Peace in Darfur (DDPD)

4.43 A briefing from the Sudan Human Security Baseline Assessment on the 'Darfur Peace Process', dated 29 February 2012 noted:

"... [T]he Liberation and Justice Movement (LJM) and the Government of Sudan (GoS) signed the Doha Document for Peace in Darfur (DDPD) on 14 July 2011, just five days after South Sudan officially became independent. The Sudan Liberation Army-Minni Minawi (SLA-MM), the Sudan Liberation Army-Abdul Wahid (SLA-AW), and the Justice and Equality Movement (JEM) did not sign the agreement. ... The agreement differs little in substance from the Darfur Peace Agreement of 2006, although provisions related to justice, compensation, and power-sharing formulas have evolved. The non-signatory groups' motives for rejecting the DDPD are largely tactical. The eruption of conflict between the Sudan People's Liberation Movement-North (SPLM-N) and the GoS in the Three Areas has allowed SLA-AW [Sudan Liberation Army – Abdul Wahid], JEM [Justice and Equality Movement], and SLA-MM [Sudan Liberation Army – Minni Minawi] to articulate a national—rather than a solely regional—agenda." **[23q]**

4.44 An article from the Enough Project entitled 'Darfur: The Doha Peace Process, December 2010 – present', dated 10 January 2012 stated:

"LJM and the Sudanese government finally signed the Doha Document for Peace in Darfur, or DDPD, on July 14, 2011. In addition to the DDPD, LJM and GOS [Government of Sudan] signed a separate protocol on LJM's political participation and the integration of its limited forces into the national army. ... The DDPD was not

dramatically different than the DPA [Darfur Peace Agreement], although it included some new and nuanced provisions, with chapters providing for:

• Cessation of all hostilities and a permanent cease-fire and disarmament of militia groups.

• The protection of human rights and freedom for civil society groups.

• Power sharing and administrative status of Darfur, including affirmative action for Darfuri representation within the Sudanese government.

• The agreement stipulated that the permanent administrative status of Darfur would be determined through a referendum, within one year of the signing of the DDPD. Until the referendum, the States of Darfur would be governed by the newly created Darfur Regional Authority, or DRA.

• Darfur would share in Sudan's wealth, and would benefit from a nation-wide strategy for poverty alleviation.

• The rights of internally displaced persons, or IDPs, and refugees to voluntarily return and that the government would provide them with protection and humanitarian services.

• Ensuring that all perpetrators of violations of human rights and international humanitarian law are held accountable.

• The establishment of a Truth, Justice and Reconciliation Commission, or TJRC, and a Special Court for Darfur to prosecute human rights violations.

• Amnesty to civil and military members and to prisoners of war.

• Disarmament, demobilization and reintegration, and integration of former combatants into SAF and Police Forces." **[51i]**

See also: The Doha Document for Peace in Darfur (DDPD), July 2011

Implementation of the DDPD

4.45 A briefing from the Sudan Human Security Baseline Assessment on the 'Darfur Peace Process', dated 29 February 2012 noted:

"... [O]n 13 September Al-Haj Adam Youssef was appointed vice-president, in line with the DDPD's stipulation that a person from Darfur receive a vice-presidential appointment. JEM and SLA-AW opposed the appointment; the LJM was slighted because it presumed the job would be given to someone from its ranks. ... In October, LJM leader Tijani Sese returned to Sudan: he made contact with Sudanese political parties and toured Darfur to lobby for the DDPD. His reception was mixed, with residents of IDP camps raising concerns about premature forced returns, the need to disarm the 'janjaweed', compensation and accountability for war crimes. The US special envoy lobbied the Sudanese government on five points during a tour of Darfur in October and November: a mechanism for resolving land disputes; a mechanism for ensuring compensation payments; the establishment of special courts in Darfur; the establishment of a human rights commission; and development assistance.

"The Darfur Regional Authority (DRA) was established on 27 December 2011 [the body established under the Doha Document to implement its provisions in conjunction with the Government of the Sudan]. It consists of a mix of the DRA Executive Organ, made

up of the chairperson; five governors as deputies; one assistant to the chairperson; 10 ministers; the chairperson of the Darfur Reconstruction and Development Fund; the commissioners of four other DDPD-provided bodies, and a council of 67 members. The LJM will be represented in the DRA Council by 17 members, one of whom will be the DRA vice chairperson. The appointees are a mix of LJM cadres, National Congress Party (NCP) figures, past Abuja Agreement signatories, and Darfur civil society leaders.

"... At the federal level, Bahr Abu Garda, LJM'secretary-general, was appointed federal minister of health on 18 December 2011. Moktar Abdelkareem, LJM vice chairman, and Ahmed Fadoul, another member of LJM's senior leadership, were appointed state ministers of industry and cabinet affairs respectively on 29 December." **[23q]**

4.46 However the The IISS ACD, accessed 1 August 2012, noted with regard to developments in 2012:

"Darfur has experienced little political progress since the signing of the Doha Peace Agreement in July 2011 between the Sudanese government and an umbrella group of various rebel organisations, known as the Liberty and Justice Movement. The agreement established a Darfur Regional Authority tasked with holding a referendum on the status of the region. However, the agreement was weakened by the refusal of several rebel groups to sign it, including the Justice and Equality Movement (JEM) and factions of the Sudan Liberation Army (SLA) led by Minni Minnawi and Abdel Wahid Nour. ... In March [2012], the head of the Darfur regional authority, al-Tijani al-Sisi, said a referendum over the status of Darfur would be conducted within the next four months." **[21a] Political Trends, latest update)**

4.47 A report from the Sudan Tribune dated 19 July 2012 updated:

"Sudanese government and the former rebel group the Liberation and Justice Movement (LJM) agreed on Wednesday [18 July 2012] to reschedule the implementation of the Doha Document for Peace in Darfur (DDPD). ... Signed on 14 July 2011, three days after the secession of South Sudan, the deal provides details of a referendum on the administrative status of the region which would be held within two years after the voluntary return of the displaced civilians. ... LJM chairman and head of DRA, El-Tijani El-Sissis admitted the slow implementation of the peace deal. He further said the issue was discussed recently by the government, LJM and the the United Nations - African Union Mission in Darfur (UNAMID) in Doha where it was decided to establish a new schedule for the DDPD implementation. The rescheduling agreement was signed in Khartoum by Amin Hassan Omer, head of the office of DDPD implementation follow-up, for the Sudanese government and health minister Bahar Idriss Abu Garda, for the former rebel group." **[12r]**

4.48 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur', dated 16 July 2012 observed:

"During the reporting period, the signatory parties to the Doha Document for Peace in Darfur, the Government of the Sudan and the Liberation and Justice Movement (LJM), continued to work towards the implementation of its provisions.In accordance with the power-sharing arrangements, between 3 and 18 April, six LJM members were appointed state ministers, including one to the post of Deputy Wali of Eastern Darfur. Early in May, $25 million and seven vehicles were transferred by the central Government to the Darfur Regional Authority, the body established under the Doha Document to implement its provisions in conjunction with the Government of the Sudan.

That enabled the Authority to establish offices in Khartoum and Darfur, commence the recruitment of staff and undertake planning activities.

"On 22 May, the African Development Bank, the Darfur Regional Authority, the United Nations Development Programme, the World Bank and other international partners met in Khartoum to initiate planning for the Darfur Joint Assessment Mission provided for in the Doha Document. The purpose of that Mission is to identify and assess the needs for economic recovery, development and poverty eradication in Darfur. It is projected to be completed by the end of 2012 and form the basis for donor resource mobilization." **[18t](para 2-3)**

4.49 The same source additionally highlighted:

"Many provisions of the Doha Document remained unimplemented several months after the stipulated deadlines had passed. That included the transfer of funds by the central Government to the Darfur Reconstruction and Development Fund to enable the implementation of reconstruction projects, the first tranche of which, $200 million, due upon signing the agreement on 14 July 2011, was deferred. ... On 24 April, during a briefing to the National Assembly on the status of the Doha Document, the Chair of the Darfur Regional Authority, El Tigani Seisi stated that a shortage of funding for the Authority and associated bodies was seriously hindering implementation of the agreement. Mr. Seisi then met with representatives of the Government of Qatar in Doha to discuss implementation of the agreement and the Authority's plans. Following the meeting, $31 million was pledged by the Government of Qatar for early recovery and development in Darfur, in line with priorities identified during an assessment mission to the region undertaken by its representatives from 26 March to 1 April. Furthermore, following a series of meetings in June, a committee consisting of the signatory parties and UNAMID revised the Doha Document implementation timetable in order to extend the indicated deadlines for all benchmarks by one year.

"On 2 May, the Government of the Sudan issued two decrees intended to expedite implementation of the Doha Document. By the first it established an oversight body, the High Follow-up Committee for Peace in Darfur, chaired by President Omar Hassan Al-Bashir. By the second decree it broadened the membership of the Darfur Peace Follow-up Office, the body established on 27 August 2011 to coordinate the activities of the Government carried out in line with the Doha Document, to include senior representatives of the Ministries of Defence, Finance, Foreign Affairs, Information, the Interior and Justice and the National Intelligence and Security Services. The decree also expanded the mandate of the Office to include contact with non-signatory movements and the development of strategies to promote peace in Darfur. At its first meeting, on 16 May, the High Follow-up Committee considered an implementation progress report prepared jointly by the Darfur Regional Authority and Darfur Peace Follow-up Office. The Darfur Peace Follow-up Office met on 4 June, during which political, security, economic and information subcommittees were established to facilitate implementation within specific areas of Government." **[18t](para 4-6)**

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Darfur's rebel groups outside the Doha peace process

4.50 An article from the Enough Project entitled 'Darfur: The Doha Peace Process, December 2010 – present', dated 10 January 2012 stated:

"On November 11, 2011, JEM joined the Kauda Alliance, formed in August 2011, comprised of the SPLM-N [Sudan People's Liberation Movement – North], SLA-AW [Sudan Liberation Army – Abdul Wahid], and SLA-MM [Sudan Liberation Movement – Minni Minawi], to create a new political and military alliance, known as the Sudanese Revolutionary Front, or SRF. Later on The Beja Congress and The Kush Liberation Movement joined, and a number of youth groups declared that they are supporting the SRF. The SRF is calling for regime change, inclusive, holistic negotiating and political processes, and the unification of all of Sudan's opposition forces." **[51i]**

4.51 A briefing from the Sudan Human Security Baseline Assessment on the 'Darfur Peace Process', dated 29 February 2012 noted:

"On 13 November, SLA-MM, SLA-AW, JEM, and the Sudan People's Liberation Movement-North (SPLM-N) formed a coalition named the Sudan Revolutionary Front (SRF). While aspiring to be a unified political structure, the SRF is, at this stage, more a coalition of military forces with broad agreement on a political vision. Whether it becomes more than just a loose political and military affiliation remains to be seen. Its main platform is the need for a geographically comprehensive peace process and the further unification of all Sudanese opposition forces. ... The Darfurian components of the SRF have pledged not to enter into armed hostilities with the LJM, a signatory of the Doha Document for Peace in Darfur, allaying fears of a repeat of the intra-Darfurian fighting that characterized the period following the partial signing of the Darfur Peace Agreement in 2006." **[23q]**

4.52 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur', dated 16 July 2012 observed:

"The Joint Special Representative and Joint Chief Mediator ad interim, Ibrahim Gambari, continued to promote the resumption of talks between the Government of the Sudan and non-signatory movements. On 9 April, he met with representatives of the Justice and Equality Movement (JEM) in London and, on 15 May, SLA-Minni Minawi and SLA-Mother in Kampala. The movements advised that they remain committed to the objectives of the Sudan Revolutionary Front, including the overthrow of the National Congress Party-led Government. ... [However s]everal smaller armed movements and factions expressed to the Joint Mediation Support Team an interest in holding talks with the Government using the Doha Document as a basis for discussions. They included JEM-Revolutionary Command, LJM-Unity, Sudan Liberation Movement-Unity (Adam Abdulaziz faction) and elements of the Roadmap Group led by Ali Daoud." **[18t](para 11-12)**

Human rights and humanitarian developments in Darfur

4.53 In considering the broad human rights and humanitarian situation on the ground in Darfur, it was noted that the first report of the UN Human Rights Council's, Group of Experts (A/HRC/5/6), dated 8 June 2007, outlined a number of recommendations to be implemented in the field of human rights protection; humanitarian access; accountability and justice and human rights monitoring. **[1c](Annex II)** In assessing the implementation of these recommendations, the most recent report, the 'Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16,11/10 and 15/27', dated 22 August 2011 updated on progress as follows:

"On the basis of the information received, the independent expert concludes that the Government of the Sudan has not taken any significant steps towards the implementation of most of the recommendations since his previous report to the Council. He also notes that a significant number of the recommendations has not been implemented in spite of the fact that the time frame for implementation elapsed more than three years ago. The independent expert notes that, while initial steps have been taken by the Government with regard to certain recommendations, they have not had a sufficient impact on the ground. He reiterates that the ultimate measure of the Government's implementation of the recommendations compiled by the Group of Experts has to be concrete improvement in the human rights situation in Darfur." **[1b](Summary)**

4.54 The same report further concluded: "The independent expert, while acknowledging the activities undertaken by the Government of the Sudan, is concerned that reports received from the ground clearly indicate that, with very few exceptions, these efforts still have not yet led to an improvement in the situation of human rights in Darfur." **[1b](para 35)**

4.55 An article from the Enough Project entitled 'Darfur: The Doha Peace Process, December 2010 – present', dated 10 January 2012 noted that "[despite the Doha Document for Peace] violence in Darfur continues. The proliferation of militias, inter-communal violence, and the army itself are still threats to the civilian population. More than 2.5 million displaced Darfuris continue to live in camps in the country or over the border in eastern Chad."**[51i]** The Foreign and Commonwealth publication, Human Rights and Democracy, Sudan quarterly update, dated 31 March 2012 further observed:

"There are still 3.75 million people in need of ongoing humanitarian assistance in Darfur, of which 1.9 million are internally displaced. There has been some progress in implementing the provisions in the Doha Peace Agreement, including the inauguration in February [2012] of the Darfur Regional Authority, tasked with delivering the agreement. This progress has been against a backdrop of ongoing insecurity in the state with a number of incidents of low-level conflict between armed movements and civil unrest. The prospects for continued hostilities in Darfur in the absence of the inclusion of non-signatory groups in the peace process remain real." **[16d]**

4.56 A statement made by Paul McKell, Representative of the UK Mission to the UN, to the Security Council ICC briefing on Sudan dated June 2012 further remarked:

"The last six months have not seen as much progress in Darfur as we had hoped. The inauguration of the Darfur Regional Authority in February was an important step towards the implementation of the Doha Document for Peace in Darfur, as was the establishment of the Truth, Justice and Reconciliation Commission, the Darfur Land Commission and the National Human Rights Commission. ... We welcome these developments. Implementation, however, has not progressed as planned and these authorities are not yet functioning institutions. The people of Darfur have yet to see tangible improvements to their lives as a result. We once again look to the Government of Sudan to demonstrate its commitment to the Doha Document. We hope that the High Presidential Committee will expedite its implementation. We urge the Government to deliver its funding commitments to the Darfur Regional Authority, allowing it to establish well structured and resourced institutions delivering for the people of Darfur before they lose hope in the Doha Document.

"We urge those movements that have not signed the Doha Document to support its implementation, and to engage constructively in the peace process. We hope that all Darfuris will engage in an internal dialogue and, as set out in the AU-UN Framework for Facilitation of the Darfur Peace Process, will themselves determine the nature of these consultations." **[16e]**

See also: Judiciary, Prosecution of crimes committed in Darfur. For historical background information see: History of Sudan's regional conflicts; Darfur (2003 – present). For information on the current security situation see: Security situation: Darfur

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East Sudan (January 2011 – 1 August 2012)

4.57 A report from Waging Peace on 'The Human Rights Situation in East Sudan', citing a briefing Sudan Democracy First Group, Weekly Briefing No.2, 24 October 2011 observed:

"The national secretariat of the Beja Congress this week [circa October 2011] decided to withdraw from the East Sudan Peace Agreement (ESPA) detailing the reasons which led to their considering the agreement as null and void. This adoption of this position came against a background of increased security and political tension in the area including demonstrations and a campaign of arrests and torture. Information from a variety of sources confirms increased military deployment in Eastern Sudan by the security agencies which activity is being encountered by people of the Eastern Sudan. Such political and security developments have emerged came as a result of the NCP's lack of interest in a genuine implementation of the ESPA including the security arrangements protocol; continuation of the state of emergency; corruption; the failure to provide assistance and development funds (contributing to the spread of famine in the area); in addition to the ongoing lack of regional autonomy and transitional regional authority. The situation is a tinder box." **[35b]**

4.58 A report from Radio Dabanga dated 16 November 2011 noted:

"The Beja Congress, a Sudanese armed opposition group, announced on Tuesday that they had joined the Sudan Revolutionary Front (SRF). … The SRF is a newly formed alliance of armed opposition groups in the country since November 11. It comprises Sudan People's Liberation Movement-North (SPLM-N), Justice and Equality Movement (JEM), Sudan Liberation Army-Abdul Wahid (SLA-AW), Sudan Liberation Army-Minni Minnawi (SLA-MM) apart from the Beja Congress. … A statement issued by the Beja Congress said that its decision to join would help restore human dignity in Sudan in general and specifically with respect to the Beja minority. … The movement said that it had engaged in intensive consultations with many organizations and movements in eastern Sudan and had arrived at the decision to join the SRF." **[58c]**

For historical background information see: History of Sudan's regional conflicts;East Sudan (1990 – 2007). For information on the current security situation see: Security situation: East Sudan

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5. CONSTITUTION

5.01 The CIA World Fact Book, Sudan, regularly updated, noted that: "[T]he Government of Sudan is in the process of drafting a new constitution to replace the Interim National Constitution ratified 5 July 2005" **[6a](Government)** For further information on the new constitution being drafted see: Recent Developments, Overview. See also: Freedom of religion, Enforcement of Sharia (Islamic Law) and protection available for religious minorities

5.02 A copy of the Interim National Constitution of the Republic of Sudan (2005) is available via the Max Planck Institute for Comparative Public Law and International Law website. See: http://www.mpil.de/shared/data/pdf/inc_official_electronic_version.pdf

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6. POLITICAL SYSTEM

6.01 The US State Department (USSD), Background Note: Sudan, dated 10 January 2012, observed that Sudan's government was a constitutional democracy in form, with the last national elections taking place 11-15 April 2010. The branches of government comprised executive, legislative and judicial functions. Lt. General Omar Hassan Ahmed al-Bashir is the current president of Sudan. **[2a](Government)**

6.02 Although the USSD, Background Note: Sudan, dated 10 January 2012, reported the next elections to be scheduled for 2014 **[2a](Government)**, both the Economist Intelligence Unit (EIU), Sudan Summary, which is regularly updated and the CIA World Fact Book, Sudan, also regularly updated, noted the next elections to be scheduled for 2015 **[4a](Political Structure) and [6a](Government)** Additionally the CIA World Fact Book, Sudan, noted the next legislative elections would be held in 2016 and that those elected both to the Council of States and National Assembly would serve a six-year term. **[6a](Government)**

EXECUTIVE

6.03 The USSD, Background Note: Sudan, dated 10 January 2012, noted that: "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. The executive branch also includes a first vice president and a vice president. As stipulated by the Doha Document for Peace in Darfur, the second vice president position is held by a person of Darfuri origin." **[2a](Government)**

6.04 The CIA World Fact Book, Sudan, dated 3 May 2012, explained that the Sudanese cabinet, called the Council of Ministers, was appointeded by President al-Bashir and dominated by the National Congress Party (NCP). **[6a](Government)** The CIA's Sudan, Chiefs of State and Cabinet Members of Foreign Governments **lists** the governments main ministries and incumbent ministers: https://www.cia.gov/library/publications/world-leaders-1/world-leaders-s/sudan.html

For further information on prominent officials in the Sudanese government refer to relevant listings included in Annex B: Prominent people; see also: Freedom of political expression, Executive and legislative elections: 2010

LEGISLATIVE

6.05 Sudan has a bicameral National Legislature comprising a Council of States (upper house) and a National Assembly (lower house). The Council of States has "50 seats; members indirectly elected by state legislatures to serve six-year terms", whilst the National Assembly has "450 seats; 60% from geographic constituencies, 25% from a women's list, and 15% from party lists; members to serve six-year terms" (CIA World Fact Book, Sudan, 3 May 2012) **[6a](Government)** The US State Department, Background Note: Sudan, dated 10 January 2012, further clarified that the Council of States was composed of "... two representatives from each of the nation's 15 states, and two observers from the Abyei Area." **[2a](Government)** It should be noted however that there are now 17 states in Sudan, although it is not clear if representatives from the states of East Darfur and Central Darfur have been appointed to the Council of States. The CIA World Fact Book, Sudan, dated 3 May 2012, noted however that the new states were "not yet operational" **[6a](Government)**

6.06 The report from the Government of Sudan to the UN Human Rights Council, as part of the Universal Periodic Review, entitled 'National Report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1', dated 11 March 2011, also explained that in addition to the national legislature composed of the National Assembly and Council of States, "... each state likewise has a legislative council composed of members elected in accordance with the provisions of the State constitution and the law." **[1d](para 11)**

See also: Freedom of political expression, Executive and legislative elections: 2010

Political Parties

6.07 The Economist Intelligence Unit, Sudan Summary, regularly updated, explained that "[t]he government is dominated by the National Congress Party (NCP). Until July 2011 it was in a coalition with its former adversary in the north-south civil war, the Sudan People's Liberation Movement (SPLM), and a few minor parties such as the Eastern Front. In December 2011 there was a cabinet reshuffle, with the Democratic Unionist Party (DUP) being brought into government." **[4a](Political Structure)** With regard to opposition groups in Sudan, the same source noted: "The main northern [i.e. Sudanese] opposition parties include the DUP, the Umma Party and the Popular Congress Party (PCP). In Darfur the main political-military groups are the Justice and Equality Movement (JEM) and the fragmented Sudan Liberation Movement (SLM)" **[4a](Political Structure)**

6.08 The US State Department, Background Note: Sudan, 10 January 2012 noted:

"Seventy-two parties registered to take part in the April 2010 elections. Following the secession, there are many political parties, 70 of which are registered. All political parties were banned following the June 30, 1989 military coup. Political associations, taking the place of parties, were authorized in 2000. Some parties are in self-imposed exile. The principal national parties are the National Congress Party (NCP) and the Sudan People's Liberation Movement-North (SPLM-N), which is an offshoot of the

South Sudan-based party and is currently banned by the Sudanese Government." **[2a](Government)**

6.09 The CIA World Fact Book, Sudan, regularly updated, referring to a sub-section entitled 'political parties and leaders', listed the following: "Democratic Unionist Party or DUP [Hatim al-SIR]; Democratic Unionist Party-Original or DUPO; National Congress Party or NCP [Umar Hassan al-BASHIR]; Popular Congress Party or PCP [Hassan al-TURABI]; Umma Federal Party or UFP; Umma Renewal and Reform Party or URRP" **[6a](Government)** Whilst the same source under a sub-section 'Political pressure groups and leaders' listed: "Umma Party [SADIQ Siddiq al-Mahdi]; Popular Congress Party or PCP [Hassan al-TURABI]; Democratic Unionist Party [Muhammad Uthman al-MIRGHANI]; Darfur rebel groups including the Justice and Equality Movement or JEM [Khalil IBRAHIM] and the Sudan Liberation Movement or SLM [various factional leaders]" **[6a](Government)**

For further information on Sudan's political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements

JUDICIAL

6.10 The Economist Intelligence Unit, Sudan Summary, regulatly updated noted: "Sharia (Islamic law) applies in both civil and criminal cases in the north [i.e. Sudan]—although there are some special provisions for non-Muslims" **[4a](Political Structure)** The CIA World Fact Book, Sudan, which is also regularly updated, explained that the judicial branch comprised "Constitutional Court of nine justices; National Supreme Court; National Courts of Appeal; other national courts; National Judicial Service Commission will undertake overall management of the National Judiciary" **[6a](Government)** The US State Department, Background Note: Sudan, dated 10 January 2012 instead listed the "High Court, Minister of Justice, Attorney General, civil and special tribunals" under the judiciary. **[2a](Government)**

For further information see: Judicary

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Human Rights

7. INTRODUCTION

7.01 The '2011 Failed States Index' produced by the Fund for Peace (FFP), ranked Sudan 3rd out of 177 countries listed (Somalia was ranked as the number one failed state, with Chad second). **[144a]** Against the measure 'violation of human rights and rule of law' (which is one of several measures which make up a countries 'failed state' rating) Sudan was ranked joint first together with Somalia (with a score of 9.7 out of 10 (1 being the most stable and 10 being the most at-risk of collapse and violence) (FFP, 'Conflict Assessment Indicators', 2011) **[144b](p.5)**); North Korea was third (with a score of 9.5). **[144a]** The accompanying FFP 'Country Profile: Sudan', dated October 2011, assessed the outlook for Sudan as:

"Instability and violence continue to define Sudan. The Comprehensive Peace Agreement (CPA), signed in January 2005, granted a referendum on independence for Southern Sudan. The southern half of the country voted to secede from the north in January 2011 and Southern Sudan became an independent country on 9 July 2011. Initially, it was hoped that this may reduce sectarian violence between the Muslim-dominated North and the generally Christian and animist South ... The discovery of oil in southern Sudan in 2005 exacerbated an already complex secession crisis and it remains to be seen how peaceful the planned separation will be. Violence also continues in Darfur, a region in western Sudan, sending refugees into central Sudan and also neighboring states, giving the conflict a regional dimension." **[144c](p.3)**

7.02 The most recent 'Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman' (A/HRC/10/40), dated 22 August 2011 (UN Independent expert report 2011) concluded by identifying the main human rights challenges facing Sudan as follows:

"With the separation of South Sudan, the first challenge facing the Government of the Sudan is to foster a culture of pluralism and tolerance and to move towards a more inclusive, participatory and transparent democratic process, which will have a direct impact on human rights. The realization of fundamental rights and freedoms, including the freedom of expression and association, remains an enormous challenge in the Sudan as it moves into a new era. In spite of the positive steps taken in the area of law reform, there is growing concern about the pervasive presence of the national security apparatus and its impact on the exercise of civil and political rights in the country" **[1a](para 57)**

7.03 On the subject of Sudan's regional conflicts, the same source acknowledged:

"The human rights situation in Darfur remains precarious, with continuing fighting and breaches of human rights and international humanitarian law by the parties to the conflict. Hundreds of thousands of civilians continue to suffer the effects of the armed conflict through direct attacks, displacements and limited access to humanitarian assistance. Furthermore, the enjoyment of fundamental rights and freedoms in the region has to a large extent been suppressed by the combined effect of the application of emergency and security laws. ... The independent expert is deeply concerned about the situation in Southern Kordofan and Abyei, which clearly demonstrates the need for immediate political dialogue between the partners of the

Comprehensive Peace Agreement and a renewed commitment to address the outstanding issues facing the North and the South." **[1a](para 59-60)**

7.04 The Foreign and Commonwealth Office in their 'Rights and Democracy, Sudan quarterly update', highlighted key developments in quarter one of 2012 (updated 31 March 2012) to include: continued "[f]ighting [in Blue Nile and South Kordofan states] between Sudanese Armed Forces and the Sudan Revolutionary Front [a coalition force of various rebel armed groups]..."; the need for "... ongoing humanitarian assistance in Darfur" and, "... in the absence of the inclusion of non-signatory [rebel] groups in the peace process [the prospects for continued hostilities in Darfur...]" and restrictions to freedom of speech and expression. **[16d]** Covering events over quarter two (updated 30 June 2012), the same source observed a deterioration in human rights over the last three months, with "...ongoing conflict between the Sudan Armed Forces and the Sudanese Revolutionary Front on the border between Sudan and South Sudan, which escalated in April [2012] with the direct involvement of the South Sudanese armed forces ..."; increased harassment of journalists and editors from the national security services and concerns over the right to freedom of religion following the suspension of two NGOs in Darfur (the Sudan Council of Churches and Sudan Aid) and an attack by members of the public on a church in Khartoum in April 2012. **[16d]**

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8. SECURITY SITUATION

The following section provides information on the current security situation in Sudan, focusing on the conflict areas of Darfur, South Kordofan and Blue Nile, Abyei and East Sudan. This should be considered together with information listed under History of Sudan's regional conflicts and Recent developments (January 2011 – 1 August 2012), Update on Sudan's regional armed conflicts (subsections are provided for information on each conflict zone listed above).

Other relevant sections which overlap with the security situation include: Security forces; Human rights violations committed in areas of armed conflict; Non-government armed groups; treatment of (perceived) supporters of non-state armed groups; human rights monitoring in regional conflict areas; Freedom of political expression – Dialogue with Sudan's rebel armed groups; treatment of ethnic groups involved in Sudan's regional conflicts; Sexual and Gender-Based Violence committed by security forces and militias; Impact of regional conflicts on children; child soldiers; humanitarian situation in regional conflict areas; freedom of movement and Internally displaced persons and refugees.

For further information on the armed groups involved in Sudan's regional armed conflicts see: Annex D: Armed Opposition groups.

OVERVIEW

8.01 A transcript of a testimony given by Jonathan Temin from the US Institute for Peace to the Senate Foreign Relations Committee, dated 14 March 2012 explained that "[f]or decades, Sudan ... has lurched from one crisis to another, from the two north-south civil wars to the violence in Darfur to the recent fighting in Abyei to the current conflict in Southern Kordofan and Blue Nile states." **[17a]**

8.02 Saferworld memorandum (SUD 9) submitted to the House of Lords, Foreign Affairs, Defence and Development Policy (Sub-Committee C) on 'The EU's Conflict Prevention and Peace-keeping role in Sudan', Oral Evidence with Associated Written Evidence, undated circa 2010/11 further noted:

"Despite the civil war between North and Southern Sudan being formally brought to an end with the signing of the Comprehensive Peace Agreement (CPA) in 2005, the situation in Sudan has remained fragile and there has been only slow progress during the period of CPA implementation towards addressing the root causes of conflict. ... Research suggests that around 40% of post-conflict countries slide back into conflict within a decade. Sudan cannot be strictly described as 'post-conflict' – indeed, at any given time, different regions of Sudan may be a complex tangle of 'pre-', 'mid-' and 'post-' conflict." (Saferworld memorandum (SUD 9) submitted to the House of Lords, Foreign Affairs, Defence and Development Policy (Sub-Committee C) on 'The EU's Conflict Prevention and Peace-keeping role in Sudan', Oral Evidence with Associated Written Evidence, undated circa 2010/11) **[30a](p.43)**

8.03 A joint paper from the International Refugee Rights Initiative and Darfur Refugees Association in Uganda, entitled 'Darfurians in South Sudan: Negotiating belonging in two Sudans', dated 7 May 2012 further explained that the independence of South Sudan had done little to improve the security situation in other parts of the country:

"... [T]he independence of South Sudan has neither resolved conflicts in other parts of Sudan nor ensured inclusive governance in either state. This was due – at least in part – to the fact that the negotiations that led to the CPA were essentially bilateral, between the SPLM (the strongest opposition force with its roots in the South) and the National Congress Party (the ruling party). Other political parties, including those representing marginalised groups in the East and far North, as well as civil society organisations, were for the most part excluded. Although the vision of the peace agreement was one that recognised the need to transform the state as a whole, in practice – and as a result also of the polarising violence and rhetoric of the war – its fulcrum was a narrative of north/south grievance. Ultimately, therefore, it failed to resolve other conflicts in the country. As a result, while independence might have brought about greater political representation for those in the South, and its benefits should by no means be belittled, numerous groups and communities from other parts of Sudan, particularly those that remain in the geographical north of the country (or whose territory is currently being disputed) continue to be marginalised." **[100a](p5)**

For further information on the security situation in each of the main conflict areas in Sudan, refer to the links below:

- Darfur
- Blue Nile and South Kordofan
- Abyei
- East Sudan

8.04 To consider the geographical locations of the above-referenced conflict areas, refer to the following map (provided on the government of Canada website, undated, map of Sudan (and South Sudan), compiled from UN data. **[11a]**

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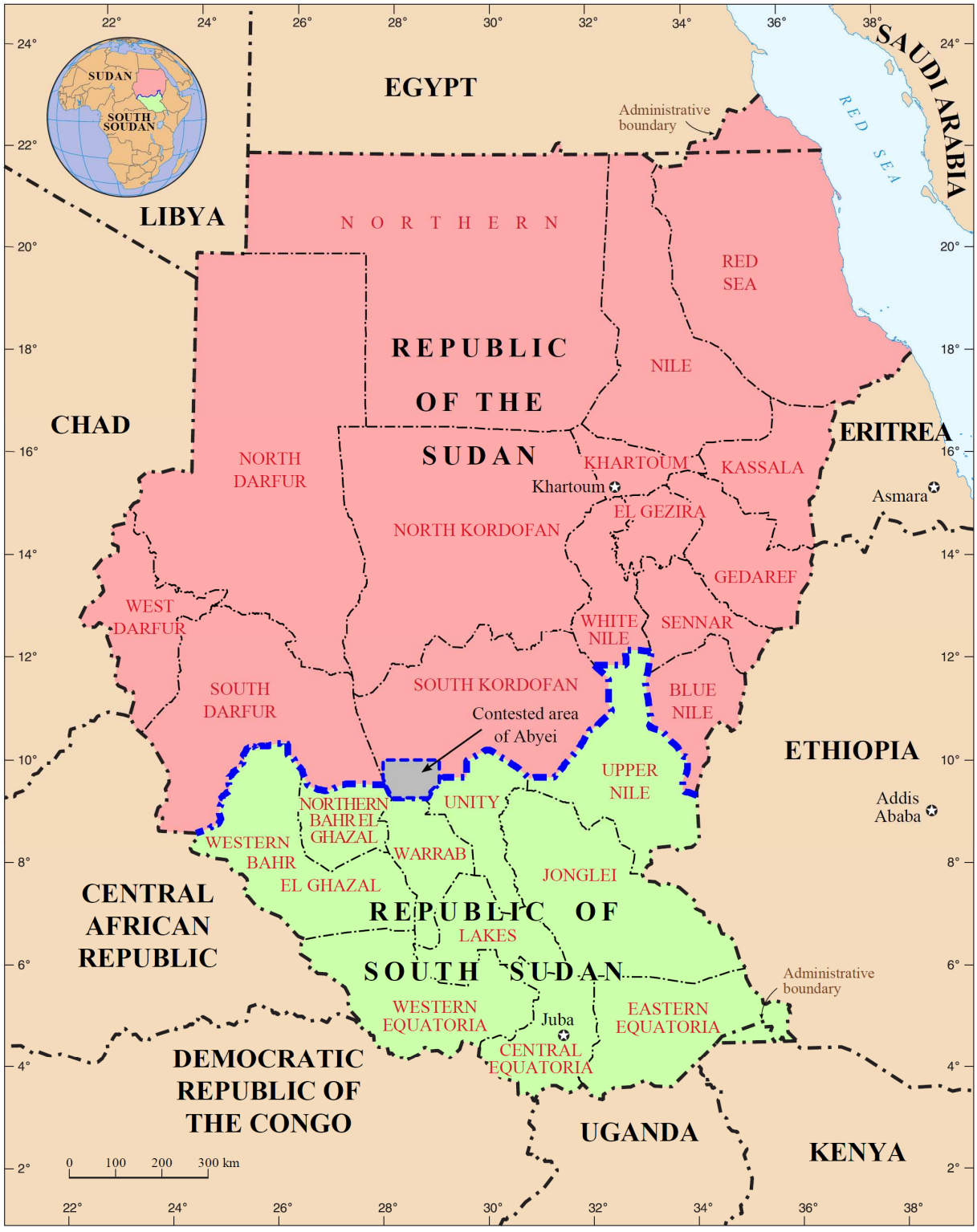

Map compiled from United Nations data, for information purposes only. Borders are approximate.

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Trends and levels of violence

8.05 A paper from the Armed Conflict Location & Event Database (ACLED), entitled 'Conflict Trends (No.1): Real Time Analysis of African Political Violence', April 2012, provided the following comparative analysis on violence in Sudan and South Sudan:

"In both Sudan and South Sudan, political violence patterns – shaped by actors, events and locations – are still very much in flux. There are multiple actors, operating on several scales, fighting both amongst themselves and with national actors in the form off [sic] the Military Forces of Sudan and the SPLM/A [Sudan People's Liberation Movement/Army ruling South Sudan].

"Graph 5 [below] summarises the types of events over the recent past in both Sudan and South Sudan. It should be noted that both countries have largely similar violence profiles with regards to the two most prevalent conflict types – Battles and Violence against Civilians. However, they differ in several important aspects. First, there is a much higher rate of rioting in Sudan. There also appears to be a higher rate of government regaining territory through battles, although rebels have also overtaken an equal amount of territory to that which the government reclaimed. ... With regards to fatalities, it is clear that civilians bore the brunt of violence in 2011, where there was a marked increase in non-combatant casualties over other years. In general, South Sudan has a much higher rate of fatalities than Sudan. ... In the former, battles result in an average of 19 fatalities per event; while attacks on civilians result in an average of 14 fatalities per event. In Sudan, we find an average rate of 9 fatalities per battle, and 12 fatalities on average per attack on civilians." **[14a](p.4)**

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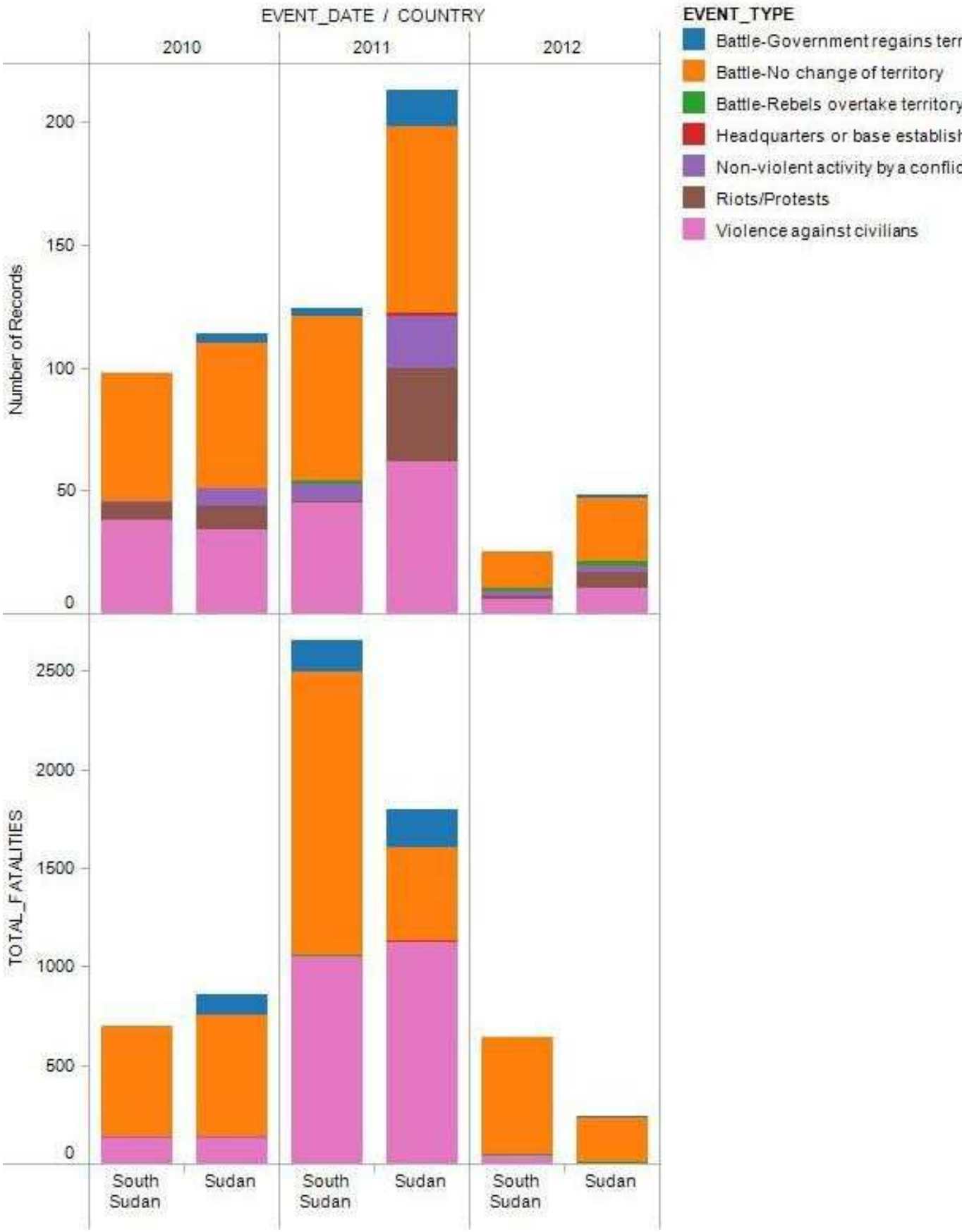
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2011
2012
Number of Records
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1500
2000
2500
South Sudan
Sudan
EVENT_TYPE
Battle-Government regains terr
Battle-No change of territory
Battle-Rebels overtake territory
Headquarters or base establish
Non-violent activity by a conflic
Riots/Protests
Violence against civilians

[14a](p.4)

DARFUR

In considering the security situation in Darfur, the following information should be considered together with information on the humanitarian situation in Darfur, and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Darfur.

For background information on the Darfur conflict see: History of Sudan's regional conflicts; Darfur (2003 – present)

Levels of violence 2011 – July 2012

8.06 The Amnesty International, Annual Report 2012: The state of the world's human rights, Sudan, covering events in 2011, published May 2012, noted that: "Human rights abuses remained widespread during the year throughout Darfur. ... Between December 2010 and June 2011, fighting between government and armed opposition groups erupted in North Darfur, including in areas between Khor Abeche, Abu Zerega and Tabit. More than eight villages were reportedly destroyed and tens of thousands of people fled the fighting." **[8b](Armed Conflict Darfur)** Similarly the Human Rights Watch, World Report 2012, Sudan, covering events from 2011, dated January 2012 noted:

"In December 2010 and early 2011 a surge in government-led attacks on populated areas in North and South Darfur killed and injured scores of civilians, destroyed property, and displaced more than 70,000 people, largely from ethnic Zaghawa and Fur communities with perceived links to rebel groups. The fighting followed a break between the government and Minni Minawi, the only major Sudan Liberation Army (SLA) rebel leader to have signed the 2006 Darfur Peace Agreement. ... A peace agreement signed in July [2011] by the Sudanese government and one rebel group, the Liberation and Justice Movement, did not stop sporadic fighting or address ongoing human rights abuses and impunity." **[19b](p.2)**

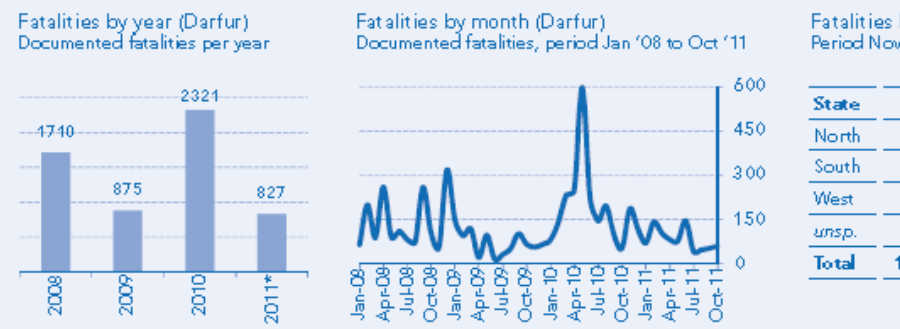
8.07 The International Institute for Strategic Studies, Armed Conflict Database (IISS ACD), accessed 30 May 2012, described the violence in Darfur in 2011 as "relentless and pervasive." **[21a](Military developments 2011]** The Sudan Human Security Baseline Assessment paper, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012 concluded: "The most likely future scenario for Darfur is ... 'more of the same'. The GoS [Government of Sudan] will probably continue an inconclusive war of attrition against divided rebel groups, further drawing from and fuelling Darfur's patchwork of intercommunal conflicts. The inevitable human consequence will be further displacement and suffering for Darfuris, now experiencing their ninth year of unresolved conflict." **[23n](p.83)**

8.08 However fatality figures in Sudan (Darfur) listed by the IISS ACD for 2011 were significantly down compared to the previous year, with 746 fatalities recorded compared to 2300 in 2010, 358 in 2009 and 1014 in 2008. **[21a](Human Security 2011 - 2008)**·The IISS ACD provided an explanation of the data provided:

"Fatality statistics relate to military and civilian lives lost as a direct result of an armed conflict. The figures relate to the country which is the main area of conflict. For some conflicts no reliable statistics are available. Estimates of war fatalities vary according to

source, sometimes by a wide margin. In compiling data on fatalities, the IISS has used its best estimates and takes full responsibility for these figures. Some overall fatality figures have been revised in light of new information. Changes in fatality figures may therefore occur as a result of such revisions as well as because of increased fatalities. Fatality figures for terrorism may include deaths inflicted by the government forces in counter-terrorism operations." (Definitions, undated (accessed 30 May 2012) **[21c]**

8.09 Figures provided in the United Nations and Partners', Sudan Work Plan 2012, circa late 2011, citing UNAMID Joint Mission Analysis Centre (JMAC), 'Monthly Threat Assessment Reports (2009 – 2011)' (Nations and Partners', Sudan Work Plan 2012, circa late 2011) **[24g](p.14)**' recorded 827 fatalities in 2011 (January – October); 2,321 in 2010; 875 in 2009 and 1,710 fatalities in 2008 **[24g](p.14)** The OCHA source additionally provided the following table:



Fatalities by state
Period Nov '10 to Oct '11

State	#	%
North	362	32
South	380	33
West	244	22
unsp.	146	13
Total	1,132	100

Fatalities by cause
Period Nov '10 to Oct '11

Cause	#	%
Armed conflict	599	53
Tribal / res. clash	102	9
Crime / accidents	429	38
Total	1,132	100

Source: UNAMID Joint Mission Analysis Centre (JMAC), Monthly Threat Assessment Reports (2009-11); * 2011 data for Jan-Oct

[24g](p.14)

8.10 The 'Report of the Secretary-General on Children and armed conflict', 26 April 2012 (A/66/782 – S/2012/261), covering events in 2011 explained: "The country task force verified 54 cases of maiming and 17 cases of killing of children [in Darfur]. The 17 cases of killing included 7 attributed to crossfire, 5 attributed to the Sudanese Armed Forces air strikes and 5 to explosive remnants of war. Of the 54 cases of maiming, 23 children were shot, and 31 were injured by explosive remnants of war." **[1r](para 110)**

See also: Child soldiers in Darfur

8.11 Annex II of the 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2009/592), dated 16 November 2009, outlined one of the benchmarks of the peacekeeping mission as follows: "... to contribute to the restoration and upholding of a stable and secure environment throughout Darfur, in which civilians, in particular vulnerable groups, are protected and the displaced populations may choose to return to places of origin." **[18f](Annex II, p.19)** The report further explained "... that many of the benchmarks relate to the broader situation in Darfur and are not restricted to activities covered solely in the mandate of UNAMID." **[18f](Annex II, p.18)** Reporting on progress against benchmark II – to establish a secure and stable environment – in 2011 and 2012, the UN Secretary-General's (S-G) reports noted the following:

- In the period 1 January to 30 March 2011 the security situation was characterised as "mixed"**[18g](para 47)** The source continued: "No new ceasefires were reached and fighting between Government and movement forces continued to the detriment of the civilian population. The incidence of

intercommunal fighting remained low and the financial support received by UNAMID for the implementation of water projects designed to reduce community-based tension offers to go some way towards maintaining the status quo. Relations between the Sudan and Chad remained cordial, and the two countries continued to cooperate through a joint border security force. This had a correspondingly positive effect on security and stability in the region, particularly in Western Darfur, by preventing the movement of armed groups across the border. On 16 March, the mandate of the joint force was extended by six months by the Governments of the Sudan and Chad. ... The adoption by UNAMID of a more robust posture appears to be reaping some positive dividends in that humanitarian space appears to have the opportunity to expand to Jebel Marra, an area which was previously inaccessible. But the ability of the mission to sustain, let alone build on, recent progress is severely limited, if not undermined, by the absence of a comprehensive peace agreement and its implementation. In this vein, it is notable that while the number of attacks on humanitarian workers and UNAMID peacekeepers has declined, their severity has not." (Report of the Secretary-General on the African Union- United Nations Hybrid Operation in Darfur, (S/2011/244), dated 14 April 2011) **[18g](para 46-47)**

- Between 1 April and 30 June 2011 "[i]ntermittent clashes" occurred between SAF and opposition movement forces. **[18e](para 67)** The same source also observed that: "...UNAMID military and police components increased the number of long- and medium-range patrols to new locations, improving the mission's presence and contributing to security in remote areas. Resource-related clashes accounted for 23 deaths, which represents an increase compared to 12 deaths during the previous period." (Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2011/422), dated 8 July 2011) **[18e](para 67)**

- However between 1 July to 30 September 2011 it was noted that "there was a reduction in fighting between Government and armed movement forces. The incidence of inter-communal fighting remained low. The number of criminal activities and attacks on humanitarian convoys and UNAMID decreased. These developments are viewed as progress against this benchmark. The progress could be partly attributed to seasonal rains and the observance of the holy month of Ramadan." (Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2011/643), dated 12 October 2011) **[18d](para 68)**

- The relatively low number of security incidents persisted between 1 October 2011 and 30 December 2011. As the UN S-G noted over the period: "... [T]he overall number of security incidents in Darfur remained lower than average and was largely unchanged from the rainy season to the dry season. This was encouraging. Fighting between Government and movement forces was limited mainly to the West Jebel Marra (Western Darfur) and El Taweisha (Northern Darfur) areas. While there was an increase in tension between farmers and pastoralists owing to crop destruction, the number of intercommunal clashes remained low. The risk for the local population of banditry and criminality remained largely unchanged, as did the risk for peacekeepers and aid workers of an attack, kidnapping or carjacking." (Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2011/814) dated 30 December 2011) **[18c](para 72) ***

- Between 30 December 2011 and 17 April 2012, overall the security situation in Darfur remained relatively unchanged from the previous reporting period, although it was noted that "... clashes took place between Government and armed movements, particularly in Central Darfur, and the risks of banditry and criminality remained largely unchanged [from the previous reporting period]."(Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2012/231) dated 17 April 2012) **[18b](para 66)**

- During the period 17 April to 16 July 2012, the Secretary General reported: "Sporadic military clashes, in particular in Southern and Eastern Darfur, [which] resulted in reports of civilian casualties and displacement. Many of the affected areas could not be accessed by the mission and humanitarian actors because of restrictions imposed by the authorities, who cited insecurity. Attacks on civilians of South Sudanese origin illustrated the degree to which minority groups in Darfur remain vulnerable to harassment and violence. Criminal attacks, kidnappings and carjackings involving UNAMID and humanitarian personnel demonstrated that the security threat to the staff members of those organizations remains high. While the security situation in Northern and Western Darfur was relatively stable, overall, military clashes in Southern and Eastern Darfur undermined progress against this benchmark." (Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2012/548) dated 16 July 2012)* **[18t](para 69)**

* NB, officials should note that although previous S-G reports specify the reporting period concerned, report S/2011/814 and subsequent reports from the Secretary-General on the progresss of UNAMID do not. Instead the reports only refer to paragraph 13 of Security Council resolution 2003 (2011) which requested the Secretary-General to report every 90 days. It is also explained in the introduction that the current report is an update on the situation in Darfur since the date of the last report. On occasions it would seem the reporting period is not in fact 90 days, for example report S/2012/231 appears to cover the period 30 December to 17 April 2012, which is 109 days. It is also not clear whether the date of the report itself is included in the reporting period. Caution should be exercised therefore when considering the precise dates of the reporting period where it is not explicitly stated.

For further details of security related incidents see: Reports of the UN Secretary-General on UNAMID

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Drivers of violence

The following information should be considered together with information listed under Non-government armed forces.

8.12 The most recent UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2011/111), dated 20 September 2010, published 8 March 2011 observed:

"The security situation in Darfur remains precarious, despite claims by the Government of the Sudan that the situation has improved markedly when compared to previous years. Armed clashes take place between Government forces and rebel

groups, as well as between and within rebel groups themselves, resulting in the death and displacement of civilians. Insecurity is further aggravated by armed violence that is committed by non-governmental actors not directly participating in the conflict. The tremendous human suffering caused by this insecurity in Darfur remains deserving of sustained international attention and efforts to promote peace and stability and to ameliorate the situation of the thousands of civilians affected by the violence." **[18h](Summary)**

8.13 In addition to the wide range of armed actors in Darfur, another driver of the violence in Darfur is the proliferation of arms in the region. Although UN resolutions have aimed to restrict the flow of weapons, sources stated that the availability of arms continues to be a problem. A briefing provided by the Foreign and Commonwealth Office, to the House of Lords, Foreign Affairs, Defence and Development Policy (Sub-Committee C), on the matter of 'The EU's Conflict Prevention and Peace-keeping role in Sudan', undated, circa 2010/11 explained:

"The [UN] Security Council first imposed an arms embargo on all non-governmental entities and individuals, including the Janjaweed, operating the states of North Darfur, South Darfur, and West Darfur on 30 July 2004 with the adoption of resolution 1556. The sanctions regime was modified and strengthened with the adoption of resolution 1591 (2005), which expanded the scope of the scope of the arms embargo and imposed additional measures including a travel ban and an assets freeze on individuals designated by the Committee. The enforcement of the arms embargo was further strengthened by resolution 1945 (2010). There are currently four individuals listed under this sanction regime." **[16b](p.138)**

8.14 However a report from Amnesty International (AI) entitled 'Sudan: No end to violence in Darfur' dated February 2012, explained: "Arms supplied to the government of Sudan are used in Darfur both directly by government forces; and by government-backed militia like the PDF [Popular Defence Force], operating alongside Sudan Armed Forces (SAF) and using their vehicles." **[8a](p.16)** The AI report continued: "Since 2006, reports of the UN Panel of Experts on Sudan – the body charged with monitoring the UN arms embargo on Darfur – have repeatedly showed how weapons, munitions and related equipment used by government security agencies and armed forces in Darfur have been regularly imported from the same state suppliers, including Belarus, China and the Russian Federation." **[8a](p.16)**

8.15 The latest Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), dated 20 September 2010 (S/2011/111), published 8 March 2011, summarised the situation: "The arms embargo, which is intended to limit the ability of belligerents to engage in armed violence, remains without discernable impact and ammunition, especially, has continued to enter Darfur since 2005. Indeed, ammunition produced after 2005, and consequently transferred to Darfur after the imposition of the embargo, is documented as being in the hands of various belligerents and non-belligerents responsible for the insecurity in Darfur." **[18h](Summary, p.4)**

8.16 A paper from the Sudan Human Security Baseline Assessment, 'Sudan Issue Brief No.15: Supply and demand', dated December 2009, additionally explained with regard to armed insurgents in Darfur:

"... [A]rmed insurgent groups in Darfur continue to seek and acquire weapons in clear violation of the UN arms embargo—mirroring the GoS's [Government of Sudan's] policy

of openly moving military equipment to SAF and allied auxiliary forces in Darfur. In its October 2009 report, the UN Panel of Experts noted that 'an increasing proportion of 12.7 mm, 7.62 x 39 mm and 7.62 x 54 mm ammunition, as well as 4 x 4 vehicles, in use by all parties to the conflict in Darfur was produced postembargo', indicating increasing embargo violations. According to the Panel of Experts, the violators include both Darfurian and Darfur-based Chadian groups, including the JEM, the Sudan Liberation Army (SLA)-Abdul Wahid, and the Union of Forces of the Resistance. Darfur insurgent groups have been acquiring progressively more sophisticated weaponry, including some heavy weapons ..." **[23e](p.5)**

For further information on the proliferation of arms in Darfur see: Non-State Armed Groups, Availability of Arms; also see: Security forces

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Types of violence

Inter-communal violence

8.17 The UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2011/111), dated 20 September 2010, published 8 March 2011 observed:

"[T]he security situation in Darfur is significantly more complex than clashes between Government forces and rebel groups only. Inter-tribal fighting in Western and Southern Darfur in the period from March to June 2010 reportedly claimed the lives of over 600 people and displaced several thousand households from the affected areas. The reasons underlying this fighting include competition for fertile land and grazing grounds, conflicts between livestock herders and farming communities, and retaliatory attacks for previous disputes between and/or killings of members of different tribes and clans. The Nouiba and Misseriya, who regularly clashed in the first half of 2010, signed a peace agreement in Western Darfur in June, but clashes between other tribes and clans in Southern Darfur have continued to occur since June [2010]." **[18h](para 34)**

8.18 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/18/40), dated 22 August 2011 (UN Independent expert report 2011) noted that during the reporting period (September 2010 to June 2011): " ... a considerable decrease was witnessed in inter-communal violence ... This may be attributable to the Mission's increasingly robust military and police presence and the Government's efforts to promote reconciliation between communities." **[1a](para 53)** However the Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2012/231) dated 17 April 2012, noted with regard to the continued occurrence of inter-communal violence in Darfur:

"... [O]n 22 February [2012], the theft of approximately 150 cattle from a Zaghawa community in Hela Abdallah Moustapha (20 km north-east of Shangil Tobaya, Northern Darfur) by [non-Arab] Birgid tribesmen triggered a clash between Birgid, supported by the Government established Popular Defence Forces (PDF), and Zaghawa, supported by SLA-Minni Minawi. Local community members informed UNAMID that six Birgid tribesmen were killed in the fighting. On 28 February, Birgid and Zaghawa groups,

supported by PDF and SLA-Minni Minawi, respectively, again clashed in Abu Delek (45 km south-east of El Fasher, Northern Darfur). While hostilities subsequently subsided, relations between the communities remained tense. To promote reconciliation, UNAMID engaged with the Darfur peace and reconciliation commission, the native administration and traditional reconciliation committees. The parties were unwilling, however, to enter into a reconciliation process." **[18b](para 25)**

8.19 The latest 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur', dated 16 July 2012 (S/2012/548), observed: "On 4 May [2012], a group of nomadic Rezeigat tribesmen attacked five Massalit farmers in Abu Jabra village, 67 km south of Nyala, killing two people and injuring three. Tensions between the communities was eased through an intervention by their traditional community leaders." **[18t](para 24)** Also view other reports of the UN Secretary-General on UNAMID. A news report from the Sudan Tribune dated 23 July 2012 highlighted state officials in East Darfur and South Kordofan had embarked on arrangements to establish a buffer zone to "… insulate two Arab tribes [Al Riziygat and Al Missryah] whose clashes ... [recently had] led to the death and injury of 80 people." **[12h]**

For further background to intercommunal violence in Darfur see: Treatment of ethnic groups, intercommunal violence – Darfur.

Crime and general insecurity (including attacks on humanitarian staff and UN peace keepers)

The following information should be considered together with information listed under Non-government armed forces.

8.20 The most recent UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2011/111), dated 20 September 2010, published 8 March 2011 explained: "The insecurity in the three states of Darfur ... [was] not only caused by armed clashes between SAF and rebel groups, but also by attacks on commercial and Government convoys, the frequent kidnapping of peacekeepers and international humanitarian aid workers and rampant hijacking of motor vehicles." **[18h](para 166)** The same source additionally explained that there were two factors which continued to contribute to the insecurity caused by non-belligerents, the first being the proliferation of small arms into Darfur since the beginning of the armed conflict and the second being the "... increasingly diffuse set of actors in Darfur who contribute to security." **[18h](para 36-37)** The report explained:

"... Attacks, kidnappings and carjacking incidents are often attributed to unidentified gunmen. There are indications, however, that these acts are committed not only by criminals without a background in the Darfur conflict but also by members of tribes previously associated with the Government of the Sudan, as well as by members of former rebel groups. There are further indications that the latter actors include both those who have and those who have not been integrated into Government forces in recent years. There are related suggestions that the Government may have limited control even over actors who were previously associated with it in the Darfur conflict, as well as over individuals who were nominally integrated into Government forces in Darfur." **[18h](para 37)**

8.21 Although the UN Independent expert report 2011 noted that during the reporting period (September 2010 to June 2011) there had been: "... [a] considerable decrease [in] ...

targeted attacks on UNAMID and humanitarian actors." **[1a](para 53)** which may be attributable "... to the Mission's increasingly robust military and police presence and the Government's efforts to promote reconciliation between communities." **[1a](para 53)**, the report noted the continued occurrence of "...several serious incidents of attacks on UNAMID peacekeepers and humanitarians, two of them resulting in fatalities. On 5 April 2011, a UNAMID policewoman was killed in an ambush by unidentified gunmen near Kutum, in North Darfur; and on 30 June, a UNAMID peacekeeper was shot and mortally wounded in an ambush by unidentified gunmen in El Geneina, West Darfur." **[1a](para 53)**

8.22 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2012/231) dated 17 April 2012 covering events since 30 December 2011, commenting on current levels of criminality in Darfur noted:

"The number of incidents involving criminality in Darfur recorded by UNAMID remained relatively unchanged during the reporting period. A total of 236 cases of banditry were documented, including 10 incidents involving the kidnapping of local residents (compared to 264 cases of banditry, including 11 kidnappings, in the previous reporting period). Recorded fatalities due to criminal activities numbered 70 during the reporting period, as compared to 71 in the previous period." **[18b](para 29)**

For further details of security related incidents see: Reports of the UN Secretary-General on UNAMID; see also: Security Forces, UN/African Union Hybrid operation in Darfur (UNAMID);

Conflict between armed groups and Sudan Armed Forces (SAF)

8.23 A briefing paper from the Sudan Human Security Baseline Assessment (SHSBA), entitled 'Darfur Armed Opposition Groups and Coalitions', updated 29 February 2012, noted that:

"The Sudanese government has stepped up hostilities since early 2011, focusing on the Sudan Liberation Army-Abdul Wahid (SLA-AW) stronghold of Jebel Marra and the Zaghawa-held areas of North and South Darfur such as Shangal Tobaiya, where SLA-Minni Minawi (SLA-MM) draws strength. ... Minawi's about-face and rejection of the Abuja Agreement in December 2010 pushed him back into rebellion, triggering a new cycle of violence as the government pursued his forces and their affiliated ethnic populations. Beginning in December [2010], North Darfur Governor Osman Kibbir launched an offensive against towns where SLA-MM had a presence." **[23a]**

8.24 Similarly a report by Amnesty International (AI) entitled 'Sudan: No end to violence in Darfur', dated February 2012, noted that:

"From December 2010 and throughout the first half of 2011, the area surrounded by the towns and villages of Khor Abeshe, Dar-es-Salam, Tabit, Abu Zerega and Shangel Tobaya, in North Darfur - south of El Fasher and straddling the South Darfur border - experienced the most intense violence witnessed by the whole region during 2011. Deaths and injuries were caused by indiscriminate attacks and in some cases also by deliberate attacks on civilian settlements. In addition, the wider humanitarian impact of the violence and military confrontation, involving SAF [Sudan Armed Forces] and allied militias, and small groups of armed opposition movements – notably the Sudan Liberation Army (SLA-Minni Minawi and SLA-Justice) – resulted in one of the largest waves of forced displacement in Darfur for several years, with an

estimated 70,000 newly displaced persons registered by humanitarian organizations in 2011." **[8a](p.10)**

8.25 The AI report further explained, "The described area of Darfur had been controlled by the SLA since 2004, and remained under the direct authority of the forces of the SLA-Minni Minawi (SLA-M) faction after it signed the May 2006 Darfur Peace Agreement, and joined the Sudanese government. In December 2010 SLA-M's leader, Minni Arku Minawi, withdrew from the government and called on his troops to resume armed opposition.". **[8a](p.10)** The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2012/231), dated 17 April 2012, covering events since 30 December 2011 cited examples of reported conflict between Sudanese Armed Forces (SAF) and other Darfur insurgent groups who remained outside the peace agreements:

"In Central Darfur, local sources reported fighting between SLA-Abdul Wahid and Arab militia on 5 and 10 January [2012] in the Golo area (90 km north-east of Zalingei). No casualties were recorded. ... On 8 January, Government authorities and local sources informed UNAMID that a National Intelligence and Security Service (NISS) convoy was ambushed by an unidentified armed group in Gorne (60 km north-east of Zalingei), resulting in injuries to seven NISS personnel. ... In Southern Darfur, local sources informed UNAMID that JEM combatants attacked Tajriba village (140 km south of Nyala) on 12 February [2012], a market day, in an attempt to obtain supplies. The Sudanese Armed Forces responded and clashes ensued, reportedly resulting in the death of four JEM personnel. Attempts by UNAMID to verify the reports were obstructed by Government authorities. In Northern Darfur, on 6 March hostilities broke out between the Sudanese Armed Forces and armed movement forces in the vicinity of Baashim (110 km north-west of El Fasher). On 11 and 12 March, Government Border Guard forces attacked the villages of Birmaza and Mulagat (140 km north-west of El Fasher). Local sources reported three civilian fatalities and the looting of livestock. ...In Jebel Marra, clashes between the Sudanese Armed Forces and SLA-Abdul Wahid forces were reported by local sources in Rokoro (58 km north-east of Nertiti) from 27 March to 4 April. The villages of Kia (12 km south of Rokoro) and Hilladrishid (8 km north-east of Rokoro) were reported to have been razed." **[18b](para 19-20 and 24)**

Also see other reports of the UN Secretary-General on UNAMID for further information. For historical background information on the Darfur conflict see: History of Sudan's regional conflicts; Darfur (2003 – present).

Sexual and Gender-Based Violence (SGBV) in Darfur

8.26 SGBV in Darfur remained a serious problem. For further information refer to the section Women, Conflict-related SGBV in Darfur.

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Security situation for non-combatants

The following information should be considered together with information provided under the section Human rights violations committed in areas of armed conflict; Security forces and Non-government armed forces.

Other relevant sections to refer to include: Treatment of (perceived) supporters of non-state armed groups, Darfurian groups and government opponents; Human rights monitoring in regional conflict areas, Darfur; Treatment of ethnic groups involved in Sudan's regional conflicts, Humanitarian situation in regional conflict areas, Darfur.

Human rights violations related to SAF aerial bombardments

8.27 The IISS Armed Conflict Database, undated, accessed 30 May 2012, in explaining military developments in 2011 noted:

"While a no-fly zone was declared and even the UN aid mission in Darfur was suspended from flying in Darfur, the Sudanese Armed Forces (SAF) allegedly bombed refugee camps in West and North Darfur indiscriminately. There was a particular high incidence of aerial bombardments in April, May, and June [2011]. Humanitarian organisations could not reach these regions and there was little reliable reporting to verify casualty counts. From the information available, it is clear that the air-strikes caused civilian deaths, blocked internally displaced persons from movement, and prevented small farmers from planting much needed agricultural crops. The bombardments also halted the flow of much-needed medical supplies." **[21a](Military developments 2011)**

8.28 A report from Amnesty International (AI) entitled Sudan: No end to violence in Darfur, dated February 2012, reported on the use of airstrike in areas of Darfur:

"Despite the UN SC [UN Security Council] having prohibited all airstrikes and aerial bombardments in Darfur since 2005, the Sudan Armed Forces (SAF) have continued to ignore this prohibition with total impunity. Witness testimonies from sites of airstrikes, material evidence of airstrikes, photographs and satellite imagery of armed military aircraft operating from Darfur's main airports, all indicate that SAF has continued to conduct aerial bombardments and direct-fire airstrikes on both military and civilian targets in all states of Darfur during 2011. Eyewitnesses indicate that SAF airstrikes in Darfur and elsewhere in Sudan are carried out with Mi-24 attack helicopters and Su-25 ground attack aircraft, while other aerial bombardments are undertaken by Antonov-24/26 transport aircraft converted into rudimentary bombers. While SAF aerial attacks have been credibly reported across all of Darfur during 2011, they have been concentrated on two particular areas: ... Jebel Marra in West Darfur, the largest unitary area of Darfur's territory controlled by an armed opposition group (Sudan Liberation Army - Abdulwahid Mohamed Nour or SLA-AW) and ... eastern Darfur, between the towns of Khor Abeshe and Abu Zerega around the North/South Darfur border." **[8a](p.9)**

8.29 The AI report in explaining the reason behind such aerial attacks observed:

"A number of aerial bombings have deliberately targeted civilian settlements, including attacks on villages in areas under government control perceived by the government to be harbouring Dafuri armed opposition groups. For example, the village of Khair Wajid, near Labado in South Darfur, was bombed by SAF aircraft on 26 March 2011 in reported response to an alleged armed opposition attack the previous day on a passenger bus in the village carrying both civilian and military personnel. The bus attack reportedly killed two government military personnel. The retaliatory bombing the following day by the SAF injured 16 civilians including two elderly people, who were evacuated to Nyala hospital. The attack also destroyed houses and killed livestock, and caused almost all the village's residents to flee to South Darfur towns." **[8a](p.9)**

8.30 Similarly the Human Rights Watch report, Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, dated June 2011, based on research conducted between January and May 2011 observed that in early 2011 government forces "continued to clash with rebels and attack civilian areas in North and South Darfur" and that "Government airstrikes in dozens of locations killed and wounded civilians and destroyed civilian property." **[19a](p.14)** The same report acknowledged that "[t]he government also dropped bombs in the corridor between Tabit and East Jebel Mara, such as on Tadarni, Tukumare, Nimraya and Korofulla, killing and wounding an unknown number of civilians." **[19a](p.16)** According to the source:

"Since late March [2011], more fighting has been reported in northern North Darfur, eastern Jebel Mara, and in South Darfur at Khirwajed near Labado, where government aerial bombing on March 26 injured 13 people. Witnesses told Human Rights Watch that a white aircraft dropped bombs on the village, which burned some homes and killed livestock. In late April, a Darfur radio station reported more than 20 additional civilian deaths resulting from air strikes in Jebel Mara. In mid-May, credible sources told Human Rights Watch eight more civilians were killed by aerial bombings in South Darfur. UNAMID peacekeepers were denied access to the areas to assess the impact of the bombing. In late May, the peacekeepers reported ten more people had been killed by bombing in North Darfur. Overall, the full impact of the air strikes and fighting on civilian populations remains unknown." **[19a](p.17)**

8.31 More recently the 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2012/231), dated 17 April 2012, covering events since 30 December 2011, noted:

"Residents of Burgo (14 km north-east of Rokoro), Fanga (20 km east of Rokoro), Aro (6 km north-east of Rokoro) and Kulai (16 km south-east of Rokoro) reported aerial attacks by the Sudanese Armed Forces. UNAMID and United Nations humanitarian agencies are aware of claims of population movement into the surrounding mountains or Rokoro town as a result of these clashes and are attempting to verify the numbers. On 2 April [2012], UNAMID conducted a verification patrol to Samara village, 5 km east of Sortony, which is located north of Rokoro. The patrol observed two craters with metallic fragments and crushed stones in the area, but there was no report of injury or death from the explosion." **[18b](para 24)**

See also: Security forces, Air force and Security forces, human rights violations committed in areas of armed conflict – aerial bombardment

Human rights violations perpetrated by government (ground) forces

8.32 A report from Amnesty International entitled 'Sudan: No end to violence in Darfur', dated February 2012, explained:

"Government security agencies ... sometimes operating partly outside government control ... continued deliberately to attack civilians, including those already displaced by violence. For example, in early 2011 the government deployed the notorious al-Ittihad al-Merkazi (Central Reserve Police - CRP), a combat-equipped paramilitary force, into Zam Zam, one of Darfur's largest IDP camps, to provide security in place of civilian police. Far from contributing to security, the CRP's elements were responsible for a spike in looting of shops and property by CRP personnel, shootings of civilians, and other harassment of Zam Zam's residents, many of whom had recently fled the wave of

violence in eastern Darfur. ... The cycle of violence in the eastern Darfur area reached its peak between late May and mid-June 2011 in a series of events which escalated following a livestock rustling raid." **[8a](p.13-14)**

8.33 Similarly the Human Rights Watch (HRW) report, 'Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011, based on research conducted between January and May 2011, noted "[i]n the context of the renewed hostilities [between SAF and armed rebel groups], government security forces conducted search-and-cordon operations in displaced persons camps at Shangil Tobayi, Tawilla and Zamzam in North Darfur". The report provided the following examples of human rights violations being committed against civilians residing in Internally Displaced Person (IDP) camps:

"During a security operation on January 23 [2011] in Zamzam camp, police and security forces entered civilian homes, looted property and beat people, killing one man. They also detained more than 37 people, holding many for a period of two weeks before releasing them without charge. ... In March [2011], government forces carried out another operation, arresting 19 people and releasing most the same day. One camp resident told Human Rights Watch that a group of soldiers and central reserve police drove into the camp on March 24 and arrested him, dragging him into their Land Cruiser where they interrogated him for several hours and seriously beat him, requiring him to seek medical treatment. ... In Shangil Tobayi on January 27, approximately 200 soldiers in 40 vehicles surrounded UNAMID camp's exit and an adjacent camp where thousands of displaced persons settled after the December clashes. They arrested four people and threatened to burn down the camp and UNAMID's team site. ..." **[19a](p.19-20)**

8.34 The HRW report additionally noted: "The abuses by the security forces against the displaced persons camps recall past incidents in South Darfur's Kalma camp, most notably in 2008 when government forces carried out a violent disarmament operation that resulted in the death of more than 30 displaced persons. Beyond the illegality of these raids, they violate the Status of Forces Agreement between the government and the UN requiring the government to give notice of actions related to displaced persons camps." **[19a](p.19-20)**

8.35 The same report gave examples of human rights violations against civilians following continued intermittent fighting between rebels and SAF in Khor Abeche, South Darfur. In December 2010 for example, citing an interview with a 30 year old mother of four the report noted: "... soldiers went to the market [of Khor Abeche] and started beating people, including women and old men, with sticks and the butts of their guns. I was able to take my children and some clothes and flee. All our remaining things were completed burned." **[19a](p12)** The same report observed that the following day "... a convoy of government soldiers arrived on the outskirts of town, and shot into populated areas with mounted machine guns. During this attack, they killed two civilians and injured more than a dozen others." **[19a](p.12)** Additionally the source commented that HRW had received credible reports that "... government forces shot at civilians moving towards the UNAMID compound [in Khor Abeche], presumably to prevent them from entering, and that government troops positioned themselves in front of the camp, also in an apparent effort to block civilians seeking safety." **[19a](p.13)**

Human rights violations perpetrated by pro-government militia groups

8.36 The HRW Report, Darfur in the Shadows 2011: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, dated June 2011, commenting on violations committed by government-aligned militia groups in early 2011 noted:

"In early February [2011], a large military convoy carrying about 100 soldiers stopped in Eid el Beda, near Dar el Salaam in North Darfur, interrogated villagers about the locations of SLA forces, and carried out a house-to-house search. Witnesses told Human Rights Watch that about half an hour after the convoy left the village, pro-government armed militia arrived. ... Ahmed M., 60, told Human Rights Watch how on February 3 the militia forces surrounded his village, looted property, arrested a group of Zaghawa men, and shot six of them dead: ... [']They surrounded the village and some of them started arresting the Zaghawa men and took them under the trees while others began collecting animals and valuable things from inside the houses… Three were released after one hour and six others were shot to death in front of their relatives.['] ... Human Rights Watch has not independently confirmed the killings. Displaced persons living near Abu Delek told a UN assessment team in mid-April that they had fled the February 3 attack on Eid el Beda and surrounding areas, and that the militia had burned two villages." **[19a](p.15)**

8.37 A report from Amnesty International entitled 'Sudan: No end to violence in Darfur', dated February 2012, noted that government affiliated militias, "... sometimes operating partly outside government control, ... continued to deliberately attack civilians, including those already displaced by violence.". **[8a](p.13)** A briefing paper from the SHBA entitled 'Darfur Armed Opposition Groups and Coalitions', updated 29 February 2012, provided the following such examples of violations perpetrated by government aligned militias:

"Beginning in December [2010], North Darfur Governor Osman Kibbir launched an offensive against towns where SLA-MM [Sudan Liberation Movement – Minni Minawi] had a presence. First the rebels were targeted, but then the focus shifted to the Zaghawa population. The Government of Sudan (GoS) armed and encouraged non-Zaghawa ethnic groups living with the Zaghawa to expel them, with exhortations to reclaim their land from 'the new settlers'. Much of the new displacement in Darfur in March–June 2011 was a result of this purge and the indiscriminate aerial bombardment of Jebel Marra. A particularly egregious case of anti-Zaghawa killing occurred in Abu Zerega, close to the North Darfur capital of al Fasher. The perpetrators, as in other attacks on Zaghawa, were non-Arab militias, specifically Tunjur and some Birgid. These fighters even attacked Zaghawa members of a government investigative committee on a fact-finding mission to the area." **[23a]**

8.38 The most recent UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2011/111), dated 20 September 2010, published 8 March 2011, provided reference to an incident involving persons from the Ta'alba Arab tribe who were involved in an incidents around Kass in Southern Darfur:

"The Panel received information regarding an attack on 9 February 2010 carried out by members of an Arab tribe against camps for internally displaced persons in the area of Kass, 87 km north-west of Nyala, Southern Darfur. The Panel carried out two field missions to Kass, where it interacted with eyewitnesses, community leaders of the internally displaced, the Commissioner of the Kass locality, the local

police commander, and UNAMID police and military personnel. ... According to information gathered by the Panel, the incident was triggered on 8 February 2010 when a CRP [Central Reserve Police] soldier from the Arab Tha'alba tribe was found dead, his rifle missing, in the proximity of the predominantly Fur El Batary camp for internally displaced persons at Kass. The chief Omda (community leader) of the Tha'alba, Omda Mansour Ishaac Tuwir, contacted the chief Omda of El Batary camp, demanding diya (blood money) and the missing rifle. The latter replied that his community was not responsible, as the soldier could have been killed somewhere else before his body was dragged to El Batary camp. Based on that position, the leader of El Batary camp informed the Tha'alba chief that his community neither had the rifle nor intended to pay the requested diya. .... On 9 February, unsatisfied with the response of the internally displaced, the chief Omda of the Tha'alba tribe led several hundred armed men from his tribe, some of them wearing green camouflage uniforms, to Kass, on which they converged in vehicles and on horseback and on camels, armed with rifles and sticks. Reportedly present among the onlookers were the Acting Wali of Southern Darfur, the Commissioner of Kass and members of both the Government of the Sudan police and CRP. ... According to information received by the Panel, the armed men then proceeded to attack several of the camps for internally displaced persons in Kass, namely El Batary, Gabat, El Thanawya Banat, El Mawashi and Yahia Hajar camps." **[18h](para 111-114)**

See also: Security forces. For background information on non-government militia operating in Darfur see: Darfur's Non-government armed group

Human rights violations perptrated by rebel groups

8.39 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, observed that "... Darfur rebel factions ... killed, beat, and abducted civilians, humanitarian workers, and personnel of UNAMID." **[2b](1g. Use of Excessive Force and Other Abuses in Internal Conflicts)** The UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2011/111), dated 20 September 2010, published 8 March 2011, also noted that the Panel had received "... reports concerning the detention and ill-treatment by JEM and other armed rebel groups of civilians perceived as being collaborators with the Government of Sudan." **[18h](para 150)** The same source, referring to attacks on commercial and government convoys noted that such attacks were a "... clear source of insecurity in Darfur" and claimed the lives of civilians, especially drivers of commercial vehicles. According to the report: "... [t]he Panel received reports of such attacks from a variety of sources and confirmed that some of the attacks were instigated by rebel groups." **[18h](para 167)** The report further elaborated:

"... reports it [the Panel] received that indicate JEM uses such attacks [against commercial and government convoys], and especially the capture of fuel trucks, as an increasingly important source for maintaining its activities and mobility in Darfur. This argument is supported by the assumption that JEM, following its alleged expulsion from eastern Chad in the framework of the normalization of relations between Chad and the Sudan, no longer enjoys access to certain resources it may previously have benefited from in Chad. The Panel also notes that both attacks attributed to JEM since January 2010 took place after its alleged crossing from Chad into Darfur." **[18h](para 170)**

8.40 The HRW Report, 'Darfur in the Shadows 2011: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011, explained that "[a]ll parties to

the armed conflict in Darfur, including ... rebel armed groups, are obligated to abide by international humanitarian law, or the laws of war." **[19a](p.11)** However, the source went onto highlight how in practice Darfur rebel groups, in response to attacks from government forces, conducted retaliatory raids against those ethnic communities from which the government recruited its security forces **[19a](p.11)** For example: "[In December 2010] SLA [Sudan Liberation Army] and JEM [Justice and Equality Movement] forces reportedly counter-attacked a Popular Defense Forces base. Rebel attacks on Nigaa and Jaghara and surrounding villages in North Darfur killed 16 men and injured several others, according to people from the Birgid community and government sources interviewed by Human Rights Watch in January. Attackers reportedly burned homes and destroyed farming equipment and water sources." **[19a](p.12)**

8.41 The International Refugee Rights Initiative and Darfur Refugees Association in Uganda, in a report entitled 'Darfurians in South Sudan: Negotiating belonging in two Sudans', dated 7 May 2012, similarly observed: " ... [A]rmed groups within Darfur have also been accused of committing atrocities and exacerbating violence amongst civilians, including through manipulating ethnic allegiances." **[100a](p.12)**

For background information on non-government militia operating in Darfur see: Darfur's Non-government armed group. For further information on the armed groups involved in the Darfur conflict see: Annex D: Armed Opposition groups.

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BLUE NILE AND SOUTH KORDOFAN

In considering the security situation in Blue Nile and South Kordofan, the following information should be considered together with information on the humanitarian situation in Blue Nile and South Kordofan and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Abyei, Blue Nile and South Kordofan

8.42 The report, UN and Partners World Plan 2012, Mid Year Review, undated, accessed 1 August 2012, observed in its introduction:

"… the continuation of armed conflict in South Kordofan and Blue Nile between Government forces and the Sudan People's Liberation Movement – North (SPLM-N) has been a major cause for concern. The conflict has continued to affect civilians. Some 655,000 people, according to estimates, have been displaced or severely affected in both states. There are signals that the humanitarian situation is deteriorating fast in SPLM-N held areas which have been cut off for many months and where there are reported to be severe food shortages and few functioning health services. In addition to the large number of people who are internally displaced from the fighting in South Kordofan and Blue Nile, by the end of June 2012 over 200,000 refugees had fled to South Sudan and Ethiopia." **[24m](p.3)**

Levels of Violence: June 2011 – July 2012

8.43 The Amnesty International, Annual Report 2012: The state of the world's human rights, Sudan, covering events in 2011, published May 2012, noted that: "Conflict erupted in

Southern Kordofan on 5 June [2011] between the SAF and the armed opposition group SPLM-N [Sudan People's Liberation Movement-North]. The Sudanese government repeatedly carried out indiscriminate aerial bombardments, killing and wounding civilians. ... On 1 September [2011] conflict spread to Blue Nile State." **[8b](Armed Conflict – transitional areas)** Similarly the Human Rights Watch, World Report 2012, Sudan, covering events from 2011, dated January 2012 observed: "In Kadugli, the capital of Southern Kordofan, government soldiers and militia shot civilians and arrested suspected SPLM supporters during house-to-house searches and checkpoint stops, and looted and burned churches and homes. ... Sudan bombed indiscriminately across the Nuba Mountains, forcing the population to seek shelter in caves and mountains where they lacked food, shelter, and hygiene." **[19b](p.1)** The Foreign and Commonwealth Office in their 'Rights and Democracy, Sudan quarterly update', dated 30 June 2012, additionally observed: "In June [2012], OCHA ... reported that armed groups had been raiding and looting markets in South Kordofan and North Kordofan, forcing civilians to flee their homes." **[16d]**

8.44 The Office for the Coordination of Humanitarian Affairs (OCHA), Sudan, provided quarterly updates which included coverage of the conflicts in Blue Nile and South Kordofan. The following extracts are taken from these reports:

- "[Second quarter 2011] ... After the Government demanded that the SPLA units in South Kordofan either re-deploy to the South or disarm, heavy fighting between SAF and SPLM-N combatants erupted on 5 June [2011], sparked off by an attack on a police station in Kadugli. The fighting continued in different parts of the state throughout June, with numerous reports of aerial bombardments and artillery shelling, and with many civilian casualties being reported. The fighting affected at least 11 out of 19 localities in the State. Soon after the fighting began, more than 7,000 civilians took refuge outside the UNMIS compound near Kadugli. However, all of these people had left the area by 21 June, following instructions from local authorities as well as what humanitarian partners on the ground described as a combination of threats and incentives." (OCHA, Sudan Humanitarian Update, 2nd Quarter 2011, September 2011) **[24b](p.4)**

- "[Third quarter 2011] ... The fighting in South Kordofan between the Sudan Armed Forces (SAF) and SPLM-N combatants which started on 5 June 2011 continued throughout the third quarter of 2011 with severe consequences for the civilian population in these areas. ... The fighting affected 11 of 19 localities in South Kordofan. Despite advocacy efforts, international humanitarian organisations faced severe access difficulties due to insecurity and Government-imposed movement restrictions. ... On 1 September 2011, heavy fighting broke out between the SAF and the SPLM-N in the **capital of** Blue Nile State, Ed Damazine. Within days, the conflict spread to other parts of Blue Nile – especially into the southern part of the State. All international and relocatable UN and NGO staff were evacuated on 2 September, including nine staff who were evacuated from Kurmuk to Ethiopia prior to being relocated by air to Khartoum. .The fighting continued in Blue Nile State throughout the third quarter. While there were some improvements in the security in Ed Damazine, the situation remained tense. Daily curfews were in place from 7pm to 5am and the Government restricted all movements outside of the town." (OCHA, Sudan Humanitarian Update, 3rd Quarter 2011, 30 November 2011) **[24c](p.2-3)**

- "[Fourth quarter 2011] ...Sustained heavy fighting between the SAF and the Sudan People's Liberation Movement – North (SPLM-N) in South Kordofan and Blue Nile States continued throughout the last quarter of 2011 and this is having a severe impact on civilians. ... While there are no exact figures on civilian casualties as a result of the fighting between the SAF and the SPLM-N in South Kordofan and Blue Nile States, at least 336,000 people have been displaced or severely affected by fighting. ... Refugee outflows to South Sudan and Ethiopia increased dramatically in November 2011 when the fighting intensified, resulting in a total of some 109,000 refugees in the two countries by the end of the year." (OCHA, Sudan Humanitarian Update,4th Quarter 2011, 31 January 2012) **[24d](p.2)**

- "[First quarter 2012] ... Fighting between the SAF and the SPLM-N continued to affect civilians in South Kordofan and Blue Nile. Tens of thousands of people were internally displaced and the number of refugees in Ethiopia and South Sudan rose from an estimated 109,000 to some 130,000 during the first quarter of 2012. A small number of UN international staff members were able to return to Kadugli, the capital of South Kordofan. ... Armed clashes between the SAF and SPLM-N continued in parts of South Kordofan and Blue Nile, causing more civilian displacement. In late January, an estimated 30,000 people from El Abbasiya reportedly fl ed fi ghting to other areas within South Kordofan and to various locations in Umm Ruwaba, North Kordofan. According to the Sudanese Red Crescent Society (SRCS), by early March the majority of these displaced people had either returned to El Abbasiya or had moved to Sennar State. ... On 29 March 2012, intense fighting broke out in South Kordofan's Talodi area. According to SRCS and other partners, 25,000 people fl ed the fi ghting, primarily towards Liri and Abu Jubaiha. There were large numbers of displaced people in Talodi town before this latest fi ghting – some estimates indicating that displaced people made up over 50 per cent of the civilian population. ... In Blue Nile, fighting that mainly concentrated in Bau and Kurmuk localities, continued to affect civilians, with thousands more people fleeing to neighbouring South Sudan and Ethiopia. A United Nations Department of Safety and Security (UNDSS) mission to conduct a security assessment in Blue Nile State was allowed into Ed Damazine during the last week of March 2012 and international staff are expected to return to Blue Nile soon. ... However, throughout the first quarter movements outside of the State capital, Ed Damazine town, were severely restricted for all international humanitarian organizations, including both national and international staff. An assessment of the humanitarian situation in Blue Nile was planned by HAC but was subsequently delayed." (OCHA, Sudan Humanitarian Update, 1st Quarter 2012, 23 April 2012) **[24e](p.2)**

- [Second quarter 2012] ... Armed clashes between the SAF and SPLM-N continued in the second quarter of 2012 mainly in and around the Nuba Mountains region of South Kordofan and several localities of Blue Nile, forcing yet more people to flee their homes." (OCHA, Sudan Humanitarian Update, 2nd Quarter 2012, 15 July 2012) **[24h](p.2)**

To consider wider recent developments between Sudan and South Sudan (which are linked to situation in South Kordofan and Blue Nile) see: South Sudan's independence and renewed conflict (January 2011 – 1 August 2012) For historical background information see: History of Sudan's regional conflicts; South Sudan (1956 – 2005) and South Kordofan/Nuba Mountains and Blue Nile

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Security situation for non-combatants in South Kordofan

The following information should be considered together with information provided under the section Human rights violations committed in areas of armed conflict; Security forces and Non-government armed forces.

Other relevant sections to refer to include: Treatment of (perceived) supporters of non-state armed groups, South Kordofan/Blue Nile based groups and government opponents; Human rights monitoring in regional conflict areas, Blue Nile and South Kordofan; Freedom of movement; Treatment of ethnic groups involved in Sudan's regional conflicts and Humanitarian situation in regional conflict areas, Blue Nile and South Kordofan.

Human rights violations perpetrated by government (ground) forces and pro-government militia groups

8.45 The 'Thirteenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan: Preliminary report on violations of international human rights and humanitarian law in Southern Kordofan from 5 to 30 June 2011', dated August 2011, reported that: "UNMIS [the UN Mission in Sudan] Human Rights received allegations of a series of extrajudicial killings targeted at people who were affiliated with the SPLM-N and SPLM, most of whom allegedly were from the Nuba communities." **[1f](para 13)** A leaked report from the UN Mission in Sudan, 'UNMIS Report on the human rights situation during violence in Southern Kordofan Sudan', dated June 2011 noted that reported human rights violations included: "... forced displacement, significant loss of civilian lives, including of women, children and the elderly; abductions; house-to-house searches; arbitrary arrests and detentions; targeted killings; summary executions; reports of mass graves; systematic destruction of dwellings and attacks on churches." **[12g](Executive summary)** The same report went on to conclude:

"The acts described in this report, allegedly perpetrated by the SAF [Sudanese Armed Forces], PDF [Popular Defense Forces], Central Reserve Police Forces and the Government Police in Southern Kordofan, of targeting members and supporters of the SPLA as well as the Nuban and dark skinned people of Southern Kordofan, including killings, arbitrary arrests and detentions, disappearances, abductions, attacks on churches and aerial bombardment, if proven, may constitute war crimes and crimes against humanity under the Armed Forces Act (2007) of Sudan and the Sudan Criminal Act of 1991, amended 2009." **[12g](Observations)**

8.46 A paper from the Centre for Strategic and International Studies by Richard Downie entitled 'The Forgotten Conflict in Southern Kordofan', dated 10 August 2011, noted following the outbreak of conflict between SPLA and SAF forces in Kadugli in June 2011 the conflict:

"... quickly escalated into attacks on civilians. According to reports gathered by Human Rights Watch and the UN Mission in Sudan (UNMIS), SAF soldiers and paramilitary forces carried out systematic attacks on suspected SPLM sympathizers. The Nuba were the main targets of the assault. Homes and churches were looted and destroyed, and hundreds fled the town or sought refuge at the UNMIS compound. A protective cordon

set up to accommodate the influx was infiltrated by Khartoum-backed forces, some of them posing as aid workers, who removed people as UN peacekeepers looked on. The campaign in Kadugli was broadened to other Nuba strongholds in Southern Kordofan." **[25a](The current conflict)**

8.47 The Sudan Human Security Baseline Assessment (HSBA) paper, 'Conflict in South Kordofan/Nuba Mountains', dated 18 November 2011, observed:

"Immediately after the initial fighting broke out, reports began streaming out of South Kordofan that Nuba were being targeted for arrest and/or execution. Reports of incidents came mostly from Kadugli, although other government-held towns or localities also seemed to be affected. Eyewitnesses described door-to-door searches carried out by the PDF, often using lists. Many Nuba civilians were also targeted in Kadugli's streets while trying to flee and were killed by throat slitting or gunfire, say eyewitnesses. Others who escaped from the city by vehicle were stopped at checkpoints. Nuba eyewitnesses say that the PDF and SAF forces targeted anyone who was 'black', which included South Sudanese living in Kadugli. Church groups and others alleged 'ethnic cleansing'. ... Eyewitness accounts from politically engaged Nuba SPLM-N supporters paint a more complex picture. They say PDF militiamen carried execution lists of SPLM-N supporters in their area. These lists were drawn up in advance of the fighting (another indication that the 5 June clashes were not spontaneous), and the roundups began as soon as hostilities broke out. As the military situation escalated and SPLM-N began a strong counter-offensive, these targeted killings seemed to degenerate at times into indiscriminate killings of any Nuba civilians perceived as SPLM-N supporters. Other eyewitnesses said helicopter gunships strafed fleeing civilians.

"In June, more than 10,000 civilians took refuge outside the UN Mission in Sudan base on the outskirts of Kadugli. Government agents continued the hunt for known SPLMN supporters there by infiltrating the camp, with some Nuba being taken into custody or executed. Nuba eyewitnesses say members of the Egyptian UN peacekeeping force were at times complicit in government forces' actions. Government intelligence agents coercively dispersed Nuba in the camp in late June. Leaked UN reports said that these agents had posed as Sudanese Red Crescent workers, although the UN has since backed away from this claim.

"Unconfirmed reports have been made of mass graves, especially in the vicinity of Kadugli. The Sudan Sentinel Project (SSP) identified eight sites of turned earth in the Kadugli area that appear to match the locations of eyewitness descriptions of mass burial sites. The SSP cites eyewitness accounts of Sudanese Red Crescent workers burying white body bags at some of the sites. Greater investigation is needed into these allegations, but Kadugli remains inaccessible to outside actors." **[23d]**

See also: Satellite Sentinel Project, Special Report: Evidence of burial of human remains in Kadugli, South Kordofan, 24 August 2011

8.48 However an updated briefing paper by the Sudan HSBA on the 'Conflict in South Kordofan/Nuba Mountains', dated 5 July 2012 updated:

"Claims of 'ethnic cleansing' against the Nuba are hard to confirm. Testimonies gathered from those who fled from Kadugli at the beginning of the war suggest that the initial attacks targeted SPLM-North soldiers and supporters. As the rebels fought back,

the situation deteriorated, and pro-government forces randomly targeted members of the Nuba community in Kadugli. Some Nuba who fled from Kadugli in groups also report that government airplanes and helicopters attacked them as they headed into SPLM-North areas. After the initial scramble, front lines were soon established, and the indiscriminate attacks diminished as both sides settled within the areas of their control, though SAF bombardments persisted." **[23p]**

8.49 The 'Report of the Secretary-General on Children and armed conflict', 26 April 2012 (A/66/782 – S/2012/261), observed that during 2011 a number of children had been killed and injured due to conflict in Sudan, including South Kordofan. **[1r](para 115)** The report further clarified that in addition to deaths caused by aerial bombings, "... children were killed or injured as a result of crossfire between the Sudanese Armed Forces, PDF and SPLM-N ..." **[18r](para 115)** Whilst an editorial article by the New York Times reporter Nicholas Kristof, dated 18 February 2012, reporting from Yida, South Sudan, highlighted the use of sexual violence against civilians noting: "Bombings, ground attacks and sexual violence — part of Sudan's scorched-earth counterinsurgency strategy — have driven hundreds of thousands of people from their homes in South Kordofan, the Sudanese state where the Nuba Mountains are located." **[26a]** The article, whilst acknowledging that the Sudanese government was "... trying to suppress an armed rebellion in the Nuba Mountains", went on to conclude that: "... it is the civilians who bear the brunt of the suffering ...".**[26a]** The report further explained: "In an apparent effort to starve the rebels, Sudan is blocking aid groups and food assistance from reaching the area, and the United Nations Security Council a few days ago expressed 'deep and growing alarm' at rising hunger levels." **[26a]**

8.50 The same New York Times article referred to the following interview with a Nuban woman allegedly kidnapped by Sudanese soldiers:

"'They said that they want to finish off the black people; they said they want to kill them all,' recalled Elizabeth Kafi, a 22-year-old Nuban who said she was kidnapped in December by Sudanese uniformed soldiers. She and others say that the mostly Arab Sudanese soldiers scorn Nubans partly for their darker skin, partly because some are Christian, but mostly because many Nubans back an armed uprising against decades of Sudanese misrule. In 23 days of captivity, she said she saw the soldiers use guns to execute several Nuban men, including her grandfather and brother-in-law. She described watching soldiers gang rape and then cut the throat of a young Nuban woman, and also stab to death the woman's 3-year-old son. ... Kafi said that she also saw 20 to 25 soldiers hold down two Nuban girls, whom she guessed to be about 14 or 15 years old, and gang rape them. The girls died from the rapes and beatings, she said. ... It's impossible to confirm Kafi's full story, but others verified that she had been kidnapped. And many other Nubans recount similar attacks, or describe similar racial epithets. As in Darfur, the Sudanese soldiers often call their darker-skinned victims their 'slaves.'" **[26a]**

See also: Conflict related SGBV in South Kordofan and Blue Nile

For further details on violence in South Kordofan which took place between the period 8 June 2011 and 10 October 2011, refer to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Sudan, situation reports. For more recent reporting, refer to the OCHA Sudan reports page. Additionally see: Eric Reeve's article, 'Darfur and Kadugli (South Kordofan): Obduracy Rewarded', 7 April 2012 and the short film from the Aegis Trust 'Nuba 2012. A return to genocide?' dated 5 June 2012.

See also: humanitarian situation in Blue Nile and South Kordofan and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Abyei, Blue Nile and South Kordofan

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Human rights violations related to SAF aerial bombardments

8.51 The 'Thirteenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan: Preliminary report on violations of international human rights and humanitarian law in Southern Kordofan from 5 to 30 June 2011', dated August 2011, reported that:

"... Since the eruption of the conflict [in South Korodfan in June 2011], the SAF regularly conducted aerial bombardments in the Nuba Mountains and in several towns and villages populated by the Nuba. The aerial bombardments have resulted in significant loss of life, destruction of properties, and massive displacement. UNMIS Human Rights has received photographs allegedly documenting the results of aerial bombardment. The photographs include mangled and mutilated bodies of civilians, some cut into halves, including women and children. The authenticity of the photographs has not been verified." **[1f](para 27)**

8.52 A report from the African Centre for Justice and Peace Studies (ACPJS), 'Update on Human Rights Violations in Blue Nile and South Kordofan', dated January 2012 reported that "ACJPS researchers received reports that air attacks are ongoing in South Kordofan in El-Hamra, Kringo and Ingarto, south and east of Kadugli up to the date of publication. In recent months, there has also been bombing of the Talodi and Kadugli areas." **[27a]** More recently a report from the Satellite Sentinel Project, entitled 'Impact: Apparent Indiscriminate bombardment by SAF Anatonov, South Kordofan, Sudan', dated 15 March 2012 observed that: "The Satellite Sentinel Project (SSP), through Harvard Humanitarian Initiative's analysis of DigitalGlobe satellite imagery, has collected evidence consistent with apparent indiscriminate aerial bombardment in progress by the Sudan Armed Forces (SAF) in South Kordofan, Sudan." **[28a]** The report further concluded that: "... [t]he indiscriminate targeting of civilian populations and infrastructure can constitute a war crime under international law." **[28a]**

See also: Security forces, Air force and Security forces, human rights violations committed in areas of armed conflict – aerial bombardment

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Security situation for non-combatants in Blue Nile

The following information should be considered together with information provided under the section Human rights violations committed in areas of armed conflict; Security forces and Non-government armed forces.

8.53 According to a briefing from the Blue Nile Humanitarian Team, A civil society and humanitarian organisation led by people from Blue Nile who are both in the region and

abroad, covering the period 15 April – 15 May 2012, since the start of the conflict there had been 194 certified deaths and 378 individuals wounded, 16 per cent of which were attributable to aerial bombings. **[29a]** A report from Human Rights Watch (HRW) entitled 'Sudan: Blue Nile Civilians Describe Attacks, Abuses', dated 23 April 2012, (based on a research trip into Blue Nile conducted in April 2012) noted that: "Civilians are bearing the brunt of abuses in Sudan's simmering border conflict in Blue Nile state ... As in neighboring Southern Kordofan, which Human Rights Watch visited in August 2011, civilians in Blue Nile continue to endure Sudan's indiscriminate bombing and other abuses, even as new conflict between Sudan and South Sudan threatens to engulf the wider border area." **[19c] (Introduction)** The source continued: "Witnesses interviewed by Human Rights Watch in Blue Nile, which the government has largely shut off from the outside world, described indiscriminate bombings in civilian areas, killings, and other serious abuses by Sudanese armed forces since armed conflict broke out there in September 2011. The testimony indicates potential war crimes may have occurred..." **[19c](Introduction)**

8.54 The HRW report highlighted several examples of civilian casualties killed as a consequence of the ongoing SAF and SPLM-N conflict. For example:

"A teacher from Bau, a strategic town in the foothills of the Ingessana mountains [in Blue Nile], told researchers that in December [2011] he saw soldiers enter the town from three directions and fire on civilians. He estimated that they killed 10 men and boys, including the guard of his school and a 14-year-old shepherd boy. He said that neither was a combatant or was carrying weapons. Human Rights Watch was unable to verify the deaths of the other eight people. ... [Whilst i]n el-Silek village, southwest of Bau, the dead bodies of six civilian members of SPLM-North were found with feet and hands bound, their throats slit, and with gunshot wounds in the head, following a battle between Sudanese government forces and SPLA-North in mid-September[. According to an SPLM-North official who found the bodies]... all six were unarmed civilian members of the party. It was not possible for Human Rights Watch to independently verify the circumstances of their killing." **[19c](Attacks on Civilians, Killings)**

8.55 A report from the Satellite Sentinel Project entitled 'Blue Nile Burning: Evidence of the destruction of Amara village', dated 1 December 2011 observed:

"The Satellite Sentinel Project (SSP), through the Harvard Humanitarian Initiative's analysis of DigitalGlobe satellite imagery, has identified evidence of the intentional destruction of at least thirty-three structures largely consistent with civilian dwellings in the vicinity of `Amara, Blue Nile, Sudan. SSP's analysis of imagery captured on 27 November 2011 indicates a firefight apparently involving heavy armor or other tracked vehicles against dug-in fighting positions occurred sometime between 11 and 27 November. ... The uncontrolled burning of ground cover is clearly visible. The razed structures, which are consistent with civilian dwellings, do not have charred ground cover between them, indicating that those structures appear to have been deliberately burned. The thirty three apparently burned structures were among 100 structures present in the area before the fighting commenced. Two fortified encampments apparently under SAF control are now present in the area." **[28b]**

See also: humanitarian situation in Blue Nile and South Kordofan and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Abyei, Blue Nile and South Kordofan

ABYEI

In considering the security situation in Abyei, the following information should be considered together with information on the humanitarian situation in Abyei and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Abyei, Blue Nile and South Kordofan

Levels of violence: May 2011 – July 2012

8.56 A report from Amnesty International (AI) entitled 'Sudan-South Sudan: Destruction and desolation in Abyei', dated 20 December 2011 described the security situation in Abeyi in May 2011 as follows:

"Civilians started to flee Abyei on 20 May 2011, as armed clashes erupted between the Sudan Armed Forces (SAF), and the Sudan's People Liberation Army (SPLA) and Southern Sudan Police Service (SSPS). Following an attack on 19 May on a convoy of the United Nations Mission in Sudan (UNMIS), which was transporting SAF members in Dokura (north of Abyei town), SAF bombed and shelled SPLA/SSPS positions and other locations and took control of the area. ... Armed confrontations spread involving SAF, Popular Defence Forces (PDF) and SAF-backed armed militias from the nomad Arab Misseriya community on one side, and members of the SPLA and SSPS and some armed Dinka Ngok youths on the other side. The confrontations and attacks caused the flight en masse of the Dinka Ngok population. ... " **[8c](p.8)**

8.57 The UN's Report of the Secretary-General on the situation in Abyei (UNSG Abyei report) (S/2011/451), dated 26 July 2011, observed with regard to the escalation of violence in May 2011:

"As the violence unfolded, more than 100,000 civilians fled southward, an influx of Misseriya elements was observed in Abyei town and aggressive rhetoric was heard from the highest levels of both parties to the Comprehensive Peace Agreement. From 24 May, SAF and SPLA troop concentrations were observed in the area of the Banton bridge, an important crossing point on the Kiir/Bahr el-Arab River. The bridge was subsequently disabled, cutting off land travel between Abyei town and Agok and South Sudan. Meanwhile, UNMIS experienced movement restrictions imposed by SAF and on occasion by Misseriya elements, and aggressive posturing towards the Mission." **[18i](para 5)**

8.58 However following large scale population displacement in May/June 2011; the implementation of the 20 June 2011 peace agreement and establishment of the UN Interim Security Force for Abyei (UNISFA), subsequent reports from the Secretary General observed a general improvement in the security situation in Abyei. The Report of the Secretary-General on the situation in Abyei (SG Abyei report) (S/2011/603), dated 29 September 2011 observed the security situation to be: "... relatively calm during the reporting period." **[18j](para 2]**; the SG Abyei report dated 27 November 2011 (S/2011/741) noted the situation in the Abyei Area over the reporting period to be: "... calm but unpredictable, owing to the presence of armed forces, the start of the Misseriya migration and the lack of large-scale returns of displaced persons." **[18k](para 2)** Similarly the SG Abyei report dated 27 January 2012 (S/2012/68),

updated on the security situation and noted: "... the security situation in the Abyei Area remained tense and volatile owing to the continued presence of security forces, the large-scale migration of Misseriya nomads and the beginning of the return of displaced Ngok Dinka, 3,000 of whom have returned to the Abyei Area over the past two months." **[18l](para 2)** The SG Abyei report dated 23 March 2012 (S/2012/175) reported: "the security situation remained tense and highly unpredictable owing to the continued presence of unauthorized armed forces in the Abyei Area, in violation of the 20 June 2011 Agreement, the ongoing largescale migration of Misseriya nomads and the return of displaced Ngok Dinka." **[18m](para 2)** Whilst the report SG Abyei report dated 24 May 2012 (S/2012/358) noted:

"During the reporting period, the security situation in the Abyei Area remained calm but unpredictable, owing to tensions associated with the continued presence of unauthorized armed forces in the Area, in violation of the 20 June 2011 Agreement, the parties' failure to establish the Abyei Area Administration, the large-scale migration of Misseriya nomads and the gradual return of displaced Ngok Dinka. The security situation was also affected by the conflict on the border between the Sudan and South Sudan." **[18n](para 2)**

8.59 The SG report dated 25 July 2012 observed: "During the period under review (from 24 May 2012), the security situation in the Abyei Area remained generally stable. Conditions for the conduct of the peaceful and orderly Misseriya migration and return of displaced Ngok Dinka to areas north of the Kiir/ Bahr el-Arab River improved considerably." **[18z](para 2)**

8.60 A paper from the Sudan Human Security Baseline Assessment, entitled 'The Crisis in Abyei', dated 26 April 2012, similarly remarked: "For the moment, Abyei has been spared the violence that has blighted other border regions."**[23b]** However, it should be noted during the last 12 months, the UN Reports of the Secretary-General on the situation in Abyei have continued to observe security related incidents being perpetrated within the area of Abyei by a range of actors, including:

- "On 2 August [2011], four Ethiopian soldiers died and seven others were injured when a patrol vehicle was destroyed by a landmine in Mabok, 30 kilometres east of Abyei town." (UN Report of the Secretary-General on the situation in Abyei (S/2011/603) **[18j](para 3)**

- "... [O]n 22 February [2012] ... UNISFA requested a group of Misseriya nomads with approximately 12,000 cattle in Cwein not to proceed with their migration towards the Kiir/Bahr el-Arab River because they had not obtained prior authorization for their movement from the relevant joint security committee. Concurrently, South Sudan Police Service elements from Agok arrived at the southern edge of the river with heavy machine guns and threatened the nomads. The intervention of UNISFA defused the situation by securing the withdrawal of the South Sudan Police Service from the area."(UN Report of the Secretary-General on the situation in Abyei (S/2012/175), 23 March 2012) **[18m](para 8)**

- "On 31 March [2012], UNISFA observed an aircraft entering the airspace over the Abyei Area from the north-east by way of Dumboloya. The aircraft proceeded south and circled twice over Tejalei, before heading back north and dropping four bombs approximately 1 to 2 km south of the UNISFA company operating base in Um Khariet. One civilian was injured during the incident and was treated for those

injuries at the UNISFA compound. The Government of the Sudan took responsibility for the incident and apologized to the mission." (UN Report of the Secretary-General on the situation in Abyei (S/2012/358), 24 May 2012) **[18n](para 4)**

- "On 26 May, approximately 700 to 800 elements of the South Sudan Liberation Army (SSLA) entered the Abyei Area from the direction of Ras al-Jamus in Southern Kordofan State, Sudan, through Dumboloya and proceeded to Kadama in the eastern flank of the Abyei Area. Following UNISFA engagement with officials of the Government of the Sudan in Khartoum, the SSLA force, which included over 60 vehicles equipped with heavy machine guns, rocket launchers and an anti-aircraft gun, immediately withdrew from the Abyei Area." (UN Report of the Secretary-General on the situation in Abyei (S/2012/583), 25 July 2012) **[18z](para 3)**

- "[O]n 9 July, approximately 6,000 Ngok Dinka arrived in Abyei town from Agok to celebrate the first anniversary of the independence of South Sudan. Some Ngok Dinka youth threw stones at local shops, resulting in minor injuries to three Misseriya." (UN Report of the Secretary-General on the situation in Abyei (S/2012/583), 25 July 2012) **[18z](para 3)**

8.61 The Sudan UN and Partners Work Plan 2012, Mid-year Review, undated, accessed 15 August 2012, stated:

"The political and security situation in Abyei remained tense over the first half of the year given the stalemate in discussions on the final status of the region and the Abyei Area Administration has still not been established. There was progress, however, on the withdrawal of Sudan and South Sudan security personnel from the area following the adoption of UN Security Council Resolution 2046. South Sudan withdrew its 700 strong police contingent from Abyei and Sudan withdrew 300 of its armed forces and police presence in May." **[24m](p.10)**

For information on the UN peace keeping mission in Abyei see: Security forces, UN Interim Security Force for Abyei (UNISFA); For historical background information see: History of Sudan's regional conflicts; South Sudan (1956 – 2005) and the disputed status of Abyei. See also:

Human rights violation committed against non-combatants

The following information should be considered together with information provided under the section Human rights violations committed in areas of armed conflict; Security forces and Non-government armed forces.

8.62 A report from Amnesty International (AI) entitled 'Sudan-South Sudan: Destruction and desolation in Abyei', dated 20 December 2011 observed:

"During and immediately after the clashes [in May 2011 between Sudan Armed Forces (SAF) and Sudan People's Liberation Army] ... Misseriya militias, acting alongside PDF and with the support and complicity of SAF, systematically looted and burned down the inhabitants' homes and properties in Abyei town, the region's capital, and in surrounding villages. The looting and burning continued for days, while SAF was in full control of the area, and in the presence of UN peacekeepers." **[8c](p.8)** The same report concluded: "An unconfirmed number of people - civilian bystanders not involved in the fighting as well as fighters - were killed and injured in the May 2011 clashes. Others remain

unaccounted for." **[8c](p.9)** The AI report went on to provide first-hand testimonies from civilians displaced from Abyei at the time, for further information see: http://www.amnesty.org/en/library/asset/AFR54/041/2011/en/d701f194-b1c6-4f7c-9920-fc2dd30ce0ca/afr540412011en.pdf

8.63 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/18/40), dated 22 August 2011 observed:

"The attack on Abyei was accompanied by large-scale looting and burning of property ... and there were reports of widespread human rights violations committed by Misseriya and the Government's Popular Defence Forces, including killings, rape and other forms of inhumane and degreating treatment. Owing to limited access, however, UNMIS was not able to verify most of the reports. During his second visit to the Sudan in 2011, the independent expert was able to visit the region, but his request to visit Abyei town was declined. He did, however, manage to interview a group of Abyei residents, some of whom reported that they had been severely beaten by PDF and Misseriya militia after being captured and placed in SAF custody." **[1a](para 29)**

8.64 A report from the UN Office for the Coordination of Humanitarian Affairs, 'Sudan: Abeyi Crisis, Situation Report No.5', dated 25 May 2011 noted:

"The security situation, in and around Abyei, remains volatile. Last night, sporadic gunfire was reported in Abyei town and unidentified gunmen fired at four UNMIS helicopters. The Sudan Armed Forces (SAF) maintain their presence in the town and the presence of a large number of Misseriya militia has been reported. ... On 25 May, UNMIS and UN aid agencies conducted road and air assessment missions. A road patrol in Abyei town revealed continued looting and burning of tukuls and confirmed that some humanitarian premises and emergency stocks had been looted. The heavy presence of armed men was also noted. ... Burnt tukuls in several villages were reported." **[24a](II. Situation Overview, Security)**

8.65 The Amnesty International Report, 'Sudan-South Sudan: Destruction and desolation in Abyei', dated 20 December 2011, referring to the risks posed by land mines in Abyei Area explained:

"Both the SAF and SPLA have laid anti-vehicle and anti-personnel mines in different areas of Abyei, which constitute a major impediment to the safe return of the civilian population and humanitarian organizations and a danger for UN peacekeepers. ... In November 2011 the UN Secretary-General expressed concern that 'despite engagement with the Governments of the Sudan and South Sudan by UNISFA, neither party has provided maps of mine locations.' ... In mid November [2011] the SPLA dispatched a demining team to show UNISFA its likely mined areas but, according to information provided to Amnesty International by UN personnel, the information they provided was very limited and mostly not sufficiently precise." **[8c](p.16)**

8.66 However a news brief from the UN's Office for the Coordination of Humanitarian Affairs (OCHA) entitled 'Abyei: Scaling up aid as displaced people return' dated 3 July 2012 updated:

"[A] … significant development is that Abyei town has been completely cleared of mines, unexploded ordnance and dumped ammunition, according to de-mining agencies. The clearance work was finished after the withdrawal of Sudanese army and police from the town. Although the whole of the Abyei area is now accessible, de-mining

experts say that only the main roads should be used. They are working on a map to show which areas and roads pose residual risks." **[24j]**

EAST SUDAN

In considering the security situation in East Sudan, the following information should be considered together with information on the humanitarian situation in Eastern Sudan and information on 'Internally displaced persons and refugees'

8.67 The Heidelberg Institute for International Conflict Research, 'Conflict Barometer 2011', dated March 2012 listed the conflict of Sudan's Eastern Front, which began in 2005 as unchanged and with an intensity level of 1 **[101a](p.31)** which is defined as a "latent conflict". **[101a](p.32 footnote 4)**

8.68 The United Nations and Partners', Sudan Work Plan 2012, circa late 2011 explained:

"The political and security situation in Eastern Sudan has remained relatively calm during 2011, enabling recovery and development activities to take place. However, Eastern Sudan has some of the lowest human developments indicators in Sudan - for example, the country's highest rates of malnutrition are found in the eastern states. The region is also characterized by the presence of refugees from Eritrea, conflict-affected IDPs from South Kordofan and Darfur, as well as people of South Sudanese origin." **[24g](p.16)**

8.69 More recently the Sudan UN and Partners Work Plan 2012, Mid-year Review, undated, accessed 15 August 2012, stated: "The political and security situation in Eastern Sudan remained relatively peaceful during 2012." **[24m](p.15)**

For historical background information see: History of Sudan's regional conflicts;East Sudan (1990 – 2007). For information on the current security situation see: Security situation: East Sudan; for information on recent developments in East Sudan since January 2011 see: Update on Sudan's regional conflicts, East Sudan (January 2011 – 1 August 2012)

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9. SECURITY FORCES

The following section should be considered together with Security situation and Non-government armed groups. For further information on the armed groups involved in Sudan's regional armed conflicts see: Annex D: Armed Opposition groups.

9.01 The Encyclopaedia Britannica, Academic Edition, entry on Sudan, last updated 29 March 2012, noted:

"Sudan's armed forces were greatly expanded after 1969, mainly to cope with the long-running rebellion in the south. By the early 1980s the Sudan Armed Forces (SAF) consisted of an army, a navy, and an air force. In 1990–91 the government began to establish a militia and also instituted a military draft to furnish recruits to conduct the war with the Sudan People's Liberation Army (SPLA) rebels. The 2005 Comprehensive Peace Agreement that ended the civil war between the northern government and

southern rebels allowed for the continued existence of both forces, although the number of troops on both sides was to be reduced."**[120a](Security)**

9.02 Jane's Sentinel Country Risk Assessment (JSCRA), Sudan, Armed Forces, dated 20 July 2011, noted with regard to the armed forces and pro-government militia:

"The Sudanese Armed Forces are characterised by parallel formal and informal structures. At the formal level is a conventional Soviet-/Chinese-influenced force structure with army, navy and air force (nominally including air defence force). 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. The navy is of no consequence as an uncontested coastal force and has been allowed to deteriorate. Its primary duty is as a riverine force in support of the army, whose garrisons it supplies via the Nile. 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 [now the National Congress Party]. 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." **[31b](Defence structure)**

9.03 A paper from the Sudan Human Security Baseline Assessment, 'Sudan Issue Brief No.15: Supply and demand', dated December 2009 reported on the collaboration between formal military units and militia groups:

"The UN Panel of Experts has ... documented the close operational collaboration and the exchange of logistical and military assistance between militia groups and SAF forces in Darfur, as well as the interchange of personnel between militias and GNU [Government of National Unity, i.e. Sudanese] paramilitary groups, including the Popular Defence Forces, Border Intelligence Guards, and Central Reserve Police, which receive arms and training directly from the SAF. While the deliberate agency of the highest levels of the government is not always possible to prove, the direct military assistance of armed groups at least by elements of the government's security forces has been well documented. The entourage of Janjaweed militia leader Hemeti, filmed in Darfur in February 2008, displayed not only AK-type rifles, but also G3-type (7.62 x 51 mm) assault rifles, an M14 (7.62 x 51 mm) self-loading rifle, a Dragunov SVD-type (7.62 x 54R mm) sniper rifle, and Galil (5.56 x 45 mm) assault rifles. Similarly, Sudanese armed forces carry AK-type assault rifles, G3-type rifles, and also (in small elite groups) Beretta SCS-70/223-type carbines." **[23e](p.7)**

Reader should note that in Darfur the proliferation of arms is seen as one of the 'Drivers of violence'. See also: Non-government armed groups, availability of arms.

9.04 The US State Department, Country Reports on Human Rights Practices 2011, Sudan, 24 May 2012, (USSD Report 2011) stated:

"Several government entities have responsibility for internal security, including the police, NISS, Ministry of Interior, and Ministry of Defense. The NISS maintains security

officers in major towns and cities. The Ministry of Interior controlled the Central Reserve Police (CRP). The Ministry of Defense's Border Intelligence Force (border guards), a loosely organized force composed largely of former Janjaweed Arab militia, operated in Darfur and elsewhere. The CRP also contains a number of former Janjaweed fighters ..." **[2b] (section 1d)**

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POLICE

9.05 Assigned personnel: 100,000. (Sudan Human Security Baseline Assessment, 'Sudan Issue Brief No.15: Supply and demand', December 2009 (Sudan HSBA, No.15)) **[23e](p.8)** Figures refer to the National Police Service (NPS). "Calculation assumes NPS has for many years consisted of the Central Reserve Police (CRP), Emergency Police, Immigration Police, Petroleum Police, and Popular Police. Recently, the Prison, Customs, and Wildlife services have been incorporated into the NPS." (Sudan HSBA, No.15) **[23e](footnote 2, p.9)**

9.06 JSCRA, Sudan, Security and Foreign Forces, dated 23 November 2011 noted:

"After the signing of the Comprehensive Peace Agreement (CPA) in January 2005, law enforcement started undergoing restructuring, with the new interim constitution pointing to the decentralisation of the police service at national, state and then southern Sudanese levels in accordance with the pact. ... 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.

"During the 2005-2011 transition period under the CPA, officers from both the then northern and southern police forces participated in training courses by, for example, the UN Mission in Sudan (UNMIS), with support also from the UN Development Programme (UNDP). In terms of the north, this included community policing courses, with a focus on internally displaced persons (IDP) camps. According to an UNMIS factsheet, training in the north also covered issues such as advanced forensics, airport security and prevention of drug trafficking. Specific training was further provided for an Abyei Area Police, which was to have equal representation from the north and south, similar to the joint military units established under the CPA, during the transition period.

"Sudanese police officers were given election security training ahead of the general elections in the country in April 2010. According to figures by the UNDP, UN police trained 16,676 police officers in north Sudan, 9,440 in the Darfur states and 6,124 in the then south of Sudan between September 2009 and March 2010." **[31e](Police)**

Popular Police Force / Public Order Police

9.07 JSCRA, Sudan, Security and Foreign Forces, dated 23 November 2011 observed: "The Popular Police Forces (PPF) were introduced by the National Islamic Front-based government that took power in 1989. These were effectively government-sponsored vigilante groups with the role of assisting the regular police. They tended to operate as a politicised Islamic militia, enforcing their interpretation of moral standards on the general public." **[31e](Popular Police Forces (PPF)** The Sudan Human Security Baseline Assessment, in a paper entitled, 'Armed Entities in South Kordofan', dated 4 June 2011, further explained the history of the PPF as follows: "A paramilitary reserve force composed largely of Islamist volunteers, the Popular Police decreased in size after the CPA was signed, but by 2007 was expanding again. Before the CPA, the Popular Police had no means of transport; since the CPA, it has had bicycles and Land Cruisers. The volunteers get training from SAF for a period of up to 28 days." **[23f](p.7)**

9.08 A report from the Strategic Initative for Women in the Horn of Africa entitled 'Beyond Trousers: The Public Order Regime and the Human Rights of Women and Girls in Sudan', dated 12 November 2009 noted:

"The public order police (POP)—recently renamed the Police of Society Security— are an essential component of the POR [public order regime] and operate as its feared enforcement arm. Although they form part of the Sudan Police Force (SPF) they are a special unit attached to the public order courts and appear to have developed their own culture (although they do often conduct joint operations). While coming under the general authority of the Director General of Police, the POP do take some directions from the local 'safety committees' and local and state authorities. The fact that at state level the POP are involved also in enforcing governor decrees— such as, for example, the famous, but now suspended, Khartoum governor's decree which restricted women's access to employment in certain fields eg., hotels, garages etc.,—serves only to emphasise this connection with sites of local power. ... In practice the POP have carved out a huge ambit of action with respect to interpreting and acting pursuant to the POR. When asked about the establishment and management of the POP a number of the women interviewed for this paper were not aware of the formal source of their authority but claimed that members of the POP were recruited from the ranks of 'former criminals' and 'the homeless'. The perception at a minimum was that the POP had special training or encouragement to be 'tough' and ruthless in their approach to enforcement and were rarely called to account." **[70b](p.12)**

See also: Corporal punishment under the 1991 Criminal Act and Public Order Laws

Central Reserve Police

9.09 The Central Reserve Police (CRP), also known as 'Abu Tira', is a branch of the National Police Service (NPS) and comes under the remit of the Minister of Interior. (Satellite Sentinel Project, 'Alleged abduction, detention and extrajudicial killings by Abu Tira, 13 October 2011)**[28c](p.1)** A paper from the Sudan Human Security Baseline Assessment (Sudan HSBA) on the Central Reserve Police, dated January 2011 further explained:

"The Central Reserve Police (CRP) are combat-trained forces, known in Darfur as 'police soldiers' and armed with weapons not used by regular police. These include light and heavy machine guns, RPG7s, 82 mm mortars and, when they participate in joint combat operations under the tactical control of the Sudanese Army, reportedly also 105 mm and 130 mm artillery. They drive Land Cruisers mounted with 12.7 mm

machine guns. ... The CRP has become increasingly important in the conflict in Darfur (and neighbouring Kordofan), and on several occasions has been specifically targeted by the Justice and Equality Movement. Like other forces, members have staged visible protests, including against alleged non-payment of salaries. Most recently, in October 2010, 103 men posted in South Darfur mutinied, accusing the government of 'deceiving' them, including by sending them to fight the insurgents before they had completed their training. They said they would join the armed opposition movements in fighting against the government.

"Some analysts believe the new importance accorded the CRP reflects the reduced effectiveness of the Popular Defence Forces, which has taken on a political dimension that makes it more useful as a political rallying tool than a fighting force. In 2004, the CRP opened a training centre in Musa Hilal's Misteriha barracks. The training lasted for three months—three times as long as in an adjacent centre run by the army. Confidential documents received by the Small Army Survey put the CRP in Darfur in February 2009 at 20,603, third-placed behind Khartoum with 43,210 men and CRP headquarters (location unknown) with 22,716 men. ... Human rights organizations, including the Sudan Organization against Torture, have pointed to 'strong militia connections', including with the North Darfur Border Guards of Musa Hilal [militia leader of Arab tribes commonly referred to as Janjaweed]." **[23g]**

For information on the current security situation in Darfur see: Security situation: Darfur

9.10 Another paper from Sudan HSBA entitled 'Armed Entities in South Kordofan', dated 4 June 2011, additionally noted the presence of the CRP in South Kordofan:

"The Central Reserve Police (CRP), a gendarmerie under the Interior Ministry originally set up for riot control, has expanded hugely in South Kordofan since the CPA was signed, increasing from a few dozen men in Kadugli armed only with pistols and AK-47s to more than 7,000 in 2009, according to a government document dated 21 February 2009. (In 2007 SPLA officers estimated the force's size at 2,000 men, an apparent underestimate.) SPLA monitors assigned to UNMIS say the CRP receives military training and weapons in SAF barracks. They say the weapons include 82 mm mortars, RPGs, 12.7 mm heavy machine guns, light machine guns, Fagot (also known as Spigot and AT-4) anti-tank guided missiles, and artillery up to and including 120 mm. Weapons including 120 mm mortars and 105 mm anti-tank guns can reportedly be obtained from SAF. SPLA officers say key locations are Abbassiya and Khor Dilib." **[23f](p.7)**

For information on the current security situation in South Kordofan and Blue Nile see: Security situation: Blue Nile and South Kordofan

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ARMED FORCES

9.11 Assigned personnel in the army varies between 100,000 (JSCRA, Sudan, Army, 1 June 2012)**[31c](Summary)** (comprising infantry, armour, artillery and special forces. (JSCRA, Sudan, Army, 1 June 2012) **[31c](Summary)**) and 225,000 -"Calculation assumes the SAF comprised of 20,000 officers (ratio of 1 weapon per officer), 120,000 infantry (1.5/soldier), 70,000 'reserves' (1.2/reservist), 10,000 air defence units

(1.2/serviceman), 10,000 border (Sudan HSBA, No.15) **[23e](p.8)** "Field Marshal Omar Hassan Ahmad al-Bashir holds both the posts of president and commander in chief of the armed forces and People's Defence Forces (PDF). The minister of defence has operational command of the armed forces. There is a defence planning body, known as the National Defence Council, which operates through the defence ministry. The commander of the armed forces now has the title chief of joint staff." (JSCRA, Sudan, Army, 1 June 2012)**[31c](Command and control)**

See also: Popular Defence Force

9.12 Jane's Sentinel Country Risk Assessment, Sudan, Armed Forces, dated 1 June 2012 noted that: "The army formally relinquished responsibility for internal security in 2001, although since 2010 rumours abound that senior military commanders have been extending the reach of their power at the expense of the president, which the noted analyst of Sudan Eric Reeves has described as 'a creeping coup'." **[31b](Chain of Command)** The same source also explained:

"The professionalism and development of the Sudanese Army (not to mention its air force and navy) has since independence been retarded by limited and outdated equipment, poor training and a lack of loyalty to the authority of the central government in Khartoum. ... 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. ... 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.." **[31c](Assessment)**

9.13 International Crisis Group in their report entitled 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', dated 4 May 2011, highlighted the tribal divisions within the army and also recognised their "lack of readiness" to operate as an effective security force:

"A retired general contends that the Riverine tribes have deliberately kept security officers from elsewhere out of the higher ranks. Over the past six years, many senior officers from the peripheries have been given early retirement rather than promotion. Reportedly many mid-level and junior officers are frustrated, which in turn is the main reason the government has relied heavily on tribal militias (PDF units) to fight in Darfur. Though most SAF commanders are linked to the top elites, the NCP does not trust them. According to an army Brigadier General: ...The few army troops in the capital are not in any state of readiness or have weapons to take any effective action to protect the capital, or to take part in any coup against the regime. The PDF is the army of the country, supported by specific forces within the SAF, such as the air force and military intelligence. ... The majority of the SAF is deployed along the North-South border, in Darfur and to a lesser extent in the East and to provide security for strategic establishments such as dams. For example, when the JEM insurgents attacked Omdurman in May 2008, the NCP relied on their special forces to stop them; only one army tank was deployed, apart from those guarding the TV building and other strategic places in the capital." **[33a](p.14)**

See also: Recent developments (January 2011 – 1 August 2012), Regime change?

9.14 JSCRA, Sudan, Army, dated 23 April 2012, commented on the organisation of the Sudanese army and observed:

"From a territorial point of view, the army is organised on the basis of regional military commands. There were traditionally six military regional commands - central, eastern, western, northern, southern and Khartoum, with the Khartoum district further divided into three sub-divisions. The southern command has effectively ceased to exist since July 2011, when South Sudan became an independent nation. It is not yet clear how the new map of Sudan will be reflected in the Army's organisational maps.

"There are a number of infantry divisions, divided among regional commands. The commander of each military region traditionally commanded the divisional and brigade commanders within his territory. It is understood that there were six infantry divisions and seven independent infantry brigades; a mechanised division and an independent mechanised infantry brigade; and an armoured division. Other elements are understood to include a Special Forces battalion with five companies; an airborne division and a border guard brigade. Support elements include an engineer division."
[31c](Organisation)

9.15 Army bases were located at Atbara; Dongola; Al-Fashir; El-Geneina; Kassala; Khartoum; Nyala; Omdurman and Port Sudan. (JSCRA Sudan, Army, dated 23 April 2-2012)**[31c](Bases)**

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Border Intelligence Brigade

9.16 The Sudan Human Security Baseline Assessment, in a briefing paper on the 'Border Intelligence Brigade (Istilhbarat al Hudud) (AKA Border Guards)', dated November 2010 stated:

"The Border Intelligence Brigade, whose members are popularly referred to as Border Guards, is a part of Sudanese Military Intelligence, funded by the army and headquartered in Khartoum. As criticism of the government's counterinsurgency operations in Darfur mounted, the Border Intelligence Brigade became the main vehicle for the incorporation of irregulars into the Sudan Armed Forces (SAF), who were given military identity cards and salaries. Sudanese military sources portrayed the shift as an attempt to 'control' the irregulars; human rights organizations said it was to 'hide' them and keep them armed. ... There is no official data on the strength of the Border Intelligence Brigade. One source close to the brigade command claims the number of fully registered guards was 11,000 in October 2010, not counting the unregistered tribal militias that often operate alongside them. Of these, 4,000 were reportedly sent outside Darfur in midyear: 2,000 to Omdurman—for 're-training' and thereafter to guard the capital, attacked by insurgents in May 2008—and 2,000 new recruits, all under Musa Hilal, to a number of locations in Northern Sudan including Damazin in front-line Blue Nile state.

"The Borders Guards carry AK-47s and G-3s, rocket-propelled grenades and doshkas (machine guns mounted on jeeps). Border Guard commanders say they also receive heavier weapons for operations, but are required (in theory) to return these to SAF stores after usage.

"The vehicle of choice for paramilitaries before the Darfur conflict was the Islamist Popular Defence Forces (PDF). Two explanations have been advanced for the sudden prominence of the Border Guards, virtually unheard of before 2003 with just small mounted units (al wahda al ragba) in Sudan's peripheries: first, the dislike among Darfur's Arabs of Islamism; second, the promise of a salary rather than loot, very often the only recompense for the PDF." **[23r](p.1)**

For information on the current security situation in Darfur see: Security situation: Darfur

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Air force

9.17 Assigned personnel various between 3,000 (JSCRA, Sudan, Air Force, 23 April 2012) **[31d](Summary)** and 3,500 (Sudan HSBA, No.15) **[23e](footnote 1, p.9)**

9.18 JSCRA Sudan, Air Force, dated 23 April 2012 made the following assessment on the capabilities of the Sudanese air force:

"The overall status of the Sudanese Air Force (Silakh al-Jawwiya as-Sudaniya) was believed to be showing signs of improvement at the beginning of 2008, after a long period of inadequate maintenance and lack of investment. Iraqi and Iranian technicians were employed through the 1990s and more recent deals with Russian firms were expected to help maintain current equipment in good order through the provision of support technicians and spares. ... More significantly, since oil exports commenced in 1999, Sudan has invested in several new procurement programmes. During the past decade, this has included orders for MiG-29 'Fulcrum' multirole fighters and Mi-24/35 'Hind' attack helicopters from Russia, as well as a number of new An-74 'Coaler' transport aircraft from Ukraine plus A-5C 'Fantan' attack aircraft and K-8 Karakorum armed trainers from China. In late 2008, some Su-25 'Frogfoot' attack aircraft were also received from Belarus. ... Sudan is believed to be working on modernisation of its air arm through the forging of alliances with Pakistan, Russia and China. An agreement on military co-operation at all levels was signed by Sudan and Pakistan in 2005, with some subsequent reports alluding to Sudan intending to purchase the JF-17 Thunder combat aircraft, although there appears to have been little or no movement regarding this possibility." **[31d](Assessment)**

9.19 In considering the role and deployment of the air force in Sudan, JSCRA noted:

"Sudan's [armed forces] air arm is organised to provide support for land forces, particularly those engaged in fighting rebel forces. During counter-insurgency operations in the south, this has entailed deployments to the Juba area, although conflict here has ceased and Juba is now the capital of the newly independent state of South Sudan.

"In the west (Darfur), aircraft have operated more covertly from at least three locations, including al-Fashir, al-Junaynah [al-Geneina] and Nyala; all these locations are known to have been utilised by 'Hind' combat helicopters during March and April 2007, with Nyala also supporting a detachment of A-5C 'Fantans' in direct contravention of United Nations Security Council Resolution 1591. Al-Fashir was also used as a forward base for Su-25 attack aircraft in mid-2009. At least three Mi-171s, including one seen at Nyala in March 2007, have been given white overall colour schemes, presumably to

mask their hostile intentions by making them resemble aircraft engaged on United Nations peacekeeping and humanitarian tasks. Transport aircraft have also been known to undertake combat sorties, being employed to deliver free-fall bombs in both areas of conflict. ... Three SAF divisions rotate regularly through the vast western region on the border with Chad, which remains locked in a humanitarian crisis with millions of people displaced both internally and externally.

"Into early 2012, numerous and persistent complaints continue to be lodged against the Sudanese Air Force with international authorities, including UNMISS in Sudan. These complaints revolve around the Air Force being deployed against civilian targets, including groups of refugees and internally displaced peoples in Darfur, South Kordofan and Blue Nile provinces. Since June 2011, Sudanese government forces have been battling against the SPLA in Southern Kordofan. According to locally based NGOs, government forces have been responsible for the nearly daily bombing of civilian areas. In Sudan's Blue Nile province, the SPLA have claimed that Sudanese ground forces, with air support, have been attacking civilian areas since 1 September 2011. Such attacks, if true, would constitute war crimes." **[31d](Role and Deployment)**

For information use of aerial attacks by the Sudan Armed Forces see: Human rights violations committed in areas of armed conflict, aerial bombardment.

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OTHER GOVERNMENT FORCES

9.20 International Crisis Group in their report entitled 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', dated 4 May 2011, noted that the National Intelligence and Security Service (NISS) was the main security and intelligence institution in Sudan, however the source further noted:

"... [T]here are a plethora of others, including for security of installations/construction projects, economic security and popular security; the police are broken into regular, public order and popular police, the central contingency force and transhumance route police. The Jaali [Arab tribal] section of the top elite reportedly has a private force (the 'Precious Stones'), under Bashir's command. During each working shift, approximately 6,000 personnel are deployed to patrol Khartoum's strategic areas. A further 12,000 are based outside the capital. This special force, together with the operation units and the PDF, is viewed as the Islamists' most loyal fighting element in the event regime survival is seriously threatened. In March 2011, Bashir announced the establishment of yet another select force called, the 'Strategic Unit'. Nafie and Mandour al-Mahdi, deputy NCP chairman in Khartoum State, described it as the force that would crush any revolt against the regime." **[32a](p.14)**

National Intelligence and Security Services (NISS)

9.21 Assigned personnel: 7,500 (armed units) with separate NISS forces to protect oil fields. (Sudan HSBA, No.15) **[23e](p.8)** The Director General of the NISS was Lt. General Mohamed Atta Al-Mawala Abbas.(Sudan Vision, 'Gen. Atta: NISS will Confront all Challenges to Safeguard Sovereignty of the Country', 6 June 2012) **[33a]** Spending on NISS accounted for a significant portion of Sudan's defence budget, which, according to a report from Research and Market published in 2010, had risen by 36.18 per cent in

2010 from USD $2.469 billion in 2009. (Sudan Tribune, 'Bashir to declare Sudan's new government lineup in August', 17 August 2011) **[12z]**

9.22 A report from the International Crisis Group, entitled 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', dated 4 May 2011, observed that the NISS remained the major security and intelligence institution in Sudan. **[32a](p.14)** Amnesty International (AI), in their report 'Agents of Fear: The National Security Services in Sudan', dated July 2010, observed that the NISS had retained the core functions it assumed "... in the first few years following the 1989 coup..." **[8e](p.10)** and more than 20 years later the NISS still dominated many areas of life in Sudan, benefiting from extensive powers of arrest and detention under the National Security Acts of 1999 and 2010. **[8e](p.10)** The AI report concluded: "Any changes [to NISS] have been purely cosmetic – the NISS still holds the power of life and death over Sudan's citizens." **[8e](p.10)**

For further information on the role of the security services following the 1989 coup see: History, Repression and the extension of political Islam (1989 – 1999)

9.23 The UN Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, published on 29 October 2009, (S/2009/562) outlined the organisational structure of the NISS. **[18o] (para 281-293)** The report noted that:

"According to a confidential interlocutor within the administration of justice system and other sources, a non-disclosed number of NISS agencies operate under the direct supervision of the Director of National Intelligence and Security Services, and/or his two deputies. These agencies have been established to deal with thematic security issues, such as southern Sudan, foreign intelligence, central security, management of the apparatus and its facilities, economic security, operations, and states' security. Each of these agencies has substructures in the form of circuits, administrations, departments, sections and units. ... The four most pertinent agencies in the context of arbitrary arrest and detention as well as ill-treatment or torture of Darfurians are the Central Security Agency, the Management Agency, the States' Security Agency and the Operations Agency". **[18o] (para 282-283)**

9.24 For full details on each of the four agencies and information on the relations between NISS headquarters and its regional offices see paragraphs 281 to 293 of the UN Report of the Panel of Experts dated 29 October 2009. **[18o]**

9.25 However it should be noted that obtaining information on the NISS is difficult to verify. A report from the African Centre for Justice and Peace Studies (ACJPS) on the practices of NISS in Sudan, dated January 2012, acknowledged that: "ACJPS field researchers faced difficulties obtaining information about the detentions centres run by NISS. They also faced difficulties obtaining figures pertaining to the budgets of NISS detention centres and their expenditures, the number of accused, and the number of vehicles used to transport detainees. Questioned officials claimed that this information is confidential. This opacity contributes to the dearth of studies on pre-trial criminal justice and the general state of custody in Sudan." **[27b](p.3)** The UN Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, published on 29 October 2009, (S/2009/562) also stated that despite repeated attempts by the Panel, the Government of the Sudan "failed to provide information on the practices of the NISS apparatus, human rights guarantees and protection mechanisms to deal with any abuses by NISS officers, and the hierarchical structure within NISS." **[18o] (para 277)**

9.26 A report from Waging Peace entitled, 'The Sudanese National Intelligence and Security Service' dated 4 August 2011, citing sources from between 2006 and 2010, observed:

"The NISS has powerful international information-gathering organs. For example, a special governmental desk on Darfur monitors the international press for the activities of rebel affiliates abroad and supplements this with intelligence from Sudanese embassies and work conducted by its own information agents outside Sudan. Those detained upon returning to Sudan later report being presented with images of demonstrations held in locations across the UK by the NISS, revealing the presence of such information agents in the country. The Guardian reported in March, 2007 that it had documented embassy officials filming Darfuri protestors in London." **[35a]**

See also: Returning failed asylum seekers and Human rights violations perpetrated by NISS

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Popular Defence Forces (PDF)

9.27 Personnel assigned varied between sources: Europa World Online, listed 17,500 active members and 85,000 reserves; **[7c](Defense)** Sudan HSBA, No.15 listed the PDF force at 20,000 personnel but noted that it once may have been 100,000. **[23e](p.8)** Additionally refer to paragrpah 9.29. See also: Armed Forces

9.28 A paper by Jago Salmon entitled 'A Paramilitary Revolution: The Popular Defence Forces', published by the Small Arms Survey, dated December 2007, commented on the historical background of the Popular Defence Force. According to the report the PDF, formed as a legal entity by decree in November 1989, became "... one of the primary instruments of Islamist political and popular mobilization, before declining with the fragmentation of the regime in 2000–01." **[23h](p.8)** However "...[s]ince the signing of the Comprehensive Peace Agreement (CPA) in January 2005, the future of the PDF, and its relationship with the regular armed forces, has been contested. Still described as a force of mujahideen (fighters of the holy war), the PDF has continued to exist as a military and civilian network to mobilize militia auxiliaries throughout Sudan ...". **[23h](p.8)**

9.29 The same source commenting on the likely size of the PDF in Sudan reported:

"It is almost impossible to obtain reliable numbers for PDF membership. Available figures are frequently either estimates by external observers or dependent on single sources that are difficult to verify. As a result, numbers vary significantly and are often contradictory. The numbers provided in this chapter should not be taken as a statement of fact. They are a compilation of reported PDF numbers given in order to identify trends. Although this reflects the limited information that is available on the PDF, it is also a reflection of the nature of paramilitary organizations in Sudan generally. PDF membership is by definition hard to define. Many recruits are involved in active service for only short periods, are recruited locally, and do not necessarily undergo centralized training. In addition, it is clear that even government officials were not aware of the number of PDF members in the 1990s. Several sources indicate that, chillingly, not even accurate PDF casualty numbers were maintained (for example, see Reuters,

1993). Finally, many PDF recruits, particularly in rural areas, left the organization without returning weapons, ammunition, or uniforms. In these areas the distinction between PDF recruits and members of other paramilitary organizations and tribal militias has historically been very blurred." **[23h](p.22)**

The paper by Jago Salmon entitled 'A Paramilitary Revolution: The Popular Defence Forces', dated December 2007, additionally provided information on recruitment, training and PDF capabilities.

9.30 A more recent paper from Sudan HSBA on the PDF, dated March 2011 observed:

"In most parts of Sudan today, the PDF is an inactive reserve force to the regular army. It remains operational in areas of active conflict like Darfur and Southern Kordofan. In addition—especially in Kordofan, but also in Darfur—it plays a major role in the distribution of weapons to, and military training for, tribal militias. ... The UN Panel of Experts on Sudan has reported that PDF recruits come under regular army command once integrated into the regular army for operations, and normally wear the same uniform as the unit into which they are inducted. ... Documents received and authenticated by the Small Arms Survey show that weapons sent to the PDF in 2009 included 12- and 40-barrel rocket launchers, Howitzer shells, D-30 shells, 100 mm and 130 mm artillery shells and portable, shoulder-fired SA-7 surface-to air missiles (several of which have found their way into the hands of the armed opposition movements in Darfur)." **[23i]**

9.31 The paper by Jago Salmon, in considering the role of the PDF in exacerbating insecurity in Sudan concluded that "... the PDF's involvement in the widespread distribution of weapons and military training to tribal militias, its mobilization of a militant Islamism opposed to Western involvement in national affairs, and its parastatal relationship that bridges the divide between the state and the NCP" were all concerns which needed to be addressed. **[23h](p.33)** However most important was the PDF's role as a primary institution in the distribution of weapons to groups with local grievances in North Sudan. Such grievances, many of which were not addressed under the Comprehensive Peace Agreement, currently represented "... the real vectors of local insecurity and of future armed rebellion." **[23h](p.33)**

9.32 With regard to the conflicts in Darfur, Blue Nile and South Korodofan, several sources referred to the deployment of the Popular Defence Forces in those conflict areas. Referring to Blue Nile state, a report from Human Rights Watch, entitled 'Sudan: Blue Nile Civilians Describe Attacks, Abuses', dated 23 April 2012 observed: "In many locations, including Damazin, witnesses saw Popular Defense Forces (PDF), an auxiliary force drawn from Fellata and other nomadic ethnic groups whose members Sudan is actively recruiting, leaders who were interviewed told Human Rights Watch. Sudan has long used PDF in its regional conflicts and their participation has exacerbated local conflicts in Darfur and elsewhere in Sudan for decades." **[19c](Attacks on Civilians, Killings)**

9.33 Similarly a paper from the Sudan Human Security Baseline Assessment entitled, 'Armed Entities in South Kordofan', dated 4 June 2011, noted with regard to the conflict in South Kordofan:

"The size and strength of the PDF in South Kordofan are impossible to ascertain, with much confusion between the paramilitary PDF force formed as a legal entity by decree in November 1989 and pastoralists armed as irregular militias. Force strength figures

ranging from 27,000 to 47,000 were cited at a state security meeting in South Kordofan in 2009. ... Critically, the PDF, while ethnically mixed during the war years [with South Sudan], is today almost exclusively Arab. Many Nuba who fought in the PDF5 in the war joined the SPLA after the CPA was signed, prompting SAF to collect weapons from non-Arab tribes (primarily Fellata, Hausa, and Nuba). SPLA sources say that many of the weapons were reassigned to the Arab Hawazma tribe, who are cattle herders competing for land with the indigenous Nuba. The SPLA claims that the PDF has been reorganized and expanded since 2005 and has been given SAF trucks, motorcycles, and weapons, including G3 and AK-47 rifles, 60 mm and 82 mm mortars, RPGs, and 12.7 mm heavy machine guns." **[23f](p.4)**

For information on the current security situation in South Kordofan and Blue Nile see: Security situation: Blue Nile and South Kordofan; and for information on the current security situation in Darfur see: Security situation: Darfur

See also: Non-government armed groups. Additionally, for information on the janjaweed and other pro-government militia groups, which are commonly considered to have links to the PDF see: Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias

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HUMAN RIGHTS VIOLATIONS PERPETRATED BY GOVERNMENT FORCES

For information about the law in regards rights of arrest and detention see: Arrest and Detention – legal rights and Judicary, Torture and the use of evidence alleged to have been extracted under torture

9.34 The Freedom House report, Freedom in the World 2012, Sudan country report, undated, April 2012, (Freedom House Sudan report 2012) noted that "The police and security forces routinely exceed [their] ... broad powers, carrying out arbitrary arrest and holding people at secret locations without access to lawyers or their relatives." **[20a](Political Rights and Liberties)**

9.35 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

"The main human rights abuses during the year included the following: government forces and government-aligned groups committed extrajudicial and other unlawful killings; security forces committed torture, beatings, rape, and other cruel and inhumane treatment or punishment; and prison and detention center conditions were harsh and life threatening… Other major abuses included arbitrary arrest and arbitrary, incommunicado, and prolonged pretrial detention… [and] the disappearance of civilians.... **(Executive Summary and section 1b)** The NISS, military intelligence, and Sudanese Armed Forces (SAF) arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer… **(1d. Arbitrary Arrest or Detention)** The government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods." **[2b] (1f. Arbitrary Interference with Privacy, Family, Home, or Correspondence)**

9.36 The report from the African Centre for Justice and Peace Studies (ACJPS), entitled 'Report on Pre-trial Justice on Sudan', dated January 2012, whilst highlighting that Sudanese laws allowed for the legal extension of detentions in a broad range of cases, further noted that: "... even with these broad discretions the law is not always followed in practice. Police regularly fail to submit cases for review within the legal deadline and wait instead until they have concluded their investigation." **[28b](p.6)**

9.37 The ACJPS paper 'Report on Pre-trial Justice on Sudan', dated January 2012 explained:

"Specific clauses of laws guaranteeing rights, such as those outlawing torture, are not enforced. These protective clauses are not included in training curricula. Torture is viewed as the easiest way to extract confessions from suspects. Training manuals for Sudanese policemen in charge of investigations (criminal investigation police) do not include any warning against using torture to extract confessions. Torture is a daily routine in the custody cells of Sudanese police stations. Many victims who have been interviewed have confirmed that it was the criminal investigation police who tortured them. In police stations, there is often an isolated room designated specifically for torture. Torture often takes place in the evening, when the criminal investigation policemen visit police stations and ask for suspects to be brought to these rooms. Suspects are often returned to the cells with marks of beatings. ... In cities like Kosti and Port Sudan, criminal investigation police and other police departments have special places outside police stations to torture suspects in order to extract confessions. In Kosti, investigators often take suspects to a location outside the city to torture them. ... Special prosecution units intended to provide oversight of security bodies and the central criminal investigations department were established in Khartoum. These prosecution departments were established to allow security agents to bypass the standard legal procedures and amount to decreased scrutiny on the practices of security agents." **[27b](p.8)**

9.38 A report from The Project for Criminal Law Reform in Sudan, 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: The need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter', dated April 2012 observed: "In practice, the enforcement of public order laws by the public order police has frequently been discriminatory and arbitrary." **[44c](p.5)**

9.39 The African Centre for Justice and Peace Studies (ACJPS), Sudan Human Rights Monitor provides reports of cases of arbitrary arrest, torture and extra judicial killings being perpetrated by government forces across Sudan. Additionally see also the Waging Peace reports, 'The Human Rights Situation in North Sudan: Regression to Repression', published March 2011 and 'Sudan's 'Silent' Spring: The Human Rights Situation in Sudan', dated March 2011 – March 2012.

The Tenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan entitled, 'Arbitrary arrest and detention committed by national security, military and police', dated 28 November 2008, provides information based on the work of United Nations human rights officers deployed in Southern Sudan, Abyei, Blue Nile State, Southern Kordofan, and Khartoum.

For further details on human rights violations committed against specific groups refer to the following:

- Human rights violations committed in areas of armed conflict (which includes reference to violations committed by Sudan's security forces)
- Treatment of (perceived) supporters of non-state armed groups
- Treatment of ethnic groups involved in Sudan's regional conflicts
- Human rights institutions, organisations and activists
- Opposition groups and political activists, including Treatment of students / youth activists
- Journalists
- Sexual orientation and gender identity, treatment by, and attitudes of, state authorities
- Sexual and Gender-Based Violence committed by security forces and militias
- Impact of regional conflict on children
- Treatment of returning failed asylum seekers

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Human rights violations perpetrated by NISS

9.40 The Freedom House report, Freedom in the World 2012, Sudan country report, April 2012, (Freedom House Sudan report 2012) noted that "Human rights groups accuse the NISS of systematically detaining and torturing opponents of the government." **[20a](Political Rights and Liberties)** The Human Rights Watch report 'Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011, observed that: "One of the primary tools of government repression in Sudan is the National Security and Intelligence Service (NISS), which uses its broad powers to harass, intimidate, arrest and detain ... Other security forces, such as military and police officials, also carry out arrests, then transfer detainees into NISS custody. NISS is well known for ill-treating and torturing political detainees." **[19a](p.21-22)**

9.41 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/18/40), dated 22 August 2011 (UN Independent expert report 2011) explained that: "Cases of arbitrary arrest and detention by the National Security Service (NSS) remained a major concern during the reporting period. The body continues to arrest and detain people for prolonged periods without charge, and sometimes without the possibility of family visits. There were also allegations of incommunicado detention, torture and other forms of ill-treatment of detainees by the NSS." **[1a](para 17)** Similarly a report from Waging Peace dated 4 August 2011 observed that: "The Sudanese National Intelligence and Security Service (NISS) is perhaps the most powerful wing of the Government of Sudan, with no checks on its authority to arrest and detain anyone perceived to be at odds with the incumbent regime. ... It regularly holds prisoners incommunicado, without legal representation or trial." **[35a]**

9.42 A report from Amnesty International, entitled 'Sudan, Time for change: a need to end continuing human rights violations, Amnesty International Submission to the UN Universal Periodic Review, May 2011, dated November 2010 explained:

"The NISS continues to use its powers to harass and intimidate, arbitrarily arrest and detain individuals, and to subject them to torture and other forms of ill-treatment. Amnesty International has also documented cases of deaths in NISS detention. Following the April 2010 general elections, the NISS arrested and detained journalists, members of the opposition, and members of civil society groups. A number of those arrested are reported to have been tortured or otherwise ill-treated. Amongst those arrested were six doctors, who were members of a committee organizing a strike for better work conditions. The NISS reportedly tortured two of them, and released them only after the doctors dropped negotiations and resumed their work." **[8d](p.4-5)**

9.43 More recently the ACJPS paper 'Report on Pre-trial Justice on Sudan', dated January 2012 commented:

"The National Intelligence and Security Services (NISS) are responsible for a significant portion of the human rights violations that have been committed against suspects and detainees since the ascension of the ruling regime. The NISS has systematically used torture to extract information and to break the dignity of detainees. While the NISS has seen many changes to its structure since 1989, torture remains systematically used by its personnel against detainees and political dissidents. The secrecy enshrouding the operations of the NISS, including concealment of their detention facilities and the status of their detainees, have allowed them the latitude to act almost entirely without oversight or public scrutiny." **[27b](p.2)**

9.44 The USSD Report 2011 observed that, "Police and NISS officers forcibly dispersed protesters, which resulted in serious injuries and deaths… Human rights organizations asserted that the NISS ran 'ghost houses,' where they detained opposition and human rights figures without confirming they were in detention by the state." **[2b](section 1e)**

See also: Treatment of returning failed asylum seekers and Opposition groups and political activists

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HUMAN RIGHTS VIOLATIONS COMMITTED IN AREAS OF ARMED CONFLICT

The following information should be read in conjunction with Security situation and the appropriate subsection:

- Darfur
- Blue Nile and South Kordofan
- Abyei
- East Sudan

9.45 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, (USSD Report 2011) dated 24 May 2012 stated that, and provided a number of examples of, human rights violations committed by the government's security forces that occured in the conflict zones of Darfur and the 'Three Areas' (Abyei, South Kordofan and Blue Nile):

"In Darfur fighting involving government forces ... [and] government-aligned militias ... [T]hese groups killed, injured, and raped women and girls, used child soldiers, and displaced civilians. ... The border region of Abyei was the site of violence, widespread displacement, and human rights violations throughout the interim period of the CPA [Comprehensive Peace Agreement]… The UN reported arbitrary killings, disappearances, displacement, and detentions in Abyei, although these reports dramatically decreased after the deployment of UNISFA [UN Interim Security Force for Abyei]. ... In June [2011] violence erupted in Southern Kordofan following the opposition SPLM-N [Sudan People's Liberation Movement – North] refusal to accept the results of a closely contested election for state governor and government efforts to disarm elements of the SPLM-N's forces. Both SAF [Sudan Armed Forces] and SPLM-N forces were accused of targeting civilians and employing violence indiscriminately… The government of Sudan denied international humanitarian organizations access to the state, and international staff of NGOs operating there were expelled, making monitoring and verification of human rights abuses difficult… In Darfur and the Three Areas, government forces and government-aligned militias killed civilians, including by repeated aerial bombardment of civilian areas. Ground attacks often followed aerial bombardments. ... Attacks resulted in civilian displacement." **[2b](section 1g)**

9.46 The USSD Report 2011 further stated that: "All parties to the conflict in Darfur and in the Three Areas were accused of perpetrating torture and other abuse. The government abused persons detained after armed conflict as well as IDPs suspected of having links to rebel groups. There were continued reports government security forces ... [and] pro-[government militias] ... and other armed persons raped women and children." **[2b](section 1g)** The source further observed that: "All parties to the Darfur and Three Areas conflicts obstructed the work of humanitarian organizations, UNAMID, and UNMIS, increasing the displacement of civilians and abuse of IDPs. Violence, insecurity, and the denial of visas and refusal of access to international organizations reduced the ability of humanitarian organizations to provide needed services." [**2b](1g. Other Conflict-related Abuses)**

See also: Human rights monitoring in regional conflict areas and Humanitarian situation in regional conflict areas.

9.47 Further examples of human rights violations were provided in the Satellite Sentinel Project paper, 'In Close Proximity: alleged abduction, detention and extrajudicial killings by Abu Tira', dated 13 October 2011. As noted:

"According to an August 2011 report by the UNHCR, the CRP [Central Reserve Police] in South Kordofan allegedly committed what may constitute war crimes and crimes against humanity under international human rights and humanitarian law, including the Geneva Conventions. In 2003 and 2004, the GoS [Government of Sudan] used the CRP, among other entities, to 'mobilize, train and arm' civilians in Darfur as part of GoS operations there. On 12 May 2008, CRP attacked Tawilla in North Darfur, resulting in the displacement of approximately 20,000 people, with killings, violent assaults and rapes reportedly occurring during the attack. In addition, reports indicate that CRP recruited child soldiers in Darfur between July 2006 and June 2007, and again during late 2007 and 2008. Furthermore, the CRP has been previously associated directly with Ahmed Haroun, the current governor of South Kordofan, who was indicted by the International Criminal Court in 2007 on 22 counts of war crimes and 20 counts of crimes against humanity. In a visit to Al Hamra in June 2011, Haroun affirmed his control of the Sudan Armed Forces (SAF) and CRP in South Kordofan." **28c](p.2)**

9.48 The same source further observed:

"An eyewitness account collected by SSP alleges that IDPs abducted from the UNMIS compound on 6 June were taken to an area between the CRP training center and the UN compound and reportedly killed there. Their bodies were dumped in a nearby riverbed, according to the eyewitness. In a similar incident, the August 2011 UNHCHR report describes armed CRP personnel moving in and out of the UNMIS protective perimeter on 8 June, conducting identity checks among the IDPs there. CRP forces reportedly abducted three IDPs suspected of supporting the SPLM-N. ... Also, SSP has received an eyewitness report alleging that CRP, SAF, and PDF forces tied civilians to the gates of the Kadugli airport checkpoint on 8 June and beat them. Witness reports communicated to SSP claim that those individuals were later shot and killed, and subsequently buried in a nearby mass grave." **[28c](p.2)**

9.49 A blog from Eric Reeves entitled 'Genocide in the Nuba Mountains of Sudan', dated 22 June 2011, also remarked with regard to the situation in South Kordofan in June 2011:

"Clear patterns have emerged from the many scores of reports that have come to me from the region over the past two weeks, Human Rights Watch has confirmed that Khartoum's regular military and militia are undertaking a campaign of house-to-house roundups of Nuba in the capital city of Kadugli ... Many of these people are hauled away in cattle trucks or summarily executed; dead bodies reportedly litter the streets of Kadugli. The Nuba are also stopped at checkpoints grimly similar to those in Rwanda; those suspected of SPLM or 'southern' political sympathies are arrested or shot. The real issue, however, is not political identity but Nuba ethnicity; one aid worker who recently escaped from South Kordofan reports militia forces patrolling further from Kadugli: 'Those [Nuba] coming in are saying, 'Whenever they see you are a black person, they kill you' ... Another Nuba aid worker reports that an Arab militia leader made clear that their orders were simple: 'to just clear.' ... Yet another Nuba resident of Kadugli ('Yusef') told Agence France-Presse that he had been informed by a member of the notorious Popular Defense Forces (PDF) that they had been provided with plenty of weapons and ammunition, and a standing order: ''He said that they had clear instructions: just sweep away the rubbish. If you see a Nuba, just clean it up. He told me he saw two trucks of people with their hands tied and blindfolded, driving out to where diggers were making holes for graves on the edge of town.' ... There have been repeated reports, so far unconfirmed, of mass graves in and around Kadugli. We should hardly be surprised that the charges of 'ethnic cleansing' and 'genocide' are coming ever more insistently from the Nuba people, observers on the ground and in the region, and church groups with strong ties to the region." **[36a]**

9.50 In Blue Nile, a report from Human Rights Watch, entitled 'Sudan: Blue Nile Civilians Describe Attacks, Abuses', dated 23 April 2012 observed:

"As fighting broke out in Damazin and other towns [in Blue Nile] where SPLA-North forces were present, witnesses told Human Rights Watch, government forces rounded up, detained, verbally and physically abused, and killed civilians based on their presumed ties to SPLM-North and its armed wing, SPLA-North. Scores of detainees were released only after being forced to renounce their political affiliation, local groups reported and former detainees told Human Rights Watch. ... A 23-year-old man from Roseris, now living in South Sudan, told Human Rights Watch that national security officers arrested and removed him from his house, accusing him and his 36-year-old brother of being SPLA-North soldiers, and detained them in a crowded cell for more than 3 weeks. ... 'They tied our hands and put us in the land cruiser and beat us with

belts, feet, hands and said, “We are going to use you,” and, “You will see many things,”’ he recalled. ‘If you complained that people are sick [the commander] would say, “Let them die, they are kufar [infidels].” ... During his detention, he saw other inmates badly beaten and, on one occasion, he saw a military official shoot two men in the head at close range outside the cell, killing them instantly. Upon his release, the national security officials pressured him to work with them and ordered him to check in every day.” **[19c](Arbitrary Arrests, Extrajudicial Executions)**

9.51 The Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005), 20 September 2010 (S/2011/111), published 8 March 2011 explained with regard to violations committed in Darfur:

“The Panel documented a total of 40 cases involving the arbitrary detention of individuals of Darfurian origin. According to most of those interviewed, they were not informed of the charges against them at the time of their arrest or accorded the right to legal counsel. The interviews indicated that some of them were detained by security agents acting on behalf of NISS and some others were detained by members of the SAF Military Intelligence (MI). The Panel also documented cases involving the arbitrary arrest and detention of Dafurians under the State of Emergency Law (1997)” **[18h](para 147)**

9.52 The same source commenting on one specific case involving the continued detention of six Fur tribal leaders highlighted the ongoing practice of arbitrary detention in Darfur:

“One of the cases documented by the Panel involves six leaders of the Fur internally displaced community detained in the NISS facilities at Shalla prison in El Fasher, Northern Darfur, since August 2009. The detainees, including one female, were among 20 individuals initially arrested by the police on 2 August 2009 for allegedly taking part in the killing of a Fur omda and his wife. Two days later, on 4 August, the Prosecutor General of Northern Darfur ordered their release for lack of sufficient evidence. Immediately after their release, they were all rearrested and detained by NISS agents acting upon the orders of the Wali of Northern Darfur, Osman Mohamed Yousef Kibir, who invoked his powers under the State of Emergency Law. Fourteen of the detainees were released between January and February 2010, but the six above-mentioned individuals remain in detention at the time of writing of the present report. In the process of documenting this case, the Panel interacted with, among others, eyewitnesses and relatives of the detainees, human rights defenders, Government officials at both the national and state levels, and international monitors.”

“...The responses of Government officials in El Fasher and Khartoum to inquiries by the Panel [on the above case] were contradictory. First, alleging possible threats against the lives of the six detainees, the Acting Chief of NISS in El Fasher informed the Panel that the six individuals were in custody ‘for their own safety’. However, he later stated that the detainees were to remain in custody indefinitely until a confession had been obtained. According to the NISS interlocutor, only the Wali of Northern Darfur could order their release. When the Panel provided the right of reply to the Panel’s main Government focal point in Khartoum, the latter provided a written answer to the effect that the detainees were not in NISS custody but, rather, in police custody awaiting trial. Evidence and information obtained by the Panel strongly indicate that the six detainees remain in NISS custody indefinitely without having been charged or seen by a

prosecutor, who is required to hold records of all detentions and is legally responsible to inspect all places of detention on a daily basis." **[18h](para 151-152)**

9.53 In conclusion the Panel found:

"... By depriving the six individuals of the right to challenge the legality of their detention, the Wali of Northern Darfur has violated their right not to be subjected to arbitrary arrest and detention and their right to a free trial ... By not allowing the detainees to be seen by a special prosecutor as stipulated in the National Security Act, NISS has violated the right of the detainees to challenge the conditions of their detention ... No compensation was paid to individuals wrongly detained between August 2009 and February 2010." **[18h](para 154)**

Aerial bombardment

9.54 A briefing by Eric Reeves entitled 'They Bombed Everything that Moved', updated 5 June 2012, additionally highlighted the continued use of aerial bombardments by Sudan Armed Forces (SAF). The source reported that "... [r]esearch to date indicates that there have been 1,797 confirmed aerial attacks on civilians and humanitarians by military forces of the current regime." **[36b]** Additionally the briefing observed:

" ... the Sudan Armed Forces have continued their aerial onslaught against civilians in Darfur and various border regions of northern Sudan at the direction of the National Islamic Front/National Congress Party regime in Khartoum. These brutal atrocity crimes have now spread from South Kordofan and Blue Nile to aerial attacks against the independent Republic of South Sudan; there they extend from Upper Nile State in the east to Western Bahr el-Ghazal in the far west." **[36b]**

For further details refer to the report, accessible via the link 'They Bombed Everything that Moved' Aerial military attacks on civilians and humanitarians , Sudan 1999 - 2011'. Additionally see section 1g of the USSD Report 2011 which details documented incidents.

For information on the use of aerial attacks in Darfur, see: Darfur, Security situation for non-combatants – Human rights violations related to SAF aerial bombardments; for information on the use of air attacks in Blue Nile and South Kordofan refer to: Security Situation for non-combatants in South Kordofan and Security Situation for non-combatants in Blue Nile. Finally for information on aerial bombing of South Sudan, see: Update on Sudan's regional regional conflicts, South Sudan's independence and renewed conflict (January 2011 – 1 August 2012)

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Violations perpetrated under state of emergency laws

9.55 The Foreign and Commonwealth publication, Human Rights and Democracy, Sudan quarterly update, dated 30 June 2012 observed:

"... the Government of Sudan announced a state of emergency along its border to include South Kordofan, White Nile and Sennar states, in addition to existing states of emergency in Blue Nile and Darfur. This allows the Government to suspend the constitution and gives the President (and anyone with his mandate) the right to establish 'special courts' to handle criminal and terrorist cases. As a result, local media have

reported that traders have been sentenced to jail terms for smuggling food across the border toSouth Sudan, thus breaking the Government's trade embargo." **[16d]**

9.56 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/18/40), dated 22 August 2011 (UN Independent expert report 2011) explained that: "The state of emergency in Darfur and the application of the NSS Act 2010 and the Emergency and Public Safety Protection Act 1997 continue to curtail fundamental rights and freedoms. Human rights violations, mainly by the NSS and Sudanese Military Intelligence, continued to be committed with impunity." **[1a](para 54)** Similarly a report from the New York Times, entitled 'Sudan Declares State of Emergency as Clashes Continue', dated 29 April 2012, referring to the recently declared state of emergency along Sudan's border with South Sudan remarked that the order gave the "...authorities in the border areas wide powers to make arrests and set up special courts." **[26b]** A briefing from Amnesty International entitled 'Sudan: Human rights situation continues to deteriorate: Amnesty International written statement to the 20th session of the UN Human Rights Council (18 June – 6 July 2012), dated 22 June 2012 further noted: "The state of emergency [powers] provides the President with expanded powers including to suspend the bill of rights and take any measures deemed necessary, which will have the force of law. ... [Consequently] Sudanese authorities have arrested hundreds of perceived or known SPLM-N supporters, many of whom are being held incommunicado, without charge or access to a lawyer or their family." **[8f]**

See also: Special courts and arrest under the Emergency and Public Safety Protection Act (1997)

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IMPUNITY AND AVENUES OF REDRESS

9.57 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 explained that: "Except in rare cases, the government took no steps to prosecute or punish officials in the security services and elsewhere in the government who committed abuses. Security force impunity remained a serious problem." **[2b](Executive Summary)** The same source further observed:

"Security force impunity was a serious problem. The 2010 National Security Act provides NISS officials with legal protection for acts involving their official duties. Abuses by security forces generally were not investigated. Security force corruption was a problem, and security force members often supplemented their incomes by extorting bribes. ... On August 24 [2011], a military court tried three police officers accused of physically assaulting a doctor at the police hospital. The military court convicted both the three police officers and the doctor and sentenced them to one month in prison. ... During the year the government named a special prosecutor from the Ministry of Justice to monitor NISS detentions. Nonetheless, the UN's independent expert remained concerned about weak judicial oversight of NISS arrests and detention and the failure of the security service's rules to take fully into account human rights principles and respect for the rule of law." **[2b](1d. Arbitrary Arrest or Detention)**

9.58 A report from the Strategic Initiative for Women in the Horn of Africa, entitled 'Women in the Horn still bending their heads: Immunity and Institutionalization of Violence Against Women in Sudan, Somalia and Eritrea, circa 2012, observed:

"Immunity and lack of accountability is a pattern in the regulation of Sudan law enforcement. Sudan National Security Forces Act of 1999, the Police Act of 2008 and the Armed Forces Act of 2007 provide immunities for state officials for any criminal acts (including rape and SGBV crimes) committed in the course of official duties. These special immunities shield perpetrating officials from any civil suits or criminal prosecutions unless the Commander of the armed forces approves such criminal prosecution. In this regard, legislation such as the latter has resulted in impunity for serious sexual violence crimes thereby increasing SGBV crimes particularly those committed by law enforcers." **[70a](p.4)**

9.59 A paper from The Project for Criminal Law Reform in Sudan (PCLRS) entitled 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment' dated April 2012, referring to the lack of effective reparations to victims of torture also noted:

"There have been some isolated out of court settlements in torture cases, and the Government of Sudan has agreed to providing some form of reparation in relation to the conflict in Darfur. However, in practice there is an almost complete absence of cases that have resulted in compensation or other forms of reparation being awarded to victims of torture. ... In addition, there are no effective national human rights institutions or administrative mechanisms providing at least some form of reparation for torture survivors." **[44a](para 44)**

9.60 A joint report from the African Centre for Justice and Peace Studies, East and Horn of Africa Human Rights Defenders Project and the Federation Internationale des ligues des droits de l'Homme, dated April 2012 entitled 'Human Rights Violations in the Republic of Sudan: A Shadow Report to Sudan's Fourth and Fifth Periodic Report to the African Commission on Human Rights and People's Rights', referring to the extra-judicial killing of a civilian in Khartoum by Public Order Police in March 2012 stated:

"On 5th March 2012, 39 year old Awdeia Ajabana was shot dead inside her own home in Aldeam Neighbourhood, Al Khartoum city by the public order police. She had been murdered as a result of her questioning the public order police's physical assault upon her brother who had been sat on the steps of their home talking on the phone. Awdeia, originally from the Nuba mountings was a political activist and had been a candidate of the Sudan National Labour Party in the last elections in 2010. She was well known and respected in the Aldeam neighbourhood, both as an activist and as a person. Awdeia's case is still sitting in court where no meaningful progress has taken place and the perpetrator responsible is still free, enjoying the impunity granted by his position as a police officer." **[62a](p.26)**

9.61 The Foreign and Commonwealth publication, Human Rights and Democracy, Sudan quarterly update, dated 31 March 2012 observed: "On 6 March, Public Order Police shot a woman dead in a residential area in Khartoum. The government launched an investigation under the supervision of the Minister of Justice and stated that the officer who committed the crime will stand trial, a potentially significant breakthrough on accountability for security officers." **[16d]**

For further information on how immunities see: Torture and the use of evidence alleged to have been extracted under torture. To consider human rights violation committed by the security forces see: Human rights violations perpetrated by government forces.

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INTERNATIONAL PEACE KEEPING FORCES

UN/African Union Hybrid operation in Darfur (UNAMID)

9.62 The website of UNAMID, undated, (accessed 19 June 2012) stated:

"In 2006, the African Union deployed a peacekeeping mission to Sudan, which was replaced in 2008 by the unprecedented joint African Union/United Nations Hybrid operation in Darfur(UNAMID), currently the largest peacekeeping mission in the world ... UNAMID's mandate has been extended since then on several occasions. ... UNAMID has the protection of civilians as its core mandate, but is also tasked with contributing to security for humanitarian assistance, monitoring and verifying implementation of agreements, assisting an inclusive political process, contributing to the promotion of human rights and the rule of law, and monitoring and reporting on the situation along the borders with Chad and the Central African Republic. ... The Mission's headquarters is in El Fasher, the capital of North Darfur, with further deployment locations throughout the three Darfur states. The Mission conducts an average of more than 200 patrols a day, attempting to increase its robustness, often in the face of bureaucratic or armed obstruction. The aim is to do everything in its power to protect civilians in Darfur, facilitate the humanitarian aid operation to all areas, regardless of who controls them, and to help provide an environment in which peace can take root." **[37a]**

9.63 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2012/548) dated 16 July 2012 covering events since 17 April 2012, reporting on the operational strength of UNAMID noted:

"As at 30 June, the strength of UNAMID civilian personnel stood at 86 per cent of the approved strength of 5,285 (1,107 international staff, 2,962 national staff and 472 United Nations Volunteers). The mission continued to mitigate security risks and enhance living conditions to improve the recruitment and retention of staff. ... The strength of UNAMID military personnel stood at 17,137, representing 87.6 per cent of the authorized strength of 19,555, including 16,562 troops, 294 staff officers, 209 military observers and 72 liaison officers. ... The personnel strength of UNAMID police stood at 3,188, comprising 81 per cent men and 19 per cent women and representing 84.5 per cent of the authorized strength of 3,772. A total of 16 of the authorized 19 formed police units have been deployed (2,171 personnel, or 81.6 per cent of the authorized strength of 2,660). A seventeenth unit has been pledged. ... During the reporting period, UNAMID conducted 12,783 patrols, including 5,727 routine patrols, 2,801 logistics and administrative patrols, 1,788 night patrols, 1,089 short-range patrols, 914 humanitarian escorts and 464 long-range patrols. UNAMID police conducted a total of 12,507 patrols, including 7,180 inside camps for internally displaced persons, 3,021 in towns and villages, 1,807 medium-range patrols, 277 humanitarian patrols and 222 long-range patrols.." **[18](para 53-56)**

9.64 UN Security resolution 2063 (2012) adopted by the Security Council on 31 July 2012 decided to "... extend the mandate UNAMID [the African Union-United Nations Hybrid

Operation in Darfur] as set out in resolution 1769 (2007) for a further 12 months to 31 July 2013." **[18y](para 1)** According to paragraph 2 of the same resolution the UN Security Council: "... decides that over a period of 12 to 18 months, UNAMID's uniformed personnel will be reconfigured so that UNAMID shall consist of up to 16,200 military personnel, 2,310 police personnel and 17 formed police units of up to 140 personnel each ..." **[18y](para 2)**

See also: Human rights monitoring in regional conflict areas, Darfur. For historical background information on the Darfur conflict see: History of Sudan's regional conflicts; Darfur (2003 – present).

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UN Interim Security Force for Abyei (UNISFA)

9.65 The website of UNISFA, undated, (accessed 18 June 2012) explained:

"On 27 June 2011, the Security Council authorized the deployment of a peacekeeping force to the disputed Abyei Area, which straddles northern and southern Sudan and has been claimed by both sides. The Council's action came in response to the renewed violence, escalating tensions and population displacement in the Abyei region as Southern Sudan was preparing to formally declare its independence from the Sudan on 9 July 2011 — the culmination of a comprehensive 2005 peace agreement. Resource rich Abyei had in the weeks prior to the Security Council decision been the scene of deadly clashes that drove more than 100,000 people from their homes. ... With the unanimous adoption of resolution 1990 (2011), the Council formally established, for six months, the United Nations Interim Security Force for Abyei (UNISFA), which would comprise a maximum of 4,200 military personnel, 50 police personnel and appropriate civilian support. Authorizing the use of force to protect civilians and humanitarian workers in Abyei, the Council underscored the need for UNISFA's quick deployment and urged Secretary-General Ban Ki-moon 'to take necessary steps to ensure rapid and effective implementation' of the resolution. ... The new operation answered the call for speedy Council action in the wake of the agreement reached on 20 June between the Sudanese Government and the Sudan People's Liberation Movement (SPLM) to withdraw their respective forces and allow Ethiopian peacekeepers in Abyei (the so-called 'Temporary Arrangements for the Administration and Security of the Abyei Area'). Under that deal, brokered by former South African President Thabo Mbeki, the two sides agreed on the need for a third party to monitor the flashpoint border between north and south." **[38a]**

9.66 Report of the Secretary-General on the situation in Abyei (S/2012/583), dated 25 July 2012, noted:

"As at 9 July, the military component of UNISFA comprised 3,952 of its authorized troop-strength of 4,200 (see annexes I and II to the present report). The remaining 248 elements are earmarked for deployment within the UNISFA air aviation unit, as staff officers and military observers and for the Joint Border Verification and Monitoring Mechanism. ... The UNISFA military component continued to be deployed in three sectors. In Sector North, the second battalion was deployed at company strength in Diffra, Farouk, Todach and Goli and at platoon strength in Tajalei. In Sector Centre, the first battalion was deployed at company strength in UNISFA headquarters, Abyei town and Abyei highway, and at platoon strength in Noong. A reserve quick reaction force was maintained in this Sector in Dokura. In Sector South, the third battalion was

deployed at company strength in Agok, Banton and Manyang, and at platoon strength in the Banton area. In addition, Sectors North and Centre were allotted one tank company and artillery battery each and deployed, respectively, in Todach and Abyei ..." **[18z](para 29-30)**

9.67 However the same source cautioned:

"Owing to disagreements over its concept of operations, the parties have been unable to establish the Abyei Police Service. In the meantime, UNISFA has continued with preparations for the deployment of the Senior Police Adviser and 11 Police Advisers. In accordance with the mandate of UNISFA to support the Abyei Police Service once it is established, the Police Advisers will be engaged in assessing the current law and order situation, liaising with relevant actors on the ground, advising the UNISFA Head of Mission on law and order concerns, and planning for the establishment of a specialized unit to deal with cattle raiding.." **[18z](para 33)**

9.68 The UN resolution 2047 (2012) passed on 17 May 2012 by the UN Security Council extended "… for a period of 6 months, the mandate of the United Nations Interim Security Force for Abyei (UNISFA) …" **[18x](p.3)**

For historical background information see History of Sudan's regional conflicts; South Sudan (1956 – 2005) and the disputed status of Abyei; for information on recent developments in Abyei since January 2011 see: Update on Sudan's regional conflicts, Abyei. For information on the current security situation in Abyei see: Security situation, Abyei.

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SECURITY FORCES MANDATED UNDER THE COMPREHENSIVE PEACE AGREEMENT

9.69 Following the independence of South Sudan, several security forces established pursuant to the Comprehensive Peace Agreement (CPA) 2005 were officially decommissioned. The UN Mission in Sudan (UNMIS) website explained that UNMIS:

"...wound up its operations on 9 July 2011 with the completion of the interim period agreed on by the Government of Sudan and Sudan People's Liberation Movement in the Comprehensive Peace Agreement (CPA), signed on 9 January 2005. ... The mission ended its six years of mandated operations the same day South Sudan declared independence, following a CPA-provided referendum on 9 January 2011 that voted overwhelmingly in favour of secession. ... In support of the new nation, the Security Council established a successor mission to UNMIS – the UN Mission in South Sudan (UNMISS) – on 9 July for an initial period of one year, with the intention to renew for further periods as required." **[39a]**

9.70 Joint Integrated Units (JIU), also mandated under the CPA were additionally wound down following the independence of South Sudan, with South Sudanese personnel released from the army of Sudan. (US State Department, Background Note: Sudan, last updated 10 January 2012) **[2a](Defense)** A paper from the Small Arms Survey, entitled 'Sudan Issue Brief No 10: Neither 'joint' nor 'integrated', the Joint Integrated Units and the future of the CPA', dated March 2008, explained the background to JIU's as follows:

"The JIUs are designed to meet a number of purposes. Functionally, they are to provide an interim unified military capability for the defence of both the state's sovereignty from external threats and its internal needs for security provision. ... As the CPA stipulated the withdrawal of the SAF from the South and the SPLA from the North, the JIUs provide a de facto national army for both regions during the interim period. ... Symbolically, the purpose of the JIUs is to provide a 'symbol of national unity during the interim period'. ... The strategic significance of the JIUs for the NCP is that they also allow it to maintain a SAF presence in the South for the duration of the interim period. For the SPLA, the JIUs provide an opportunity to keep forces in the disputed areas of South Kordofan (including the region of Abyei) and Blue Nile States. ..." **[23j](p.2-3)**

For historical background information see: History of Sudan's regional conflicts and South Sudan (1956 – 2005); additionally for information on Sudan's recent conflict in Blue Nile and South Kordofan see: Update on Sudan's regional conflicts, Blue Nile and South Kordofan (Nuba Mountains). Additionally see: Citizenship and Nationality

10. MILITARY SERVICE

10.01 Jane's Sentinel Country Risk Assessments, Sudan, Army, updated 23 April 2012 explained: "Sudan has compulsory military service and conscripts receive basic training in local army barracks in each state." **[31c](Training)**

10.02 The 2007 Armed Forces Act stated that the minimum age for military service is 18 years old. **[39a](Article 14(1d))** Sources vary on the upper age of military service and whether it was mandatory before entering employment. Europa World Online, Sudan, undated, accessed on 19 June 2012, observed that, "... Military service is compulsory for males aged 18–30 years and lasts for two years." **[7c](Defense)** However, the CIA World Factbook, Sudan, updated 8 June 2012 noted, "18-33 years of age for male and female compulsory and voluntary military service; 1-2 year service obligation; a requirement that completion of national service was mandatory before entering public or private sector employment has been cancelled (2009)" **[6a](Military)** An article from the Sudan Tribune, dated 25 May 2012, reported: "The national service administration in Sudan requires male students who sat for secondary schools exams to undergo arduous military training at camps in order to be able to join universities and qualify for future employment opportunities. Secondary school students are also required to wear military uniform during three years of study." **[12b]**

10.03 A dated report from the Coalition to Stop the Use of Child Soldiers, 'Child Soldiers Global Report 2008', covering the period 2004 to October 2007 observed:

"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." **[40a]**

10.04 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 stated: "The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators. However, eyewitness reports indicated

child soldiers remained with most of the armed groups, including the SAF and Public Defense Forces, engaged in conflict; the problem was especially serious in Darfur and Southern Kordofan." **[2b] (1g. Child soldiers)**

See Children, Child soldiers

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11. NON-GOVERNMENT ARMED FORCES

11.01 A paper from the Sudan Human Security Baseline Assessment (HSBA), 'Sudan Issue Brief No.15: Supply and demand', dated December 2009 noted that "[non-state groups proliferate in Sudan including anti-government forces, armed tribal groups, and paramilitaries—as well as a range of specialized security forces and private armies with unknown mandates and chains of command." **[23e](p.4)** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 additionally noted that "government-aligned militias, rebels, and inter-ethnic fighting killed civilians in connection with the conflicts in Darfur and the Three Areas [i.e. Abyei, Blue Nile and South Kordofan]" **[2b](Section 1a)**

AVAILABILITY OF ARMS

11.02 A seminar presentation by Eric Berman of Small Arms Survey entitled 'Small Arms Proliferation in Sudan: The challenges of an independent South Sudan' for the Swiss Network for International Studies (SNIS) Roundtable on Sudan, presented at the University of St Gallen, Switzerland, on 10 March 2011, identified arms proliferation in Sudan to have both planned and unplanned causes. The planned causes were listed as local production; state-to-state transfers; state-to-non state transfers ('proxy wars'); disarmament/arms recovery initiatives and 'Ant trade' Unplanned causes of arms proliferation were listed as corruption; seizure (state security forces, pastoralist and armed groups, peacekeeping forces) and disarmament/arms recovery initiatives. **[116a](p.11)**

11.03 The Small Arms Survey 2001 Yearbook, Chapter 5: Crime, Conflict, Corruption: Global Illicit Arms Transfers explained:

"... the 'ant trade' —that is, cross-border transfers from one state with lax gun purchasing requirements to another with stricter gun laws. Guns purchased legally in one country are then smuggled, unregistered and illegally, across the border. Though minimal in terms of the scale of individual incidents—only one or two guns per person making the border crossing—when such practices become endemic, they add up. Such small-scale, cumulative trafficking can eventually push the numbers of weapons into the thousands—hence, the descriptive term, 'ant trade'." **[116b](p.168)**

11.04 The Sudan Human Security Baseline Assessment, in an undated (circa 2009) briefing paper on 'Arms Holdings' (accessed 18 June 2012) further explained:

"The proliferation of arms throughout Sudanese society is a primary legacy of almost four decades of civil war as part of which all sides received arms from outside parties and redistribution to allied forces and civilians was a widely used tactic. The capture and recapture of arms through theft and military engagements has fed the diffusion of weapons, as has the small-scale private 'ant trade' across Sudan's largely unmonitored

borders. In many parts of Sudan, small arms and light weapons are ubiquitous at the community and civilian levels.

"Small Arms Survey research has suggested that, despite the great diversity of sources of arms to opposition and other non-state forces, the Sudan government has been the primary source of weapons to armed groups and militias, whether through deliberate supply or negligence, or via armed engagement. This suggests that reducing state-to-state transfers to the government could have an important corollary effect on arms diffusion to these groups in the future." **[23k]**

11.05 The same source provided the following table on 'Estimated firearms inventories in Sudan', sourced from data available in 2009 (Berman). Refer to the section on Armed Groups.

11.06 A blog entry from Alex de Waal on the website 'African Arguments', dated 17 December 2009, commenting on Small Arms Survey publication 'Supply and Demand: Arms flows and holdings in Sudan', further observed:

"... [T]he majority of small arms are not in the possession of the regular forces. There are serious command and control questions in both north and south. As well as the Sudan Armed Forces, there are also the Popular Defence Forces, National Security, Central Reserve Police, Border Intelligence, and other paramilitaries, along with militia organized along tribal lines. One of the basic principles of effective deterrence is credible centralized control of the means of war on each side. It is not clear if such credible centralized control exists." **[117a]**

For further information on the availability of arms in Darfur see: Drivers of violence; see also Security forces.

For further information on the availability of arms in South Kordofan refer to the HSBA paper 'Further weapons seized from SAF in South Kordofan', 12 July 2012. Additionally refer to the HSBA map 'Common weapons holdings among armed actors in Sudan and South Sudan', dated 19 April 2012 which shows SAF deployment in South Kordofan, Blue Nile and South Darfur.

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DARFUR'S NON-GOVERNMENT ARMED GROUPS

The following information should be read in conjunction with Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias and together with information on the armed opposition groups involved in Darfur's regional armed conflict found in: Annex D: Armed Opposition groups. Additionally readers are recommended to refer to background information on Darfur's ethnic groups, notably: Darfurian Arabs; Non-Arab groups and identities (including Darfurians and Nuba) and the subsection entitled African v Arab dichotomys. See also: Security Forces, Popular Defence Forces

For historical background on the Darfur conflict see: History of Sudan's regional conflicts, Darfur (2003 – present); for information on the current security situation see: Security situation: Darfur

Opposition rebel groups and coalitions

11.07 The Small Arms Survey paper, 'Divided they Fall: The Fragmentation of Darfur's Rebel Groups', by Victor Tanner and Jerome Tubiana, dated July 2007 observed:

"In early 2003, after several years of simmering violence, rebel groups in Darfur launched a full-scale rebellion against Sudanese government targets. Two groups emerged. The Sudan Liberation Army (SLA) enjoyed early successes, capturing el-Fasher airport, but then nearly succumbed to Khartoum's brutal counter-offensive. It was further weakened by internal tensions between its two leaders, Abdel-Wahid Mohammad Nur (a Fur) and Minni Arku Minawi (a Zaghawa). The Justice and Equality Movement (JEM) was more developed politically than the SLA but less significant militarily. The JEM's narrow Zaghawa Kobe ethnic base further undermined it, as did the Islamist past of many of its leaders, particularly the chairman, Dr Khalil Ibrahim. Only one faction of the divided SLA (SLA-Minni) signed the Darfur Peace Agreement in Abuja, Nigeria in May 2006. In the 12 months since, SLA-Minni has all but withered, while the non-signatory groups, especially the Group of 19, beat back a Sudanese army offensive under the banner of a new, united group, the National Redemption Front. The rebels' new-found unity was undermined by a lack of political cooperation, however, and collective military resilience was not enough to keep them together. By late 2006, the non-signatory rebels had splintered into a variety of groups. Any political solution in Darfur will first require that the rebels unite, and this is increasingly difficult with the rapid proliferation of groups." **[116d](p.11)**

11.08 A briefing from the Sudan Human Security baseline asssessment, on 'Darfur armed opposition groups and coalitions', dated February 2012 however updated:

"At the military level in the field, all the Darfur rebel factions are cooperating, exhibiting a pragmatic survival instinct that is rallying the disparate militias against their common enemies. The Sudanese government has stepped up hostilities since early 2011, focusing on the Sudan Liberation Army-Abdul Wahid (SLA-AW) stronghold of Jebel Marra and the Zaghawa-held areas of North and South Darfur such as Shangal Tobaiya, where SLA-Minni Minawi (SLA-MM) draws strength. ... Minawi's about-face and rejection of the Abuja Agreement in December 2010 [the Darfur Peace Agreement] pushed him back into rebellion, triggering a new cycle of violence as the government pursued his forces and their affiliated ethnic populations.

"SLA-AW has settled in Kampala, Uganda, after being all but expelled from its longtime base in Paris. Ugandan officials say publicly that support for SLA-AW is motivated by ideology (Abdul Wahid Mohamed al Nur was formerly a Sudan Communist Party adherent), but confidentially they admit that it is a tit-for-tat response to the GoS's [Government of Sudan's] perceived support for the Ugandan rebel Lord's Resistance Army (LRA). GoS sources firmly deny government support for the LRA and argue that Uganda's real goal in aiding SLA-AW is a dominant relationship with the new Republic of South Sudan. Ugandan assistance to SLA-AW is, in any case, extremely limited, mainly confined to hosting the rebel group in Kampala. ... The Sudan Liberation Army (SLA) has announced a form of rapprochement, if not unity, that brings its former secretary-general (Minni Minawi) and its chairman (Abdul Wahid) closer than they have been since the [group's] split.

"On 13 November, SLA-MM, SLA-AW, JEM [Justice and Equality Movement], and the Sudan People's Liberation Movement-North (SPLM-N) formed a coalition named the Sudan Revolutionary Front (SRF). While aspiring to be a unified political structure, the

SRF is, at this stage, more a coalition of military forces with broad agreement on a political vision. Whether it becomes more than just a loose political and military affiliation remains to be seen. Its main platform is the need for a geographically comprehensive peace process and the further unification of all Sudanese opposition forces. ... The Darfurian components of the SRF have pledged not to enter into armed hostilities with the LJM, a signatory of the Doha Document for Peace in Darfur, allaying fears of a repeat of the intra-Darfurian fighting that characterized the period following the partial signing of the Darfur Peace Agreement in 2006. ... The SRF alliance survived the killing of JEM Chairman Khalil Ibrahim on 25 December 2011.

"... Some forecast that JEM will draw closer to other SRF members and also adopt a more flexible position on negotiations with the GoS in the wake of Khalil Ibrahim's passing. This analysis derives from JEM being weaker now, and also because Khalil Ibrahim was a controversial figure for South Sudanese members of the SRF due to his Islamist past. Khalil Ibrahim also regularly took strong positions against negotiating with the GoS, and his attitude was not shared by the whole of JEM. One JEM faction, known to be more Darfur-centric, saw the Doha negotiations as a missed opportunity for the movement. This view may become more ascendant within JEM now." **[23a]**

11.09 A report from Small Arms Survey, entitled 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012, further explainedthat: "... the political and ethnic basis of the Darfur conflict ha[d] ... evolved [since late 2010]." **[23n](p.9)**, the source continued: "... [a] 'new' war in eastern Darfur, which erupted in late 2010 and early 2011, has pitted non-Arab groups against other non-Arabs; specifically, government-backed militias drawn from small, previously marginalized non-Arab groups—including the Bergid, Berti, and Tunjur—deployed against Zaghawa rebel groups and communities." **[23n](p.9)**

11.10 Additionally the source noted:

"This evolution of Darfur's ethnic tensions has run parallel to the constant reconfigurations of Darfuri armed opposition. The armed opposition began in 2003 as a relatively unified rebellion involving just two movements [the Sudan Liberation Army and Justice and Equality Movement] with different ideological postures. Since 2006 the rebel groups have spectacularly fragmented, particularly along ethnic lines ... By 2011, in order to survive, the weakened and fractured rebellion had no choice but to restart coordination among the different movements and factions, albeit against a background of ongoing political fragmentation." **[23n](p.14)**

See also: Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias

Arab armed groups

11.11 The Sudan Human Security Baseline Assessment, in a briefing on 'Darfur's Arab Armed Groups', dated November 2010 explained:

"Even though they themselves have suffered chronic neglect by the Sudanese state, Darfur's Arabs were not consulted by the insurgents who declared themselves in rebellion against the Sudanese Government in 2003. Excluded by the insurgents, and influenced by a strain of Arab supremacism imported from Libya, some answered a government call to fight the "rebels" alongside the regular army. In exchange for their loyalty, they expected the government to improve their conditions of life, including with

development along the marahil (stock routes) of the camel-herding Abbala, the core of the 'janjaweed' militias. ... The Darfur Peace Agreement (DPA) of May 2006 was perceived as a betrayal of Arab concerns. A [non-Arab] rebel leader, Minni Minawi [of a branch of the Sudan Liberation Movement/Army], became senior assistant to President Omar al Bashir. Thousands of his men were incorporated into the Sudan Armed Forces, and his nominee was given authority over the reform and downsizing of all Arab militias. On the question of land ownership, which lies at the heart of the Darfur conflict, the DPA also alienated Arabs. It recognized the traditional system of tribal land domains (hawakir), which the landless Abbala have the greatest interest in reforming.

"...In the year following the signing of the DPA, rumblings of discontent grew into a storm. The first Arab armed opposition group was formed in December 2006. In October 2007 the strongest paramilitary leader of South Darfur, Mohamed Hamdan Dogolo, nicknamed 'Hemeti', defected from the government camp, along with thousands of heavily armed paramilitaries. Khartoum first attempted to crush the rebellion militarily, including with air power. When that failed, it ceded to most of Hemeti's demands, including for promotion and development. Smaller protests were snuffed out with sticks and carrots. Arabs who remained in armed opposition were unable to coalesce around a single programme, however. ... Heavy inter-Arab fighting in 2010 between Abbala and cattle-herding Baggara led to a second surge of rebellion. Abbala and Baggara both accused the government of letting the fighting continue in order to weaken Arabs as it prepared to sign a second peace agreement, modelled on the DPA." **[23v]**

11.12 A report from Small Arms Survey, entitled 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012, observed that more recently: "... the Government of Sudan has partly shifted away from using Arab proxy militias only to rely on newly formed (and newly armed) non-Arab proxies." **[23n](p.7)** The source continued:

"...[a]fter the signing of the DPA [Darfur Peace Agreement] in2006, Arab groups turned increasingly against the government, and even more so against each other. Between 2008 and 2010, most of Darfur's violence appears to have been generated by fighting between Arab tribes, notably between abbala and baggara (cattle herders) of South Darfur, but also between large tribes sometimes straddling those livelihood categories (such as the Rizeigat and the Missiriya) ... [Following which a] ... third phase [of violence] has emerged as Arabs groups have become more reluctant to fight on behalf of the government, notably due to the violence they themselves suffered in 2008–10. As a result, the government has shifted to forming and backing non-Arab militias for its counter-insurgency strategy. This approach, which exploits the existing grievances of eastern Darfur's non-Arab tribes (such as the Bergid, Berti, Mima, and Tunjur) against the Zaghawa—who are systematically labelled 'rebels' by local and national authorities—created unsustainable tensions and finally ignited an extended cycle of violence that began in late 2010." **[23n](p.13)**

See also: See also: Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias. Additionally refer to the publications 'The Other War: Inter-Arab Conflict in Darfur', written by Julie Flint, dated October 2010 and 'Beyond 'Janjaweed': Understanding the Militias of Darfur', also by Julie Flint, published June 2009.

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ABUSES BY NON-GOVERNMENT ARMED FORCES

11.13 For information on the recruitment of Child Soldiers by non-government armed groups see Children, Child soldiers. For information specifically on Darfur refer to Security situation subsection Human rights violations perpetrated by pro-government militia groups. For information on other regional conflict areas, refer to the appropriate sections outlined in the Security situation. For abuses committed in South Kordofan see: Human rights violations perpetrated by government (ground) forces and pro-government miltia groups; for violations perpetrated in Blue Nile see: Security situation for non-combatants in Blue Nile and for abuses in Abyei see: Human rights violations committed against non-combatants. Additionally for a more general overview on the collaboration between government and non-government aligned milita groups see: Security forces.

For historical background to any of the above referenced conflicts see: History of Sudan's regional conflicts and for more recent developments between January 2011 and August 2012 see Recent developments (January 2011 – 1 August 2012), Update on Sudan's regional armed conflicts

For information on conflict between ethnic groups in Sudan see: Treatment of ethnic groups, intercommunal violence

For information on specific armed groups refer to Annex D: Armed Opposition groups.

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12. JUDICIARY

ORGANISATION

12.01 Jane's Sentinel Country Risk Assessment, Sudan, Internal Affairs, dated 18 July 2011 noted:

"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." **[31f](Judiciary)**

12.02 A paper from the African Centre for Justice and Peace Studies, 'The Judiciary in Sudan: Its Role in the Protection of Human Rights During the Comprehensive Peace Agreement Interim Period (2005-2011)', dated 11 April 2012, further noted:

"The judiciary is composed of separate hierarchies for civil matters, criminal matters and personal laws governed by Sharia. Various courts exercise criminal jurisdiction in Sudan including the regular courts, special mixed security courts, military courts and customary courts. At the apex of this system sits the Supreme Court, which serves as the final court of appeal. There is a hierarchy of criminal courts within each state. The Chief Justice has the power to create special courts, and confer on them particular thematic jurisdiction. Article 127 of the INC [Interim National Constitution] also allows for legislation to establish further national courts as may be required. For the administration of criminal justice, considerable powers are conferred on the Chief Justice, who can issue circulars or guidance to judges on criminal justice matters." **[27f](p.5)**

For further details on the organisation of Sudanese courts see Republic of Sudan, The Judiciary website. See also: Political system

INDEPENDENCE

12.03 The National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council Resolution 5/1, Sudan (A/HRC/WG.6/11/SDN/1), dated 11 March 2011, provided by the Government of Sudan, explained that the organs of the national judiciary "...enjoy full independence from the legislature and the executive and have financial and administrative autonomy. Concerning the independence of judges, the Constitution provides that judges are independent in the performance of their duties, have full judicial competence with respect to their functions and may not be influenced in their judgements." **[1d](para 19)**

12.04 However, the Freedom House report, Freedom in the World 2012, Sudan country report, undated, April 2012, (Freedom House Sudan report 2012), whilst recognising that lower courts provided some due process safeguards, noted that the judiciary was not independent; that higher courts were subject to political control and that special security and military courts did not accept legal standards. **[20a](Political Rights and Civil Liberties)** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, similarly noted:

"Although the interim national constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president and the security forces, particularly in cases of alleged crimes against the state. On occasion courts displayed a degree of independence; however, political interference with the courts was commonplace, and some high-ranking members of the judiciary held positions in the Ministry of Interior or other ministries in the executive branch. ... The judiciary was inefficient and subject to corruption. In Darfur judges were often absent from their posts, delaying trials. Access to functioning courts was also a problem for residents in other remote areas." **[2b](1e. Denial of Fair Public Trial)**

12.05 The position paper 'Criminal Justice and Human Rights: An agenda for effective human rights protection in Sudan's new constitution', written by Dr. Mohamed Abdelsalam Babiker, Assistant Professor, University of Khartoum Faculty of Law, in his personal capacity, published as part of the Project for Criminal Law Reform in Sudan, dated March 2012 (Criminal Justice and Human Rights Report 2012) explained:

"Sudan's constitutional court has not effectively exercised its function of protecting constitutional rights. Other courts have also been reluctant to challenge the executive branches of government and adopt purposive interpretations to give effect to

constitutional rights. Judicial decisions rarely consider the application of international human rights law despite the fact that courts have an obligation under article 27 (3) of the INC [Interim National Constitution] to apply international human rights law. This judicial practice is not confined to the CPA [Comprehensive Peace Agreement] era. Historically, courts only rarely issued decisions when interpreting the law to ensure that the human rights of the accused are respected in the criminal justice domain. The current practice since the signing of the CPA and the adoption of the Bill of Rights shows that courts, in particular the Constitutional Court, have failed to protect the constitutional rights of accused persons. Examples abound. Courts not only failed to address core human rights related to the administration of justice and freedom of expression but judges apparently lack the expertise, training and essential knowledge when handling sensitive human rights cases." **[44b](p.15-16)**

For relevant historical background information on Sudan's judiciary under the Bashir Bashir regime refer to: Repression and the extension of political Islam (1989 – 1999) and subsequent subsections.

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FAIR TRIAL

12.06 The National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council Resolution 5/1, Sudan (A/HRC/WG.6/11/SDN/1), dated 11 March 2011, provided by the Government of Sudan explained that the: "... [T]he National Supreme Court, national courts of appeal and all other national courts, ... together represent the main national mechanism for the protection of human rights." **[1d](para 19)** Specifically on the matter of right to a fair trial the source explained:

"The Constitution guarantees to all persons the right to litigation, providing as it does that: 'The right to litigation shall be guaranteed to all and no one shall be denied the right to justice.' The Criminal Code of 1991 also provides that no one may be charged with or punished for a crime other than in accordance with prior law. The Sudanese Constitution adopts the principle whereby a person is presumed innocent until proven guilty, and every person has the right to a fair and full trial. Under the Sudanese legal system, judgements in civil and criminal cases are delivered in public, except where the nature of the proceedings demands otherwise. The Constitution guarantees to every accused person the right to defend himself or be defended by counsel of his choice. In cases of serious crimes where he is unable to appoint a defence counsel, the State provides free legal aid for his defence. Pursuant to the Ministry of Justice Act of 1983, the functions of the Ministry of Justice include efforts to spread the rule of law and provide full justice, as well as legal advice services and litigation assistance for the public. In accordance with the same Act, a legal aid department at the Ministry of Justice provides legal aid free of charge in civil and criminal proceedings and personal status (family) cases." **[1d](para 37)**

12.07 The Criminal Justice and Human Rights Report 2012 noted:

"Sudan's Bill of Rights guarantees the right to a fair trial under article 34 of the INC [Interim National Constitution] which states that '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'. Article 34 also

guarantees detainees' right to be immediately informed of the reasons of their arrest and of having charges promptly brought against them; the right of accused persons to be tried in their presence on any criminal charges without delay, as well as their right to defend themselves through a lawyer of their choice. Fair trial guarantees are all enshrined in international human rights norms and instruments to which Sudan is a party such as the ICCPR [International Covenant on Civil and Political Rights] and the African Charter on Human and Peoples' Rights." **[44b](p.9)**

12.08 A report from The Project for Criminal Law Reform in Sudan, 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: The need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter', dated April 2012 additionally commented that Article 83 of the Criminal Procedure Act, 1991, provided several custodial safeguards concerning treatment of detainees, including access to a lawyer, right to inform a family member and provision of medical care. **[44c](p.8)**

12.09 However the US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, observed:

"The interim national constitution and law provide for fair and prompt trials as well as a presumption of innocence; however, this often was not respected. Trials are open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials are usually closed. Juries are not used. The law stipulates the government is obligated to provide a lawyer for cases in which indigents are accused and for which the punishment might exceed 10 years' imprisonment or possibly execution. The accused can also request assistance through the legal aid department at the Ministry of Justice or the Sudanese Bar Association. Defendants and their attorneys generally have the right to present evidence and witnesses, be present in court, confront accusers, and have access to government-held evidence relevant to their cases. However, some defendants reportedly did not receive legal counsel, and counsel in some cases could only advise the defendant and not address the court. Persons in remote areas and in areas of conflict generally did not have access to legal counsel. There were reports the government sometimes did not allow defense witnesses to testify. Defendants have a right to appeal, except in military trials, where there is no appeal.

"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 to be political opponents. ... Military trials, which sometimes were secret and brief, did not provide procedural safeguards. For example, a defendant's attorney could advise the defendant but could not address the court. ... 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, including drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Defendants in these courts had limited opportunities to meet with counsel and were not always allowed to present witnesses during trial." **[2b] (Trial procedures**)

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Procedural limitations

12.10 The Criminal Justice and Human Rights Report 2012 explained:

> "... [O]ne of the structural limitations of the Bill of Rights is that articles 29 (personal liberty and security of person) and 34 (fair trial) were confused in terms of their logical relationship or sequence. The rights of the accused persons in both articles were not carefully drafted and do not take into consideration that criminal proceedings pass through various stages from arrest to post trial For example, article 34 (2) (which focuses on fair trial) provides that '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'. The requirement of prompt information, however, only applies once the individual has been formally charged with a criminal offence ... It does not apply to those remanded in custody pending the result of police investigations ... The language of article 34 therefore systematically belongs to article 29 (right to liberty and security). The use of the words 'arrest', 'the time of arrest' indicates clearly the degree of confusion between articles 29 and 34 of the Bill of Rights; both articles guarantee human rights of the accused but these guarantees operate at different stages of criminal proceedings." **[44b](p.9-10)**

See also: Arrest and Detention – legal rights

12.11 Similarly the paper 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: The need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter', dated April 2012, explained that Article 83 of the Criminal Procedure Act, 1991, whilst providing the right for an arrested person 'to contact his [her] lawyer', did not "... specify modalities, particularly the right to do so from the earliest stages of proceedings." **[44c](p.8)** The same source also explained:

> "The right to inform a family member is subject to the approval of the Prosecution Attorney, or the court, which can result in delays and introduces a discretionary element for what should be a clearly defined right. The provision of medical care is not formulated as a right and lacks details as to how such care is to be provided, i.e. upon entering and leaving detention and throughout where necessary in line with internationally recognised standards." **[44c](p.8)**

Pre-trial detention

12.12 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed: "Lengthy pretrial detention was common. The large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court, resulted in trial delays. For example, the individuals arrested for their association with Radio Dabanga were held in pretrial detention from October 2010 until their trial began on June 16. They were cleared of all charges in December." **[2b](1d. Arrest and Detention)**

12.13 A report from the African Centre for Justice and Peace Studies, entitled 'Report on Pre-trial Justice on Sudan', dated January 2012, noted that:

> "Police investigators ... often refuse to carry out any investigation unless they are bribed. The bribe guarantees a speedy investigation. ... The police investigator can, and

at times does, deliberately delay the investigation procedure for 24 hours as provided for in the 1991 Criminal Procedures Act in order to ensure that he receives a bribe. He also is legally allowed to recommend a custody extension for a further three days, and investigators often use this tactic if they have not been paid a bribe." **[27b](p.13)**

12.14 The same source further explained that attorneys (responsible for overseeing the investigation procedures performed by the police **[27b](p.9)**): "... often find it difficult to make investigators expedite investigations as investigators can justify delays as the result of their huge backlog of cases." **[27b](p.13)**

See also See also: Arrest and Detention – legal rights

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Torture and the use of evidence alleged to have been extracted under torture

The following information should be considered together with information under Arrest and Detention – legal rights and Security forces, immunities and avenues of redress. Officials should note that the use of confession-based evidence in legal proceedings may perpetuate the use of torture, undermining access to a fair trial, and reinforces the lack of avenues of redress for victims.

12.15 A paper from The Project for Criminal Law Reform in Sudan (PCLRS) entitled 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment' dated April 2012, (Comments to Sudan's Periodic Report 2012)

"Over the last decade, national, regional and international actors have identified a series of problems in the Sudanese legislative and institutional framework and practice in relation to the prohibition of torture. However, there is very limited evidence that the Government of Sudan has taken measures to effectively combat torture. There is no discernable anti-torture policy or coordinated efforts to tackle the causes of torture through legislative and institutional reforms or adequate responses (accountability and reparation) in individual cases. ... Sudanese criminal law does not contain a criminal offence of torture in line with article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Provisions governing rape and sexual violence, including the absence of a criminal offence of female genital mutilation, are inadequate and fail to effectively repress gender-based violence against women." **[44a](pa36-37)**

12.16 The same source also noted:

"There have been a number of recent cases, including death penalty cases, where the Constitutional Court effectively dismissed allegations raised by defendants that confessions had been extracted under torture. This jurisprudence, which concerned cases where defendants had been held in prolonged incommunicado detention during which the risk of torture and ill-treatment is particularly evident, fails to act as disincentive so that investigating authorities refrain from using torture to extract confessions or obtain evidence.

"... The granting of immunity is the most visible means of shielding alleged perpetrators from accountability. It reflects a system dominated by the executive at the expense of effective oversight, be it judicial or otherwise. This institutionalised lack of accountability is deeply engrained. Immunities were maintained in the Armed Forces Act of 2007, the Police Act of 2008, and the National Security Act of 2010, notwithstanding repeated calls to abolish immunity laws by the UNHRC, the African Commission, various UN bodies, the AU High-Level Panel on Darfur and others. Immunities continue to act as reassurance that officials are above the law, also because the judiciary, including the Sudanese Constitutional Court, have upheld immunities in practice. This situation has frequently led to impunity, including for serious human rights violations, as legal remedies are neither clear nor effective. By maintaining the current system, the state party fails in its positive obligation to prevent, investigate and prosecute serious violations, and to provide effective remedies to victims thereof. **[44a](para 40-42)**

12.17 The paper 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: The need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter', dated April 2012 also observed on the subject of Statute of Limitations in Sudan with regard to torture cases:

"The passage of time has constituted an additional obstacle to the investigation and prosecution of torture cases, particularly where the authorities have to date failed to take any action. The criminal offence of torture is subject to a limitation period of two years (article 115 (2) of the Criminal Act of 1991) and/or, the offence of hurt for a maximum period of five years (article 142 (2) of the Criminal Act of 1991) pursuant to Article 38 (1) (b) of the 1991 Criminal Procedure Act. These periods are unduly short given the seriousness of the crime of torture, which should ideally not be subject to any limitation periods." **[44c](p.10)**

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PENAL CODE

12.18 The 1991 Criminal Act outlines offenses that are prosecuted in Sudan.

SPECIAL COURTS

12.19 The paper 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: The need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter', dated April 2012 explained:

"The Combating of Terrorism Act establishes a system of 'Special Courts' set up by the Chief Justice, which have the power to impose and confirm the death penalty. The operation of these 'Special Courts' have been of concern, such as in the case of Kamal Mohammed Saboon v Sudan Government. The case concerned the raid by forces of the Darfurian Justice and Equality Movement (JEM) on Omdurman in 2008, which was followed by the arrests of thousands of suspects of Darfuri origin. Several hundred of these persons were charged to stand trial before six special courts in the capital. The Chief Justice and Minister of Justice formulated the rules of procedure of the trial courts (Oder No.82, 2008) pursuant to the provisions of the Combating Terrorism Act but in breach of the principles of the independence of the judiciary. The Rules themselves restrict the right of the defence to meet the accused person, permit trials in absentia, empower courts to convict on the basis of (retracted) confessions without investigating

the circumstances under which they have been made, and limit the right of appeal to the Special Court of Appeal (rather than the Court of Appeal and Supreme Court). It is apparent that these rules raise serious concerns regarding their compatibility with the right to defend oneself and the right to a fair hearing, including the inadmissibility of confessions obtained as a result of torture or ill-treatment." **[44c](p.14)**

12.20 Article 6 of the Emergency and Protection of Public Safety Act 1997 (Act Number (1) 1998) stipulates:

"(2) The president of the republic, or any person he delegates, may set, in consultation with the chief justice, special courts (trial and appellate) to try any accused under this act and he may specify the procedures of these courts;

"(3) The competent authorities may establish, after consultation with ministry of justice and the minister for interior affairs, special prosecution offices to investigate and inquire in accordance with the provisions of this act." **[39b](Article 6)**

12.21 The 'Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1' (A/HRC/WG.6/11/SDN/3), dated 25 February 2011, referring to submissions provided by the Darfur Relief and Documentation Centre, Geneva, (DRDC) and Amnesty International (AI) observed:

"DRDC stated that the proceedings in Special Criminal Courts in Darfur lacked the minimum standards of justice and fair trial. AI stated that following the state of emergency in the State of North Darfur in 2006, there were numerous arbitrary arrests with detainees held incommunicado and without charge. Despite the provisions in the Emergency Act which provided for the setting-up of special courts, such courts were yet to be set up leaving those detained under the Emergency Act without access to justice. AI recommended that all detainees be brought promptly before a judge to review the legality and conditions of their detention and have the right to challenge the lawfulness of their detention before a court; and that there was rigorous compliance with international standards of fair trial, including in cases punishable by the death penalty." **[1g](para 43)**

12.22 The same source, referring to submissions provided by the Darfur Relief and Documentation Centre, Geneva, (DRDC) and the Society for Threatened Persons, Gottingen, (STP) additionally noted:

"DRDC stated, in relation to Northern Sudan, that four Anti-Terrorism Special Courts (ATSCs) were established to try those accused of participating in the JEM attack on Khartoum. DRDC noted that the rules of procedure used by these courts were inconsistent with the universal human rights standards and fell short of satisfying minimum standards of justice in customary and international law. Accused were prevented from bringing habeas corpus petitions. The Judges systematically rejected requests from accused to consult in private with lawyers of their choice or to investigate allegations of torture and ill treatment. STP expressed similar concerns." **[1g](para 41)**

See also: Human rights violations committed in areas of armed conflict, including Violations perpetrated under state of emergency laws and arrest under the Emergency and Public Safety Protection Act (1997)

PROSECUTION OF CRIMES COMMITTED IN DARFUR

12.23 The Report of the [UN Human Rights Council] Working Group on the Universal Periodic Review, Sudan, A/HRC/18/16) dated 11 July 2011, referring to a presentation made by the Sudanese delegation, noted that:

"In the area of applying justice and the rule of law in Darfur, the Office of the Attorney General for Darfur crimes has been restructured to undertake investigations of all the crimes that have occurred in the region since 2003. The Government has also succeeded in repairing the social fabric through support of tribal reconciliation initiatives and the signing of a number of charters of peaceful coexistence between the tribes of the three states of Darfur. The Government envisioned putting into practice the rules and mechanisms of transitional justice following the accomplishment of full peace in Darfur." **[1e](para 12)**

12.24 However the 'Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1' (A/HRC/WG.6/11/SDN/3), dated 25 February 2011, referring to submissions provided by the Human Rights Watch (HRW) and the Society for Threatened Persons, Gottingen, (STP) noted:

"HRW stated that the GoNU [Government of National Unity] had not provided accountability for human rights violations and other crime in Darfur. It indicated that recommendations of the African Union's High Level Panel on Darfur were not implemented and promises to investigate and prosecute the most serious crimes in Darfur have not yielded any meaningful prosecutions. STP stated that the commitment in 2004 to bring to justice the Janjaweed militias for massive human rights violations has not materialised, noting that instead, Janjaweed militias have been integrated into the officially recognized 'Popular Defense Forces' (PDF) and into the 'border guards'. STP added that a warrant of arrest issued by the ICC [International Criminal Court] for a Janjaweed militia leader has been ignored by the Sudan." **[1g](para 42)**

12.25 The Human Rights Watch (HRW), World Report 2012, published January 2012 similarly observed that: "Sudan continued to refuse ... to meaningfully prosecute the crimes [committed in Darfur] in its own courts. Despite the appointment of several special prosecutors for Darfur, Sudan has done little to promote accountability and made none of the justice reforms recommended by the AU's High-level Panel on Darfur, headed by former South Africa President Thabo Mbeki, in its 2009 report." **[19b]** The HRW report 'Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011, further explained that the so-called Mbeki Panel:

"... [had] suggested a range of steps that Sudan should take to improve accountability and strengthen its criminal justice system. These include creation of a hybrid court composed of Sudanese and non-Sudanese judges and other officials to prosecute serious crimes in violation of international law, and broad reforms to the criminal justice system. ... Sudanese officials rejected the idea of hybrid courts outright, and the government has not removed legal and de facto immunities that protect soldiers and officials, provided guarantees for fair trial rights, or brought laws, such as the National Security Act, in line with the international standards or its own constitution." **[19a](p.24-25)**

12.26 The Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2012/231),17 April 2012 highlighted that the then Special Prosecutor of Darfur Crimes, Ahmed Abdel-Motalib, had concluded an investigation into an attack that occurred on 2 September 2010 on Tabarat in which an unidentified armed group attacked a market place, killing 37 villagers. A total of 21 arrest warrants had been issued in connection with the investigation. **[18b](para 8)** The HRW report, Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, dated June 2011, referring to the same incident noted: "In late 2010, Zamrawi [the previous special prosecutor] carried out an investigation into a serious attack by government forces and militia on civilians in Tabarat, an ethnic Fur town in North Darfur. **[19a] (p.24)** However the Sudan Tribune reported on 14 June 2012 that Ahmed Abdel-Motalib, the Special Prosecutor of Darfur Crimes, had tendered his resignation less than six months after his appointment. Former prosecutor Abdel Daim Zumrawi (who had also investigated the attack in Tabarat in September 2010) resigned in April 2011 citing personal reasons, whilst the first Darfur prosecutor Nimir Ibrahim Mohamed was sacked by the justice minister in October 2010 after "...he attempted to investigate former minister and current governor of South Kordofan State, Ahmad Haroun, who is named by the International Criminal Court (ICC) as a suspect in Darfur crimes." **[12d]** The same Sudan Tribune article further noted:

"Insiders say that the work of the three Darfur prosecutors who were appointed to the position since its creation in 2010 was complicated by the pitfalls that attended any attempts to prosecute officials in question. They particularly point to the issue of immunities as the greatest obstacle to justice. ... Sudan's Justice Minister Mohammed Bushara Dosa admitted in January 2012 that efforts to bring justice in Darfur were stymied by the immunities enjoyed by state officials. According to Dosa, '25 percent of Sudan's population has immunities.'" **[12d]**

12.27 The Sudan Tribune reported on 20 June 2012 that Yasir Ahmed Mohamed had been appointed as the "... new special prosecutor for Darfur crimes". ('Sudan appoints new prosecutor for Darfur crimes', 20 June 2012)**[12c]**

For information on recent developments in Darfur since January 2011 see: Update on Sudan's regional conflicts, Darfur (January 2011 – 1 August 2012), including Human rights and humanitarian developments in Darfur.

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International Criminal Court (ICC)

12.28 Sudan continued to refuse cooperation with the ICC. (Human Rights Watch, World Report 2011, published January 2012)**[1b]** The Amnesty International, Annual Report 2012: The state of the world's human rights, dated 24 May 2012 further explained:

"The government remained unco-operative with the ICC regarding arrest warrants issued against President al-Bashir in 2009 and 2010, as well as against Ahmed Haroun, governor of Southern Kordofan, and Ali Mohammed Ali Abdelrahman (known as Ali Kushayb), a former Janjaweed militia leader, in 2007. A further arrest warrant was requested on 2 December by the ICC Chief Prosecutor for the Minister of Defence, Abdelrahim Mohamed Hussein. ... In January the AU reaffirmed its decision not to co-

operate with the ICC in the arrest of President al-Bashir, but it did not obtain sufficient support for its call that the UN Security Council defer the case for 12 months by invoking Article 16 of the Rome Statute. In July the AU reiterated its support for countries that had not arrested President al-Bashir." **[8b]**

12.29 The Report of the Security Council mission to Uganda and the Sudan, 4 to 10 October 2010 (S/2011/7), 7 January 2011, citing an interview with the governor of North Darfur noted: "The Governor ... stated that the decision of the International Criminal Court to indict President Bashir had had a negative effect on the peace process [in Darfur], and stressed that Sudan should be treated as an equal member of the United Nations and the international community. The Governor asked the Security Council to maintain unbiased views on the situation and recognize progress being made by the Government with respect thereto, as reflected in its new strategy for Darfur." **[18a](para 31)**

12.30 The website of the International Criminal Court noted that there were currently five cases referred to the ICC related to crimes committed in Darfur, these were:

- Ahmad Muhammad Harun 'Ahmad Harun', Former Minister of State for the Interior of the Government of Sudan
- Ali Muhammad Ali Abd-Al-Rahman 'Ali Kushayb;, alleged leader of militia/Janjaweed
- Omar Hassan Ahmad Al Bashir, President of the Republic of Sudan
- Bahar Idriss Abu Garda, Chairman and General Coordinator of Military Operations of the United Resistance Front (Darfur rebel group)
- Abdallah Banda Abakaer Nourain, Commander-in-Chief of the Justice and Equality Movement Collective Leadership and Saleh Mohammed Jerbo Jamus, former chief of staff of SLA-Unity
- Abdel Raheem Muhammad Hussein, Minister of National Defence and former Minister of Interior and former Sudanese President's Special Representative in Darfur

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CORPORAL PUNISHMENT PROVIDED UNDER THE 1991 CRIMINAL ACT AND PUBLIC ORDER LAWS

12.31 The US State Department's 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 (USSD Report 2011) explained: "In accordance with Sharia (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. In practice such physical punishment other than flogging was not frequently used. Traditional customary law commonly was applied to convicted defendants. Courts routinely imposed flogging, especially for production of alcohol." **[2b](1c)** "... [T]he punishment for crimes such as adultery, prostitution or running a brothel can include up to 100 lashes." (Los Angeles Times, 'Sudan: Authorities investigate whipping of woman on You Tube video', 14 December 2010) **[43a]**

12.32 A paper from The Project for Criminal Law Reform in Sudan (PCLRS) entitled 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment' dated April 2012, (Comments to Sudan's Periodic Report 2012) further noted:

"Corporal punishments are provided for in the 1991 Criminal Act for offences subject to hudud, qisas and ta'zir punishments, as well as in various other laws, particularly public order acts. Tellingly, article 33 of the Bill of Rights in the Interim National Constitution prohibits torture and other ill-treatment but omits any mention of punishment. In practice, the punishment of whipping has been the main focus of concern as the there seems to be a de-facto moratorium on other forms of corporal punishment such as stoning and amputation. While there are no regularly published figures on the extent of whipping in Sudan, public statements, interviews and anecdotal evidence indicate that it is frequently imposed as a judicial punishment. ... Whipping is provided for as hudud punishment for adultery, wrongful accusation of adultery and drinking of alcohol, and for 18 other offences in the 1991 Criminal Act. ..." **[44a](para 45-46)**

12.33 The US State Department's 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 noted with regard to public order laws: "Public order laws, in force in Khartoum State only, prohibit indecent dress, which is punishable by a maximum of 40 lashes, a fine, or both. Authorities applied these laws more frequently against women than men. They were applied to both Muslims and non-Muslims." **[2b](1c)** However, the paper Comments to Sudan's Periodic Report 2012 observed:

"Public order laws, which are enacted by the localities, also provide for whipping as one of the punishments for infractions of prohibitions. For example, the Khartoum Public Order Law allows for the imposition of whipping in respect of 17 prohibitions set out in the Law, including for a failure of men and women to queue separately. ... Available evidence points to the following typical practice: many of those subjected to whipping appear to belong to marginalised groups, such as impoverished women, tea-sellers, and those from certain backgrounds, including Southern Sudanese and Darfurians, particularly for alcohol related offences or for alleged adultery. However, the sentencing of a well-known football player to forty lashes for drinking alcohol, the whipping of students and the targeting of a journalist and those in her company for wearing 'indecent dress' shows that societal status is not the only factor. Gender and certain types of conduct, often in combination, appear crucial factors. Arrests for public order offences are frequently carried out by the public order police who come to know about what they consider 'morally deviant' behaviour. Crucially, the large number of vaguely worded offences gives police officers considerable leeway and power in determining whether anyone is suspected of having breached the law. Upon arrest, which is often carried out in form of collective raids known as khasa, the suspects are frequently detained overnight and brought before the judge for a summary trial the next day. The proceedings tend to be short, commonly not more than half an hour, with the police or security officer setting out the case for the prosecution. Defendants frequently have limited awareness of the law and no legal assistance, and may also be anxious to minimise the societal fallout of drawn-out legal proceedings over charges of 'indecent' behaviour. As a result, their willingness and ability to defend themselves is seriously undermined and many defendants, following conviction, waive their right to appeal to put the experience behind them as quickly as possible. The punishment of whipping is then carried out on the spot. ... Interviews conducted with officials, lawyers and those subjected to corporal punishment indicate that officials carrying out the whipping regularly do not adhere to the

rules. The number of lashes is exceeded, parts of the body are hit that should be exempt, and those lashed are sworn at. In short, the limited safeguards of monitoring by a magistrate or someone else acting on his/her behalf, are frequently disregarded." **[44a](para 46-48)**

See also: Redress, 'The Draft Social Control Act, 2011, for Khartoum State: Flogging into Submission for the Public Order', November 2011

12.34 A Youtube video released in December 2010 "… of a woman in a head scarf and robe being beaten by a police officer in what looks to be a parking lot ... [showed a] ... group of people [watching] ... the policeman as he whips her across her back. This conforms with Sharia law, but when she turns to the policeman to plead for mercy, he hits her on her face and body. ... A statement issued by Sudan's Judiciary Authority stated that the woman was being punished under Articles 154 and 155 of the 1991 Sudanese Penal Code (RFI, 'Sudan launches probe into woman's whipping', 15 December 2010) **[41a]** A report from the Telegraph, cited an interview with Khartoum state governor Abder Rahman al-Khidir, of the ruling National Congress Party, who said of the incident: "'This woman was punished under sharia, Islamic law, but there was a mistake in the way the punishment was carried out ... The authorities are looking into it'" **[42a]**

For further information on the use of corporal punishment in Sudan see: Criminal Law Reform Project, 'No more cracking of the whip: Time to end corporal punishment in Sudan', March 2012

12.35 A report from Africa Review dated 6 March 2012 noted:

"Two leading Sudanese musicians are among nine people who received 40 lashings for allegedly consuming alcohol. ... The musicians who are yet to be named were arrested late Monday from a house party in an apartment in Khartoum, where the punishment was delivered on the spot, Criminal Court of Northern Khartoum has confirmed. ... The arresting body, Sudan's Public Order police, is known to apprehend and punish offenders who commit acts deemed 'unIslamic' or 'immoral'. ... The Public Order police regulate morals as determined by the law and advance religious values in Sudan." **[101a]**

12.36 Amnesty International in a statement entitled 'Sudan – End stoning, reform the criminal law', dated 30 July 2012, referred to a case in which a 23 year old Sudanese woman had been sentenced to death for adultery under Article 146 of Sudan's 1991 Criminal Code. The source continued:

"The stoning sentence was imposed on Layla Ibrahim Issa Jumul after an unfair trial in which she was convicted solely on the basis of her confession and did not have access to a lawyer. During the trial, the judge failed to appoint her a legal counsel, in contradiction of Article 135 of the 1991 Criminal Procedure Act. Sudanese lawyers have filed an appeal[.] ... She is now held in shackles with her six-month old baby in Omdurman's women prison, near Sudan's capital Khartoum.

"... Amnesty International ... opposes the criminalization of sexual relations between consenting adults and considers people who are held in detention solely for consensual sexual relations, to be prisoners of conscience. Non-violent acts such as sexual relations between consenting adults would never fall under the category of 'most serious crimes', to which the death penalty is limited under international law. ... Layla Ibrahim is the second case involving a death sentence against a woman by stoning for adultery in

Sudan in recent months. On 13 May 2012, 20-year old Intisar Sharif Abdallah was sentenced to death, after an unfair trial, based solely on her confession, which was obtained under duress. On appeal Intisar Sharif Abdallah was retried and the charges against her were eventually dropped on 3 July. She was released on the same day. ... In both cases, the women, who are young mothers and come from marginalized backgrounds, were unaware of their rights and of the severity of the charges against them; they were also deprived of legal representation, a clear violation of the right to a fair trial." **[8n]**

See also: Death penalty; Women and Women, legal rights (including the application of Sharia law). Also see: Popular Police Force / Public Order Police.

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13. ARREST AND DETENTION – LEGAL RIGHTS

The following information should be considered together with Human rights violations perpetrated by government forces.

13.01 Article 29 of the Bill of Rights (the Bill of Rights is included in Part II of the Interim National Constitution 2005) stipulates 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."(Interim National Constitution of the Republic of Sudan, 2005) **[13a](Article 29)**

For information about breaches of arrest and detention rights, see Security forces, Human rights violations committed by government forces

CRIMINAL PROCEDURE ACT (1991)

13.02 Article 79 of Criminal Procedure Act of 1991 which regulates pre-trial arrest, stipulates that:

"79.(1) A person arrested for inquiry, by the Police, may remain in detention, for a period not exceeding twenty four hours, for the purposes of inquiry.

(2) The Prosecution Attorney, where the matter requires the same, may renew detention of the arrested person, for a period, not exceeding three days, for the purposes of inquiry.

(3) The Magistrate, under the report of the Prosecution Attorney, may order detention of the arrested person, for purposes of inquiry, every week, for a period, not exceeding, in total, two weeks, and he shall record the reasons on the Case Diary.

(4) The Superior Magistrate, in case of the arrested person, who is charged, may order renewal of his detention, for the purposes of inquiry, every week; provided that the period of detention shall not, in total, exceed six months, save upon the approval of the competent Head of the Judicial Organ." **[39d](Article 79)**

See also: Criminal Procedure Act, 1991

13.03 The report from the African Centre for Justice and Peace Studies, entitled 'Report on Pre-trial Justice on Sudan', dated January 2012, observed that: "Although the law observes the basic principle of judicial review, the fact that a number of actors can extend the detention in a broad range of cases undermines the protection against abuse and the effectiveness of judicial review." **[27b](p.5-6)** A paper by the Project for Criminal Law Reform in Sudan entitled, 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment', dated April 2012 further observed: "The Criminal Procedure Act provides some custodial safeguards. However ... the prosecuting attorney can extend the initial 24 hours period of arrest to 96 hours, which is an unduly long period compared to the 24-48 hours that are widely seen as best practice. The period enhances the risk of torture at a time when arrested and detained persons are known to be most vulnerable." **[44a](para 38)**

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NATIONAL SECURITY ACT (2010)

13.04 The African Centre for Justice and Peace Studies, entitled 'Report on Pre-trial Justice on Sudan', dated January 2012 explained:

"Concern about the [National Intelligence and Security Service] NISS' heavy-handed tactics was voiced during the negotiations of the CPA [Comprehensive Peace Agreement] and the parties agreed to restrict the mandate of the security services to focus on the institution's intelligence gathering capacity. ... As a result, the 2005 INC [Interim National Constitution], does not give the power of arrest and detention to the members of the NISS. Article 151 of the INC specifies that: 'the National Security Service shall focus on information gathering, analysis and advice to appropriate authorities.' This vision of the NISS, which was created by the Comprehensive Peace Agreement and is aimed at narrowing the mandate of the NISS in Sudan, was contravened by the 2010 National Security Act, which maintains the extensive powers of NISS agents." **[27b](p.6)**

13.05 Article 50 of the National Security Act (NSA) which sets out the powers of arrest provided to the NISS states:

"1. Pursuant to the provisions of Articles 29 and 37 of the Interim National Constitution, 2005, Each and every member shall, by virtue of an order issued by the Director, and for the purpose of executing the competences set forth in this Act, have the following powers:
(a) Any of the powers provided for in Article (25).
(b) Search after obtaining an order issued by the Director in writing.
(c) Powers of the policemen as provided for in the Police Forces Act and the Criminal Procedures Act.
(d) Exercise any lawful powers necessary for execution of the provisions of this Act.
(e) Arrest or detain any suspected person for a period not exceeding thirty days provided that his/her relatives are immediately informed.
(f) After elapse of the thirty days mentioned in Para (e) above, and if there are reasons that require more investigation, enquiry and maintaining the detained person in custody, NSS member shall refer the issue to the Director and make the recommendations he deems appropriate.

(g)The Director may renew the detention period for not more than fifteen days with the purpose of completing investigation and enquiry.
(h)If it comes to the knowledge of the Director that maintaining any person in custody is necessary for completion of investigation and enquiry in case of an accusation related to a factor threatening the security and safety of the people; intimidating society by way of armed robbery, racial, religious sedition or terrorism; disrupting peace; exercising political violence; or plotting against the country, he shall refer the issue to the Council which may extend the detention period for not more than three months.
(i) Without prejudice to paragraphs (f), (g) and (h), NSS authorities shall inform the competent prosecutor and hand over suspect and all documents and appendices thereof in order to complete the procedures. In case of absence of initial evidence, NSS shall release the suspect." **[39c](Article 50)**

See also: National Security Act, 2010

13.06 A paper by the Project for Criminal Law Reform in Sudan entitled, 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment', dated April 2012 observed:

"The new National Security Act (NSA) adopted in 2010 largely fails to address the concerns that had been expressed in respect of its predecessor, the 1999 National Security Forces Law. The Act gives NISS members the power to arrest and detain a person on vague grounds for an initial period of up to thirty days (45 days upon renewal) and a possible total of four and a half months. As detainees do not have an unequivocal right to communicate with family member or lawyers, and do not have the right to appear before a judge to challenge the legality of detention or lodge a complaint within the period set out above (up to four and a half months), they are frequently subject to incommunicado detention. Being cut off from the outside world considerably enhances vulnerability to being subjected to torture, and also constitutes a form of ill-treatment in its own right. The lack of substantial reforms of national security legislation constitutes a visible failure to enhance much needed protection against the well documented practices of torture and ill-treatment at the hands of NISS members."

13.07 Similarly the ACJPS paper 'Report on Pre-trial Justice on Sudan', dated January 2012, remarked: "Although the duration of the allowed period of detention by NISS agents without judicial oversight in the 2010 National Security Act is less than that allowed under the previous regime, the new act maintains the extensive powers of NISS agents to search and seize, arrest and detain without judicial oversight. These provisions are a major impediment to respect for, and protection of, human rights in Sudan." **[27b](p.7)**

EMERGENCY AND PUBLIC SAFETY PROTECTION ACT (1997)

13.08 Part 14 of the Interim National Constitution of the Republic of Sudan sets out the basis upon which the president is able to establish a state of emergency in Sudan or parts of the country. **[13a](Part 14, Article 210)** Article 5 of the Emergency and Public Safety Protection Act 1997 (Act Number (1) 1998) outlines the states powers under a state of emergency, including arrest, as follows:

"5- Subsequent to the declaration, the competent authority will exercise any of the following powers within the scope of security measures:

(a) entering, or searching any building or searching persons;
(b) imposing surveillance over any buildings or institutions;
(c) seizure, according to the requirements of emergency, of land, businesses, commodities, or other assets against prompt and just compensation;
(d) confiscation of assets, businesses, commodities and objects suspected of being the subject of any illegal activity until investigation or trial is carried out;
(e) banning or restricting the movements of persons or their activities or the movements of means of transport and communication
(f) organising the transfer, production or storing of commodities or services as well as price fixing and setting up transactions' systems;
(g) commissioning persons to perform any service required for the emergency purposes preserving their right to wages;
(h) arresting persons suspected of participating in crimes related to the declaration;
(i) any other powers the president deemed to be necessary." **[39b](Article 5)**

13.09 Amnesty International in a report entitled 'We can run away from bombs, but not from hunger', dated June 2012 further noted: "The state of emergency provides the president with expanded powers to suspend the bill of rights, with the exception of a limited number of rights including the right to life, sanctity from torture and the right to a fair trial; dissolve or suspend any of the state organs or powers and prescribe the manner in which the affairs in the state will be managed; and take any measures which are deemed necessary, which will have the force of law." **[8g](p.8)**

See also: Special courts and Human rights violations committed in areas of armed conflict, including Violations perpetrated under state of emergency laws

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14. CONDITIONS IN PRISON AND OTHER PLACES OF DETENTION

14.01 According to the Ministry of Interior, the prison population in Sudan was 20,000, with 2,427 awaiting trial and 17,573 sentenced prisoners. (US State Department, 2011 Country Reports on Human Rights Practices, Sudan, 24 May 2012) **[2b](1c. Prison and detention centers)**

14.02 The International Centre for Prison Studies, 'World Prison Brief', Sudan, undated, last updated circa 2011 listed:

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)	20,000 at 2011 (U.S. State Department human rights report)
Prison population rate (per 100,000 of national population)	c.56 based on an estimated national population of c. 36.0 million at mid-2011 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	12.1% (2011)
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)
Official capacity of prison system	7,500 (mid-2009)
Occupancy level (based on official capacity)	255.3% (mid-2009)
Recent prison population trend (year, prison population total, prison population rate)	1992 9,670 (35) 1997 12,933 (46) 2002 12,809 (39) 2009 19,144 (45)

[48a]

14.03 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

"Prison conditions throughout the country remained harsh, overcrowded, and life threatening. Health care often was below standard. Prisoners sometimes relied on family or friends for food. Officials continued to deny visits to prisoners arbitrarily. ... The government mistreated some persons in custody. Security forces held some political and non political 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. Generally, food, water, and sanitation were provided for prisoners, although the quality of all three was basic. Families of prisoners usually were allowed to supplement the meals of prisoners with food from the outside. ... Most prisoners did not have access to beds; in general prisoners were provided with blankets in the winter. Ventilation and lighting conditions differed between prisons, and law enforcement figures reported that overcrowding was a problem. ... There were reports of negligent deaths in prisons and pretrial detention centers, but comprehensive figures were not readily available."**[2b](1c. Prison and detention centers)**

14.04 The same source further noted: "Men and women were not held together. Incarcerated women reportedly received better quality food than men. In Khartoum juveniles were not held in adult prisons or jails but sometimes were held with adults elsewhere in the country. ... Political prisoners were held in special sections of prisons. The main prison in Khartoum, Kober Prison, contained separate sections for political prisoners, those convicted of financial crimes, and an unknown number of JEM detainees." **[2b](1c. Prison and detention centers)**

14.05 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 (UN Independent expert report 2011) however highlighted that: " ... more than 2,000 detainees convicted of minor crimes were released from the Khartoum State penitentiary in August 2010 to avoid overcrowding, pursuant to the recommendations made by the Human Rights Committee of the National Assembly. The Committee visited the prisons and concluded that the overcrowding was due to a large presence of prisoners convicted of minor crimes, including alcohol brewing."**[1a](para 25)**

14.06 The African Centre for Justice and Peace Studies, in a 'Report on Pre-trial Justice in Sudan', dated January 2012, noted with regard to conditions in detention:

"There are two types of detention cells, holding cells inside police stations and cells run by the Courts Police. The latter are cells to which suspects are transferred from police station holding cells and where they are held during trial. ... Both types of cells have cement floors and contain no mattresses or blankets. There is no ventilation, which can be extremely brutal in Sudanese summers where temperature reaches 45°C. There are only 12x12cm openings at the top of cell blocks for light.'"When asked about the reason why the police authorities do not provide mattresses and covers for those in custody, police officer Y. K. answered saying that there is no interest in spending on justice in general. Providing mattresses, he said, means providing cleaning services as well as extending custody cells, whose space is generally not more than 3 square metres. The government, he said, is not interested in even providing them with a meal, how come you expect that they provide them with such services. He also said: '...you may not believe if I say that we ask suspects to provide paper sheets to write the investigation in...The attorney office does the same'. Clear evidence that there is no serious interest in providing justice and services that support justice.' ... Anonymous

"Holding facilities in Sudan do not meet even the most basic of standards of living conditions. Moreover, those in custody are usually not provided with food and health

services and are often abused by ill-trained guards. Those detained in police holding cells often prefer to go to prison instead. Detention in NISS cells and offices is even worse, since torture is routinely used to extract information from detainees:

"'We were arrested in a humiliating way by plain-clothed agents. We did not know what security service they belonged to. I was thrown on the ground and forced into a pick-up van. I was later taken to a cell in a police station in Khartoum. We were more than 40 women forced into a ward-like cell stinking with a urine smell. There was nothing to sit on, apart from the stench-filled floor. We were all abused with obscene language.' ... N. B.

"ACJPS researchers interviewed Y. B. S., who had been in custody for a period of one month, where he spent time between police holding cells and prison cells while awaiting his trial. He said:"'When courts stop working on weekends –Friday and Saturday- the number of those in custody cells sometimes reached three times their capacity. We had to stand on our feet day and night; we sometimes sit in shifts. Those who are vulnerable or sick suffer greatly, and they often fall unconscious due to lack of adequate ventilation. Any time spent in these cells, no matter how short, is a severe physical torture. Body odors are a real problem, as the floor is already stinking with urine and sweat, due to the rising temperature. To avoid staying in these cells, many give up defending the cases against themselves and settle on whatever the other side states in court. Police custody cells in Sudan are widely known to be places where it is extremely difficult to remain for any length of time, and those detained will do anything to get out of them.' ... Y.B.S.

"The vehicles used to transport suspects to custody facilities are not fit to carry human beings. They lack all measures of safety and are obviously designed for transporting goods. They are roofed with steel ceilings and have modified sides lined with iron bars, making them look like a mobile cages with steel roofs. They are often filled to double the truck's capacity. They tend to be stuck in traffic jams, which exacerbate the suffering for those inside due to crowdedness and a lack of ventilation. The conditions in which suspects are transported to and from the court are, in fact, an additional type of torture." **[27b](p.12-13)**

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15. DEATH PENALTY

LEGAL FRAMEWORK

15.01 Article 36 of the Interim National Constitution (INC), undated, accessed 27 June 2012, states:

"(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." **[13a](Article 46)**

15.02 The website Hands of Cain, Sudan Country Page, undated circa 2012, noted: "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." **[45a]** The same source additionally highlighted: "In accordance with Shari'a law, the Criminal Act provides for physical punishments including ... stonings, and crucifixion – in this case the public display of a body after execution. ... Under article 146 of Sudan's 1991 Penal Code [for adultery]" **[45a]**

15.03 The website Death Penalty Worldwide, Death Penalty Database, Sudan, last updated 18 April 2012 citing various sources, observed the crimes punishable by death as:

"Murder. ... Intentional killing carries the retributive sentence of death (qisas); an individual can procure a lighter sentence by payment of diya to the victim's family. Other Offenses Resulting in Death ... Bearing false witness resulting in an innocent person's execution for a capital offense, or fabricating evidence with such results, is punished by death. Abetting the suicide of an individual unable to give legal consent carries the retributive sentence of death. Armed robbery resulting in death carries the hadd punishment of death.

"Terrorism involving aircraft hijacking that jeopardizes life or an attempt to seriously damage or destroy an aircraft is punishable by death. Forming or attempting to form a criminal organization, or participating in such an organization or facilitating its activities, to stage attacks that may jeopardize life or property or tranquility, is punishable by death. Committing a terrorist act is punishable by death. An act of terrorism is defined as an act 'aiming at striking terror among, or awe upon the people, by hurting them, or exposing the lives, freedom or security thereof, to danger, or causing damage to the environment, public, or private property, one of the public, or private utilities or belongings, occupying or appropriating the same, or exposing one of the native, or national strategic resources to danger. [And] ... Terrorism-Related Offences Not Resulting in Death. ...

"Rape of Adult Not Resulting in Death. ... Homosexual rape or rape by a married person is punishable by death. ... Rape of Child Not Resulting in Death. ... Homosexual rape or rape by a married person is punishable by death. Homosexual incest or incest by a married person is punishable by death; in some cases, this would involve the statutory rape of a child. However, there is no statutory provision imposing death for the rape of a child without these additional factors.

"Robbery. ... Armed robbery aggravated by rape is punished by death. ... Drug Trafficking Not Resulting in Death. ... Trafficking or producing drugs by a recidivist, an official entrusted with combating drug trafficking, by use of a person unable to give legal consent, or as part of an international criminal organization, carries the mandatory death penalty. Providing drugs or other assistance related to trafficking carries a discretionary death penalty under those same circumstances or when drugs are provided to students or distributed in places of schooling.

"Economic Crimes Not Resulting in Death ... According to the 2007 Concluding Observations of the Human Rights Committee, embezzlement by officials has resulted in imposition of the death penalty in Sudan. We found no corroborating law.

"Adultery. ... Under certain evidentiary showings, adultery carries the hadd punishment of stoning if the offender is married. ... Apostasy. ... Apostasy carries the mandatory

death penalty unless the accused is a recent convert to Islam. ... Consensual Sexual Relations Between Adults of Same Sex. ... Sodomy between males is punishable by death upon the third offense.

"Treason ... High treason or undermining the constitutional order or unity of the nation is punishable by death. ... Espionage ... Espionage against the federal government is punishable by death. ... Military Offenses Not Resulting in Death ... We do not know whether the death penalty applies for military offenses in Sudan.

"Heterosexual sodomy is apparently punishable by death upon the third offense. Incest committed by a married offender is punishable by death in Sudan. On May 25, 2009, the Sudan National Assembly amended the 1991 Criminal Act to include genocide, war crimes and crimes against humanity as death-eligible offenses. We have not obtained this amendment. Running a place for prostitution is punish able by death upon the third offense." **[46a]**

See also: Corporal punishment under the 1991 Criminal Act and Public Order Laws; Women and Women, legal rights (including the application of Sharia law). Also see: Popular Police Force / Public Order Police.

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IMPLEMENTATION OF THE DEATH PENALTY

15.04 The Foreign and Commonwealth Office report, 'Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', noted that there were no official figures of death penalty convictions or executions. **[16c](Sudan, Death penalty, p.330)** However data provided by the Guardian, Datablog, 'Death penalty statistics, country by country', posted 27 March 2012, based on statistical information from Amnesty International observed the following for Sudan:

Executions in 2010	6
Death sentences in 2010	10
Executions in 2011	7
Death sentences in 2011	13
Total executed 2007 – 2011	30
Total sentenced to death 2007 – 2010	166

[47a]

15.05 The Amnesty International report, 'Death Sentences and Executions 2011', dated March 2012, clarified that there were at least 13 death sentences in Sudan in 2011. **[8o](p.7)** Additionally the source noted: "At least seven executions were carried out in Sudan [in 2011]. Seven prisoners in North Darfur had their death sentences under the 2005 Terrorism Act and the Sudanese Criminal Act upheld by the Special Criminal Court in

North Darfur on 29 November." **[8o](p.52)** For further details refer to the first case listed below.

15.06 Recent death sentence cases included:

- "Seven prisoners in North Darfur, Sudan, had their death sentences upheld on 29 November [2011]. Two of them were under 18 years old at the time of the alleged crime. The seven prisoners are part of a group of ten people tried by the South Darfur Special Criminal Court in October 2010 for a carjacking in May 2010. A total of eleven individuals allegedly affiliated with the Darfurian armed opposition group, the Justice and Equality Movement, were tried in relation to the attack. One of the eleven was acquitted and three minors received prison sentences. The Supreme Court in Khartoum ordered a retrial due to the inclusion of minors in that trial. However, on 29 November, the Special Criminal Court in North Darfur upheld death sentences against the seven defendants under the 2005 Terrorism Act and the Sudanese Criminal Act." (Amnesty International, 'Urgent Action: Sudan death sentences upheld', 6 December 2011) **[8h]**
- "Intisar Sharif Abdallah, whose age has not been determined but is believed to be under the age of 18, was sentenced by a judge on April 22, 2012 [to death by stoning], in the city of Omdurman, near Khartoum. ... Abdallah was sentenced under article 146 of Sudan's Criminal Act of 1991, which provides that the penalty for adultery by a married person is execution by stoning ... She initially denied the charge of adultery but later confessed after she was allegedly beaten by a family member. The court relied solely on her coerced confession to convict and sentence her in a single court session, while the man alleged to have committed adultery with her denied the charges and was released, a lawyer working with the Strategic Initiative for Women in the Horn of Africa, a women's rights group following the case, told Human Rights Watch. ... Abdallah did not have a lawyer or interpreter in the courtroom, though Arabic is not her first language, and her age was never assessed by the court even though she appears to be under 18, lawyers who visited her told Human Rights Watch."(Human Rights Watch, Sudan: Ban Death by Stoning', 31 May 2012)**[19d]** A report from Amnesty International, 'Sudan: End stoning, reform the criminal law', dated 31 July 2012 updated: "On appeal Intisar Sharif Abdallah was retried and the charges against her were eventually dropped on 3 July. She was released on the same day." **[8n]**
- Layla Ibrahim Issa Jumul, a 23-year old Sudanese woman, was sentenced to death by stoning for adultery on 10 July 2012 by the Criminal Court of Mayo, in Khartoum, under Article 146 of Sudan's 1991 Criminal Code. ... The stoning sentence was imposed on Layla Ibrahim Issa Jumul after an unfair trial in which she was convicted solely on the basis of her confession and did not have access to a lawyer. During the trial, the judge failed to appoint her a legal counsel, in contradiction of Article 135 of the 1991 Criminal Procedure Act. Sudanese lawyers have filed an appeal. She is now held in shackles with her six-month old baby in Omdurman's women prison, near Sudan's capital Khartoum." (Amnesty International, 'Sudan: End stoning, reform the criminal law', 31 July 2012) **[8n]**

See also: Special courts;

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16. POLITICAL AFFILIATION

For a fuller appreciation of political affiliation and freedom of expression more generally, readers are also recommended to read the sections on Freedom of speech and media, and Human rights institutions, organisations and activists. The section, Security forces, also provides information on the actions of the security forces, including impeding rights of political affiliation and expression.

16.01 The Freedom House report, 'Worst of the Worst 2012: The World's most repressive societies', covering events in 2011, dated 14 June 2012, included Sudan, together with Equatorial Guinea, Eritrea, North Korea, Saudi Arabia, Somalia, Syria, Turkmenistan and Uzbekistan and the territories of Tibet and Western Sahara in the list of designated countries. According to the report the countries were selected on the basis they had received 'Freedom in the World's' lowest ratings "... 7 for political rights and 7 for civil liberties (based on a 1 – 7 scale, with 1 representing the most free and 7 the least free)... " **[20c](p.1)** The source further explained that "...[w]ithin these entities, political opposition is banned, criticism of the government is met with retribution, and independent organizations are suppressed.." **[20c](p.1)** According to the report, Sudan has remained a Worst of the Worst country every year since 1989 when Al Bashir came to power. **[20c](p.3)**

16.02 The Freedom House, Freedom in the World 2012, Country report on Sudan, covering events in 2011, April 2012, designated Sudan as "Not Free", with a freedom rating of seven (seven indicating the least free, one the most; based on a civil liberties score of seven and political rights score of seven). **[20a](2012 Scores)** Commenting on events in 2011, the source further explained that: "Sudan received a downward trend arrow [rating] due to a surge in arrests of opposition political activists and leaders, the banning of a leading political party [SPLM-N], the violent response to public demonstrations in Khartoum and other cities, and a crackdown on the activities of journalists." **[20a](Trend Arrow)** For further information on the methodology used to rate countries under the Freedom in the World survey, see: Methodology, Freedom in the World 2012

16.03 The Economist Intelligence Unit, 'Democracy Index 2011', reflecting the situation as of the beginning of December 2011, listed Sudan under the category 'authoritarian regime', with a democracy rating of 2.38 out of 10 (10 being the most democratic), ranking Sudan 153 out of 167 states listed (behind Tajikistan (151) and Afghanistan (152), but ahead of Eritrea (154) and Democratic Republic of Congo (155)). **[4b](p.8)** This compared with a 2010 ranking of 151. **[4b](p.15)**The EIU index of democracy, on a zero to 10 scale, is based on the ratings for 60 indicators grouped in five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. Each category has a rating on a 0 to 10 scale, and the overall index of democracy is the simple average of the five category indexes." **(p.29)** Sudan scored the following for the categories listed: electoral process and pluralism 0; the functioning of government 1.79; political participation 3.33; political culture 5.0 and civil liberties 1.76 **(p.8)** (EIU, Democacy Index 2011) **[4b]** According to the source, an authoritarian regime was characterised as follows:

"In these states state political pluralism is absent or heavily circumscribed. Many countries in this category are outright dictatorships. Some formal institutions of democracy may exist, but these have little substance. Elections, if they do occur, are not free and fair. There is disregard for abuses and infringements of civil liberties. Media are typically state-owned or controlled by groups connected to the ruling regime. There is repression of criticism of the government and pervasive censorship. There is no independent judiciary." **[4b](p.30)**

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FREEDOM OF POLITICAL EXPRESSION

Executive and legislative elections: 2010

Results

16.04 On 26 April [2010] the NEC [National Elections Commission] announced the presidential preliminary results, giving candidate Al-Bashir 68.28% of the votes which, being over 50% plus one of the valid votes, would declare him elected subject to appeals. In the Southern Sudan elections candidate [Salva] Kiir [now President of South Sudan] received 92.9% of the valid votes, again winning the election subject to appeals." (European Union, 'Election Observation Mission to Sudan: Executive and Legislative Elections 2010, Final Report', dated 28 June 2010) **[50a](p.47)**

16.05 The Freedom House, Freedom in the World 2012, Sudan country report, April 2012, observed: "The NCP [ruling National Congress Party] won 323 of 450 seats in the National Assembly, the lower house of parliament, 91 percent of the state assembly seats in the North, and 32 seats in the 50-seat upper chamber, the Council of States, which is indirectly elected by the state legislatures." **[20a](Overview)** With the exception of Blue Nile State the NCP also won all the northern Sudan state governor posts (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.15)** Blue Nile States' Gubernatorial election was won by SPLM candidate Malik Agar. (European Union, 'Election Observation Mission to Sudan: Executive and Legislative Elections 2010, Final Report', dated 28 June 2010) **[50a](Annexes, 1.3)** In September 2011 Mr Agar was removed from office following the outbreak of conflict in Blue Nile state and banning of the SPLM-N under a State of Emergency decree issued by President Bashir (Enough Project, 'A View from Blue Nile', 29 November 2011) **[51a]**

For a further breakdown of the presidential and state governor elections, refer to Annex E: Election Results 2010.

Election process

16.06 The Freedom House report, 'Worst of the Worst 2012: The World's most repressive societies', covering events in 2010, dated 14 June 2012 observed that Sudan was not an electoral democracy, despite multi-party elections being held in 2010, the first such elections in 24 years. **[20c](p.22)** The earlier 'Worst of the Worst 2011' report by Freedom House, published May 2011, commenting specifically on the 2010 election observed:

"... [Before the 2010 elections t]he transitional government and legislature in place until May 2010 were unelected, and the presidential and legislative elections of April 2010 failed to meet international standards. There were irregularities at every stage of the polls and voting period. Most candidates were not allowed to campaign freely, and the National Elections Commission was accused of favoring the ruling National Congress Party (NCP). Much of the opposition boycotted the elections [notably the Sudan People's Liberation Movement (SPLM)], allowing the NCP to win in the North ... Sudan is considered one of the world's most corrupt states. ..." **[20b](p.22)**

16.07 The Carter Center report, 'Observing Sudan's 2010 National Elections, April 11-18, 2010, Final Report', dated 14 December 2010, summarised the April 2010 elections as follows:

"... [G]iven delays in administration, logistical difficulties, a lack of sufficient safeguards and transparency during the voting process, insecurity, and in many cases direct intimidation and violence by security forces against citizens, poll workers, and candidates, Sudan's April 2010 elections did not meet international standards for genuine democratic elections.

"... In Northern Sudan, a legacy of repression and one-party rule was more difficult to overcome, and political parties seemed slow to respond to the initial democratic opening and take the opportunity to contest the ruling National Congress Party (NCP). Disparate resources among parties, existing security laws, and the inconsistent application of bureaucratic restrictions prevented an open and competitive campaign. ... The April elections were announced as the first multiparty, democratic vote since 1986. Carter Center observers were impressed by and appreciative of the enormous effort put into the administration of the elections by staff across the country .... despite these efforts, planning by the NEC and the state-level high election commissions (HECs) was inadequate, voter education was notably absent, and irregularities during the polling, counting, and tabulation phases were widespread, undermining the credibility of the vote. We were disappointed by the withdrawal of several candidates from the presidential and parliamentary races in the North, which reduced the competitive nature of the elections and the eventual diversity of the country's population and political forces in the parliament." **[49a](p.1-2)**

16.08 The same source, whilst recognising that intimidation and violence in north Sudan was less overt than that which had occurred in South Sudan, went onto highlight:

"[In northern Sudan]... there were serious concerns stemming from direct threats made by President Bashir to election observers, as well as NISS control over security services during the electoral process. In addition, the arrest of opposition party members, civil society representatives, and journalists in the weeks following the April 2010 elections represented a worrying reversal for the development of democratic freedoms. Finally, although the elections in Darfur were mostly peaceful, the security situation nonetheless remained unstable, limiting access for observers and intimidating voters." **[49a](p.70)**

16.09 The 'Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1' (A/HRC/WG.6/11/SDN/3), dated 25 February 2011, referring to a submission provided by the Society for Threatened Persons, Gottingen, (STP) noted that: "STP stated that electoral fraud in Eastern Sudan had led to the cancellation of voting results and that independent candidates were targeted in a campaign of intimidation which was orchestrated by Northern and Southern Sudanese officials. It also stated that due to fighting and a lack of security, many people in Darfur were unable to participate in the elections." **[1g](para 57)**

For further details see: Carter Center report, 'Observing Sudan's 2010 National Elections, April 11-1, 2010, Final Report', 14 December 2010 See also: European Union, Election Observation Mission to Sudan: Executive and Legislative Elections 2010, Final Report'

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Referendum vote on the independence of South Sudan: 2011

Results

For background to political events leading up to the secession referendum, see History of Sudan's regional conflicts and South Sudan (1956 – 2005) and Recent developments (January 2011 – 1 August 2012)

16.10 The Amnesty Internatioanl Annual Report 2012: The state of the world's human rights, covering events in 2011, 2 May 2012: "A referendum on the self-determination of South Sudan was held on 9 January [2011] as part of the 2005 Comprehensive Peace Agreement, signed between Sudan's ruling National Congress Party (NCP) and the former southern armed opposition group, the Sudan People's Liberation Movement (SPLM). Results showed that 98.83 per cent of South Sudanese voted in favour of independence." **[8b]**

16.11 A report in the Sudan Tribune dated 22 January 2011 additionally noted:

"The SSRC [South Sudan Referendum Commission] website stated that out of the 3,932,588 people inside and outside the country that registered for voting, 3,138,803 have chosen secession while 44,518 voted in favor of unity. ... These figures are based on processing 100% of the votes in North Sudan and abroad as well as 83.4% of the votes in the South. ... The majority of states in South Sudan have a 99% pro-secession count so far. By contrast, only 58% of voters in North Sudan have opted for independence. ... Within the North, only Southerners in South Darfur voted strongly in favor of unity. The SSRC's deputy chairman Chan Reek Madut explained that to [sic] Reuters by saying that some people passed as Southerners when they were really Darfuris. ... 'They took advantage of the lack of security in the area. It won't impact seriously on the result.' Darfur is the scene of a seven-year conflict pitting rebels against the government." **[12i]**

16.12 The 'European Union Election Observation Mission: Final Report on the Southern Sudan Referendum, 2011', published 2 June 2011, further updated with regard to voter turnout that of the 3,947,676 registrants, 3,851,994 had turned out to vote (97.58 per cent). However in the northern states turnout was only at 59.56 per cent (69,597 voters out of 116,857 registrants). **[50b](p.75-78)** For further details on turn out and valid voter results in the northern states (i.e. those states which constitute Sudan post-independence), see Annex F: South Sudan Referendum on independence 2011: Turn out and voter results in Sudan's northern states.

Referendum process

16.13 The Foreign and Commonwealth Office report, 'Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', noted that: "The referendum in January [2011] saw over three million people vote to determine the future of southern Sudan. The process was judged credible by international observers, including an EU observer mission." **[16c](Sudan, Elections, p.330)** The 'European Union Election Observation Mission: Final Report on the Southern Sudan Referendum, 2011',

published 2 June 2011 similarly noted: "The EOM [European observation mission] concludes that the Referendum was a credible process that accurately reflects the overwhelming desire of Southern Sudanese voters for secession. This conclusion is reached in spite of ... [several] shortcomings." **[50b](p.5)**

16.14 According to the Freedom House, Freedom in the World 2012, Sudan country report, covering events in 2012, April 2012, during the referendum on southern independence there were "... few reports of intimidation of Southern voters in the North ..." **[20a](Political and civil liberties)** The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 explained: "Although the pre-registration period was marked by threatening political rhetoric and provocative statements made by officials of the ruling National Congress Party against southerners living in the North...", the report acknowledged that both governments had made tremendous efforts to ensure a "... peaceful and credible referendum process ..." **[1a](para 15)** However the Carter Center observation report, 'Observing the 2011 Referendum on the Self-Determination of Southern Sudan, Final Report', dated 9 February 2012, noted with regard to voter intimidation during the voting period:

"In both Northern and Southern Sudan, observers recorded large and seemingly disproportionate numbers of security officials outside centers. In a few cases, these personnel were heavily armed, a phenomenon that may have led to intimidation of voters. In Darfur, security presence was excessive; and while they did not directly intervene in the process, their presence was intimidating, and observers were unable to speak freely with voters, which contravened both the Referendum Act and the right to liberty and to the security of the person. ..." **[49b](p.30)**

See also: Citizenship and Nationality

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Dialogue with Sudan's rebel armed groups

16.15 Political negotiations and discussions to resolve Sudan's various regional conflicts, including that with South Sudan, may also be relevant when considering political expression more broadly. For further information on the government's dialogue with various armed groups refer to the section Recent developments (January 2011 – 1 August 2012), Update on Sudan's regional armed conflicts. For specific information on developments between Sudan and South Sudan, refer to section Update on Sudan's regional regional conflicts, South Sudan's independence and renewed conflict (January 2011 – 1 August 2012). For further information on developments in Darfur, see: Update on Sudan's regional conflicts, Darfur (January 2011 – 1 August 2012), including Human rights and humanitarian developments in Darfur; for information on Abyei see Update on Sudan's regional conflicts, Abyei; for South Kordofan and Blue Nile see Update on Sudan's regional conflicts, Blue Nile and South Kordofan (Nuba Mountains) and for information on political developments related to East Sudan see : Update on Sudan's regional conflicts, East Sudan (January 2011 – 1 August 2012).

In considering the above information, readers are also recommended to refer to information on the Security situationin addition to information listed under treatment of (perceived) supporters of non-state armed groups and Security forces, Human rights violations committed in areas of armed conflict

Finally for historical background, which can assist in understanding the wider context to a conflict, see History of Sudan's regional conflicts. Again specific conflict zones (Darfur, South Sudan and East Sudan) are listed under the appropriate sub-heading.

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FREEDOM OF ASSOCIATION AND ASSEMBLY

16.16 Article 40 of Sudan's Interim National Constitution recognises the rights of freedom of assembly and association. **[13e](Article 40)** Sudan is also party to the UN International Convention on Civil and Political Rights (ICCPR) (acceded 18 March 1986) **[54a]**, as well as the African Charter on Human and Peoples' Rights (ACHPR) (ratified 18 February 1986)**[53b]** both of which recognise the rights of freedom of association and assembly. Article 21 of the ICCPR provides for the right to assembly and Article 22 the right to freedom of association. (Office of the United Nations High Commissioner, ICCPR)**[1h]** Article 10 of the ACHPR provides for the right to freedom of association and Article 11 the right to freedom of assembly (African Commission on Human and Peoples' Rights, African Charter on Human and Peoples' Rights) **[53a]** NB: Sudan had signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights. **[53c]**

16.17 The Foreign and Commonwealth Office report, 'Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', expressed concern over the "... trend of reduced freedom of expression and assembly in Sudan" **[16c](p329)** and noted that "... Bloggers, activists and opposition politicians have been intimidated, harassed and arrested, and there have been violent security responses to protests and demonstrations in Khartoum and elsewhere." **[16c](p330)** The Freedom House, Freedom in the World 2012, Sudan country report, April 2012, remarked that "[f]reedom of assembly is restricted in Sudan." **[20a](Political rights and civil liberties)** Whilst the US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012 similarly highlighted that the government of Sudan severely restricted in practice freedom of assembly and association. **[2b](section 2b. Freedom of Peace Assembly and Association)**

See also: Freedom of Association and Assembly, popular protests

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Right to assembly

Electoral campaigning

16.18 The Carter Center report, 'Observing Sudan's 2010 National Elections, April 11-18, 2010, Final Report', dated 14 December 2010, observed with regard to electoral campaigning during the last elections in 2010:

"On Feb. 22, 2010, the NEC [National Election Commission] and the Sudan Ministry of the Interior issued a circular on campaigning activities that required at least 72 hours notice before any campaign event could be held. The circular was more restrictive than the directives issued by the Ministry of the Interior in a September 2009 decision regarding the practice of electoral activities. The new circular required parties to submit

notification of campaigning events held on their own premises. Several political parties appealed to the NEC to permit the parties to hold election-related activities in public places after notifying the relevant security committees instead of applying for approval and to forgo notification for activities on their own premises. These requests were not accepted by the NEC. Not only were regulations applied inconsistently across the states, and parties often had to report to several security agencies rather than a single authority, the framework governing campaigning was overly restrictive. For instance, both the Criminal Procedure Act of 1991 and National Security Forces Act of 2009 provide for arrest and detention without timely judicial recourse." **[49a](p.33)**

16.19 The 'Report of the Secretary-General on the United Nations Mission in the Sudan', 5 April 2010 (S/2010/168) observed that on 2 March 2010 a number of opposition political parties announced their withdrawal from the NEC mechanism for administering the national media: "...claiming that they had been shut out of the decision-making process, and that they were being used to legitimize a body in which they had no meaningful opportunity to participate." **[18p](para 9)** However the same source noted "...In mid-March 2010, in response to political party demands, [the] NEC reduced the prior notice period required for political party rallies from 72 to 36 hours." **[18p](para 9)** The US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012, reiterated that: "In 2010 the National Elections Commission issued a circular note requiring 72-hour prior notice for political rallies, which it later reduced to 36 hours." **[2b](2b. Freedom of Peace Assembly and Association)** The same source additionally observed:

"The government continued to deny permission to Islamic orders associated with opposition political parties, particularly the Anwar (Umma Party) and Khatmiya (Democratic Unionist Party), to hold large gatherings in public spaces, but parties regularly held 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." **[2b] (2b. Freedom of Peace Assembly and Association)**

Popular protests

16.20 The African Centre for Justice and Peace Studies paper entitled: 'Silencing the New Front: the Emergence of Widespread Torture against Youth Movement', dated April 2011, noted that, "… demonstrations [in January 2011] were endorsed by the opposition, and attended by roughly 2,000 individuals in Khartoum despite the NCP's security organ, the National Security and Intelligence Services (NISS) announcing that any demonstration would be considered 'illegal'." **[27c](p.3)** The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011, explained following demonstrations in Khartoum and other places in northern Sudan in January 2011 "... UNMIS documented more than 100 arrests made by the NSS. Most of the detainees were released the same day. More than 30, however, remained in detention until the end of February without being charge. Many of them reported having been mistreated while in NSS custody." **[1a](para 19)** The Human Rights Watch, World Report 2012, Sudan, covering events from 2011, dated January 2012 similarly observed:

"In January [2011] in response to demonstrations inspired by the popular uprisings in Egypt and Tunisia, security forces arrested more than 100 protesters in Khartoum and Omdurman alone. The National Intelligence and Security Service (NISS) detained

dozens of protesters for several weeks, subjecting them to beatings, sleep deprivation, electric shock, and other forms of physical and mental abuse, including death threats and threats of rape. ... Throughout the year security forces used violence to disperse peaceful protests across the country, often at universities where students gathered to protest a range of government policies and price hikes, and detained many. Security officials were also implicated in sexual violence and harassment of female activists, including the brutal rape in mid-February [2011] of Safiya Ishaq, a youth activist who was forced to flee the country after speaking out about her ordeal." **[19b](Crackdown on Protesters)**

16.21 In November 2011, Amnesty International, in a briefing entitled 'Sudan: Government crackdown on activists and political opponents', expressed alarm at the "...recent wave of arbitrary arrests of activists, trade unionists and perceived or known members of opposition parties and peaceful demonstrations in Sudan." **[8k]** The briefing further observed "... In October [2011] alone, over 100 people were arrested in and around Khartoum, the capital. Many of those arrested have stated that they were subjected to torture or other ill treatment in detention." **[8k]**

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June-July 2012 protests

16.22 A report on Al Jazeera's 'The Stream', dated 28 June 2012, entitled '#SudanRevolts', a reference to the associated twitter feed, noted "... after over a year of sporadic protests, Sudanese say the newest round of demonstrations has evolved into a popular uprising. The protests began in reaction to new austerity measures introduced by the government, but now many are calling for al Bashir and his government to step aside." **[59a]** A report from Agence France-Presse, dated 1 July 2012, citing figures provided by the Organisation for Defence of Rights and Freedoms (ODRF) reported that about 1,000 people had been arrested and hundreds more hurt during anti-regime protests in Sudan on 29 June. **[60a]** According to the AFP report "[t]he group's figures indicate a dramatic rise in the number of arrests on Friday [29 June], the 14th day of anti-regime demonstrations sparked by inflation. ... 'The figure of those arrested before yesterday (Friday) was about 1,000 in the whole country,' said the [ODRF] official who asked not to be identified because of the tense situation. ... Many are still being held in prisons or 'ghost houses,' the location of which is unknown, he alleged." **[60a]** Prior to the unrest on 29 June, a press release from Human Rights Watch, dated 26 June 2012 noted that: "... President Omar al-Bashir [had] downplayed the significance of the protests, calling them foreign-backed, and threatened to respond to protesters 'with real jihadists' instead of as a 'responsible government.' The day before, Sudan's police chief vowed to quell the protests 'forcefully and immediately' according to law." **[19e]**

16.23 Amnesty International, in a press release dated 22 June 2012 observed:

"The Sudanese authorities must end its ruthless crackdown on protests... Amnesty International said after riot police in Khartoum used tear gas and batons to break up demonstrations over austerity cuts... Scores of activists have been arrested since the demonstrations started on Sunday. The police also temporarily detained bloggers and journalists in an attempt to stifle reporting on the protest movement. ... 'The Sudanese government is showing zero tolerance for demonstrations and continues to deny the Sudanese people its right to peaceful assembly', said Paule Rigaud, Amnesty International's Deputy Director for Africa. ... The protest movement, which is dominated

by student activists, has up till now been centred around universities in Khartoum and its neighbouring cities Omdurman and Khartoum North, but demonstrations were also reported in provincial universities, notably Blue Nile University in Damazin, as well as in residential areas of the capital." **[8i]**

16.24 A press statement from UN High Commissioner for Human Rights, Navi Pillay, dated 28 June 2012 "...calling on the Sudanese authorities to ensure that planned protests were allowed to proceed peacefully, further observed:

" ... 'Dozens of individuals, including human rights defenders, journalists, students and political opponents, have been arrested since the protests began in Khartoum on June 17,' Pillay said. ... 'I urge the Government to immediately and unconditionally release those who have been detained for merely exercising their rights to freedom of assembly and expression. Reports of ill treatment in detention are very worrying and must be investigated promptly,' she added. ... Some of those who were arrested during the demonstrations were released reportedly after being made to sign an undertaking that they would not participate in any further 'riots.' There are also reports that injured protestors have on occasion been removed from hospitals by the authorities and detained. ... 'Tear gas, rubber bullets, live ammunition and other heavy-handed suppression will not resolve the frustrations and grievances of the people regarding shortcomings in their enjoyment of economic, social, civil and political rights,' Pillay said. 'Genuine dialogue with Government critics is far more effective than arbitrary detention and violence if the Government wishes to create a stable and successful society.' ... Pillay called for Government restraint ahead of mass protests planned for Friday and stressed the Government's obligation under international human rights law to respect the fundamental human rights of freedom of assembly and freedom of expression. She also urged protestors to ensure, on their part, that no violence or damage to property takes place during the demonstrations." **[1i]**

16.25 A press release from Human Rights Watch, entitled 'Sudan: Torture, Abuse of Demonstrators', dated 11 July 2012 updated:

"The Sudanese authorities should immediately stop the torture and ill-treatment of those detained following demonstrations since mid-June 2012, Amnesty International and Human Rights Watch said today. ... 'Torture and other ill-treatment are absolutely prohibited under international law,' said Aster van Kregten, Amnesty International's deputy director for Africa. 'We call on the Sudanese authorities to ensure that every credible allegation of such abuse is subject to prompt and impartial investigations, and to ensure that the victims receive reparations.' ... Amnesty International and Human Rights Watch also urged the immediate and unconditional release of anyone arrested for participating in peaceful protests. Sudanese groups monitoring the arrests estimate that since June the Sudanese security forces have detained 2,000 people in connection with the youth-led protests in Khartoum and other major towns across Sudan." **[19h]**

16.26 IRIN News in an article entitled 'Sudan: Who's who in the opposition', dated 26 July 2012 stated: "Recent weeks have seen demonstrators, for the most part students, take to the streets of Khartoum - and to a lesser extent other Sudanese cities - to protest against the rising cost of living and call for an end to the 23-year rule of President Omar al-Bashir. ... Bashir has derided the demonstrators as 'elbow-lickers', an allusion to the supposed futility of their protests. ... 'They talk of an Arab Spring - let me tell them that in Sudan we have a hot summer, a burning hot summer that burns its enemies,' the president declared in mid-July." **[106b]** A report from the Sudan Tribune dated 27 July

2012 further noted that: "Human rights groups say hundreds of Sudanese activists have been arrested and some tortured in detention since the outbreak of the protests [that began in June]." **[12t]**

See subsection on Opposition groups and political activists below, including Treatment of students / youth activists and Recent developments, Overview.

For further information on Sudan's opposition political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements

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Right to political association

16.27 The Interim National Constitution **[13e](Article 40)** and Political Parties Act, 2007 recognise the right to form political parties in Sudan. **[39e]** Article 14 of the Political Parties Act lists the conditions for the establishment or continuity of activity of any political party as:

"...

a) Membership shall be open for any Sudanese who abide by the goals and principles of the political party
b) Its manifesto shall not contradict the CPA and the Interim National Constitution, 2005;
c) Its leaders and leaders of its institutions at all levels shall be democratically elected subject to representation of women on the basis of percentages specified by the political party;
d) Its sources of funding shall be transparent and public;
e) Shall have a statute approved by founders of the political party at a founding meeting in presence of representative of the Council at which the highest political leadership shall be elected and the approval of the list of names of founders from both sexes;
f) Its founders shall not be less than 500 persons male and female and in case the political party operates at the national level or the level of southern Sudan its founders shall at least be from three States with regard to exclusion contained in Article (4);
g) abide by democracy, Shura (consultation) and its principles as a means for political exercise and peaceful transfer of power;
h) Its means to achieve its goals shall not include the establishment of covert or overt military cells within the party itself, the armed forces or within any other organized forces;
i) Shall not engage in or incite violence, promote communalism or hatred among ethnic, religious or racial groups;
j) Shall not be a branch of any political party outside Sudan… " **[39e](Article 14)**

16.28 However the US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012 noted:

"The law effectively prohibits political parties linked to armed opposition to the government. In September [2011] the government closed SPLM-N [Sudan People's Liberation Movement – North] offices in Khartoum and other states and arrested several leaders; 16 other political parties were also banned in September for having links with

South Sudan. There were approximately 52 registered political parties. The Umma Party, Democratic Unionist Party, and Communist Party were not officially registered with the government." **[2b](2b. Freedom of Peace Assembly and Association)**

See also:Political system

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

16.29 The Human Rights Watch, World Report 2012, Sudan, covering events of 2011 explained that following the secession of South Sudan on 9 July 2011: "... Sudan saw increasing popular unrest and widening armed oppostion in the months that followed. In Khartoum, the capital, government authorities pursued familiar repressive tactics including harassing, arresting, detaining, and torturing perceived opponents of the government; censoring media; and banning political parties." **[19b](Summary)** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 also observed:

"The government held hundreds of political prisoners and detainees. Some political detainees were held in isolated cells in regular prisons, and many were held without access to family or medical treatment. Human rights organizations asserted that the NISS ran 'ghost houses,' where they detained opposition and human rights figures without confirming they were in detention by the state. Security forces detained without charge, tortured, and held incommunicado political opponents. Detentions of such persons were prolonged at times." **[2b](Denial of Fair Public Trial)**

See also: Freedom of Association and Assembly, popular protests; Human rights violations perpetrated by government forces and Human rights violations perpetrated by NISS. For further information on Sudan's opposition political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements

For further information on the detention of political opponents refer to the African Centre for Justice and Peace Studies Human Rights Monitor reports and Waging Peace's publication 'The Human Rights Situation in North Sudan: Regression to Repression', published March 2011 and 'Sudan's 'Silent' Spring: The Human Rights Situation in Sudan', dated March 2011 – March 2012.

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Treatment of (perceived) supporters of non-state armed groups

Darfurian groups and government opponents

The following information should be considered together with information on the current security situation see: Security situation: Darfur and Human rights violations committed in areas of armed conflict

16.30 The Human Rights Watch report, Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, observed:

"The security forces have targeted Darfuri activists for detention and torture. In late October and early November 2010, for example, NISS arrested a group of 13 Darfuri journalists and human rights activists and detained them in their Khartoum offices before transferring them to Kober prison. Authorities released 10 of the group in January but then re-arrested others; six currently remain in detention. Those who were released reported being subjected to beatings and other ill-treatment and torture while in detention ... According to the Darfur Bar Association, 64 Darfuri civilians are currently detained in prisons in Darfur and Khartoum arbitrarily without charge, some for prolonged periods in violation of Sudan's own National Security Act of 2010, which allows for detention without judicial review for up to four and a half months." **[19a](p.22-23)**

16.31 UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (S/2011/111), dated 20 September 2010, published 8 March 2011 explained:

"The Panel received reports of arbitrary arrest and detention as well as of ill-treatment and torture of persons while in the custody of security agents acting on behalf of the Government of the Sudan. The continuing reports of arbitrary arrest and detention of Darfurian community leaders, members of civil society and human rights activists indicate that the practice remains widespread in Darfur. Arbitrary arrest and detention is of particular concern, since it is often a precursor for further human rights violations. ... Some of the cases documented by the Panel during the current mandate relate to infringements by the Government of these rights in relation to internally displaced persons, community leaders and members of civil society perceived to be supportive of armed rebel groups, or in relation to community leaders who are against efforts to bring internally displaced persons into the Doha peace process. Other cases documented by the Panel involve efforts by the Government to target individuals it suspects of having cooperated with the International Criminal Court." **[18h](para 145-146)**

16.32 The 'Report of the Security Council mission to Uganda and the Sudan, 4 to 10 October 2010, (S/2011/7) dated 7 January 2011, referring to a meeting with a delegation of internally displaced persons from Abu Shouk and Al Salam camps in Darfur observed:

"...Several representatives spoke about their fear of persecution, referring to reports of assassination and harassment of those who spoke against the Government, and called on UNAMID to fulfil its mandate and provide more robust protection. ... Some camp representatives voiced their concerns about the attention of the international community shifting to the referendums and other North-South issues, at the expense of peace in Darfur, and urged the implementation of all Security Council resolutions related to Darfur ..." **[18a](para 33)**

16.33 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 further explained about the Abu Shouk detainees:

"Perceived critics of the Government were routinely arrested and kept in prolonged detention without judicial oversight, and sometimes subjected to torture or ill-treatment. In October 2010, two internally displaced persons who took part in a meeting with a visiting Security Council delegation to the Abu Shouk camp [North Darfur] for displaced

persons were arrested and detained by the NSS. They were subsequently released but never charged with any offence. One of them was rearrested in November, but released again. Two UNAMID [African Union/United Nations Hybrid Mission in Darur] staff members arrested in April and May 2011 in South and North Darfur were detained for several weeks, without being charged with any offence." **[1a](para 54)**

16.34 Commenting more generally on discrimination against Darfurians in Khartoum, the International Refugee Rights Initiative and Darfur Refugees Association in Uganda report entitled 'Darfurians in South Sudan: Negotiating belonging in two Sudans', dated 7 May 2012 explained:

"... Khartoum-based Darfur communities, assimilated in many ways to life at the centre, have been forced to re-examine their identity in the light of the impact of a massive programme of repression and detentions aimed at their community since the start of the conflict, exacerbated during the government's response to the 10 May 2008 attack by the Justice and Equality Movement (JEM) on Omdurman.35 The conflict has deepened a profound sense of exclusion. ... Not only has Darfur as a whole been marginalised, therefore, but Darfurian identities have become highly fragmented as a result of ongoing conflict and political marginalisation." **[100a](p.12)**

See also: Journalists, extra-judicial killings for information on the case Mohammed Taha who was killed in September 2006 and who authorities convicted and executed nine men from Darfur.

Arrest of Darfurians in Khartoum (circa 2008)

13.35 The UN's High Commissioner for Human Rights, 'Tenth Periodic report of the UN High Commissioner for Human Rights on the situation of human rights in Sudan', dated 28 November 2008, observed:

"Darfurians in the Khartoum area are at heightened risk of being subjected to arbitrary arrests, in particular if they are suspected of maintaining links with Darfurian rebel groups or political movements. Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organizations abroad. Over the past three years, United Nations human rights officers have conducted numerous interviews with Darfurians who have been arbitrarily arrested and detained. Many reported that they were ill-treated and tortured. Reports on the questioning which they underwent in detention indicate that most of the detentions were carried out to obtain information about Darfurian political groups and rebel movements.

"...At the time this report was finalized, United Nations human rights officers were closely monitoring the arrests and detentions of hundreds of people in Khartoum and other parts of Sudan following the armed attack on Omdurman by Darfurian rebels of the Justice and Equality Movement on 10 May 2008. Among those arrested by the NISS were hundreds of civilians of Darfurian origin who in many cases appeared to have been targeted solely because of their Darfurian ethnicity or appearance." **[1o](p.20-21)**

16.36 Referring to the mass arrest of Darfurians in Khartoum in 2008 following the attempted assault by JEM on Omdurman, Khartoum on 10 May 2008, the 'Report of the Special Rapporteur on the Situation of Human Rights in Sudan, Sima Samar', dated June 2009 (A/HRC/11/14) observed:

"The UNMIS [UN Mission in Sudan] Human Rights section received reports of the arrests of close to 1,000 people, the majority of whom were ethnic Darfurians, and repeatedly sought confirmation of the arrests and detentions from the authorities since May 2008. The Special Rapporteur was pleased to attend the Human Rights Forum on 26 May 2009, where discussions were held to clarify the fate of around 200 people, including eight presumed children, who are not known to have been either charged or released following their reported arrests." **[1k](para 33)**

16.37 A Radio Dabanga report dated 25 December 2011 further noted that following the arrest of thousands of Darfurians in Khartoum in 2008: " ... several never returned home and were alledgedly killed due to torture." **[58b] T**he US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012, also observed that "[t]he whereabouts of an unknown number of Zaghawa Darfuris detained in Khartoum following the Justice and Equality Movement's (JEM) attack on Omdurman in 2008 remained unknown." **[2b](1b. Disappearance)**

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South Kordofan/Blue Nile-based groups and government opponents

The following information should be considered together with material on the current security situation see: Security situation: Blue Nile and South Kordofan and Human rights violations committed in areas of armed conflict

16.38 The Human Rights Watch, World Report 2012, Sudan, covering events in 2011, dated January 2012 explained:

" In June, when fighting broke out in Southern Kordofan, security forces rounded up ethnic Nuba suspected to be SPLM members or supporters. Among those arrested by NISS was Dr. Bushra Gammar Hussein Rahma, a prominent Nuba human rights activist, who remained in detention without charge at this writing. ... In September, when fighting spread to Blue Nile, security forces, including NISS, arrested more than 100 suspected party members of SPLM-North, including the well-known Sudanese writer, artist, activist, and former state adviser on cultural affairs, Abdelmoniem Rahma. Some were released following renunciations of their political affiliation to the party." **[18b]**

16.39 Amnesty International in a briefing paper entitled 'Sudan: Human rights situation continues to deteriorate, Amnesty International written statement to the 20th session of the UN Human Rights Council (18 June – 6 July 2012)', dated 22 June 2012 noted:

"Sudanese authorities have arrested hundreds of perceived or known SPLM-N supporters, many of whom are being held incommunicado, without charge or access to a lawyer or their family. On 15 March 2012, Jalila Khamis Koko, and SPLM-N member and teacher from Southern Kordofan in Khartoum, was arrested by the National Security Services (NSS) from her home in Khartoum. Alawiya Osman Ismail Kubaida, the SPLM-N Secretary for Social Affairs, was arrested by plainclothes NSS agents at her home in Omdurman on 21 April 2012. Both are being held without charge or access to lawyers or their families. ... Bushra Gamar Hussein Rahama, an X-ray technician and founder of the Human Rights and Development Organization in Southern Kordofan was arrested on 25 June 2011, from his home in Omdurman in Sudan. On 14 July 2011, he was released and immediately re-arrested. He is being held in Kober prison in Sudan's

capital Khartoum, without access to a lawyer or his family and faces seven charges under the 1991 Criminal Act, including for Article 50 'undermining the constitutional system,' which is punishable by death or life imprisonment. Bushra Gamar Hussein Rahama worked with the Sudan Peoples Liberation Movement (SPLM) in 2008, but has not been an active member since." **[8j]**

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Treatment of (perceived) supporters of opposition political parties

The following information should be considered together with Human rights violations perpetrated by government forces and Human rights violations perpetrated by NISS. For further information on Sudan's opposition political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements

16.40 The Freedom House, Freedom in the World 2012, covering events in 2011, released April 2012, noted that "... the leader of the Popular Congress Party, former NCP chief Hassan al-Turabi, was arrested in January and held without charge before being released in May. Members of other opposition parties were also detained for criticising the government and making reference to the Arab Spring protests." **[20a](Political and civil liberties)** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

"The government continued to arrest members and leadership of the Popular Congress Party (PCP), SPLM-N, and other opposition parties. ... On September 12, shortly after the nationwide ban of the SPLM-N and following that party's public adoption of a regime change strategy in conjunction with armed Darfuri groups, police officials raided the house of prominent SPLM-N member Izdihar Guma. They arrested her and her husband and held them for five hours. Upon her release authorities put her under a travel ban limiting her movements to Khartoum. Approximately 26 members of the SPLM-N's leadership remained in detention at year's end. The NISS also confiscated SPLM-N property countrywide." **[2b](1e. Denial of Fair Public Trial)**

16.41 Amnesty International in a briefing entitled 'Sudan: Government crackdown on activists and political opponents', dated 11 November 2011, called on "... the Sudanese authorities to immediately stop the arbitrary arrests, harassment and intimidation of [political] activists and to respect their rights to freedom of expression and peaceful assembly." **[8k]** The briefing provided the following examples of detention and harassment of political opponents:

"On 18 October, Abbas Al-Awad, aged 85, who is a trade unionist and senior member of the Sudan People's Liberation Movement-North (SPLM-N), was arrested from his home in Alkalakla, Khartoum at 10am. He said that he was arrested and detained for one day for making a speech in a private meeting on the 'Juba Alliance,' comprised of the SPLM-N and other opposition parties. The alliance was formed in April 2010, ahead of the referendum to determine the independence of South Sudan. On 1 November, activist and SPLM-N member Izdihar Jumma was arrested for the eighth time this year due to her affiliation with the political party. She was detained for two days.

"On 21 October, the NISS raided the home of Dafallah Musa, during a regular meeting of a number of political parties in the Alkalakla district of Khartoum. Over 10 people were detained and many reported they had been tortured for 15 days, after which some were made to sign a document stating they would not be involved in political activities, or else face further detention, and they were ordered to report to the NISS on a regular basis from then on.

"Amongst those arrested and detained on 21 October was Awad Abbas Al-Awad, aged 49 who is an English teacher and member of the Communist Party. He stated that the security forces surrounded the house and four vehicles filled with men carrying guns raided the house and terrorized the whole area. He said that they took them to an isolated building near the Republic Castle and kept them in the building for three days without food or sleep. They were forced to stand with their hands up to their faces next to a wall while the NISS continued verbally abusing them. After three days the NISS took those detained to the main NISS building in Bahri and continued interrogating them for several hours a day, until they were released.

"Alameen Bilal Mukhtar, aged 32 and a member of the Umma Party said that one of the security forces kicked him on his right eye and then two men held him by his hands and feet while a third flogged his back. He was also subjected to verbal abuse. ... Amnesty International calls on the Sudanese authorities to immediately stop the arbitrary arrests, harassment and intimidation of activists and to respect their rights to freedom of expression and peaceful assembly. All individuals must be able to exercise these rights and carry out their legitimate political activities without fear of intimidation and harassment." **[8k]**

Students / youth activists

The following information should be considered together with Freedom of Association and Assembly, popular protests; Opposition groups and political activists and Non-governmental organisations and human rights activists

16.42 A paper from the African Centre for Justice and Peace Studies, 'Silencing the New Front: the Emergence of Widespread Torture against the Youth Movement', dated April 2011, explained with regard to Sudan's youth movement and recent popular uprisings:

"Sudan's demonstrations are different from Egypt and Tunisia's in that they are already occurring at an extremely sensitive political time as they face the loss of the South and the end of the interim period, constitutional revision, and the ongoing conflict in Darfur. Austerity measures imposed in early January [2011] to combat the economic impacts of Southern secession has led to huge spikes in the prices of food, petrol, and other commodities. However, the youth movement has drawn inspiration from the popular uprisings. A coalition of members of the youth movement from groups such as Girifna, Youth for Change, Change Now, and Sharara (the 'spark' in Arabic) quickly organised as a mass movement (also known as the Neighbourhood Mobilisation Committee) and planned demonstrations in Khartoum, El Obeid, Wad Medani, and Kosti for 30 January [2011] to protest NCP rule. Event announcements posted on Facebook explicitly referred to the uprisings and Sudan's own successful popular revolutions in 1965 and 1985 with Facebook invitations stating 'it is the right time to rise against oppression and despair…if the Egyptians and Tunisians can break the fear barrier, so can we. What are we waiting for? Our history says we can!'" **[27c](p.2-3)**

16.43 The same source, referring to the demonstrations which took place in early 2011, noted the arrest and widespread use of torture against youth activists, which in turn acted to disincentive popular protests at that time. As noted:

"... [T]he [January] movement has failed to gain broad, popular support due to lack of cohesion and fears of the NISS [National Intelligence and Security Services], the brutal and widespread torture of detainees following the 30 January demonstrations and subsequent 'days of rage' indicate that the NCP now views the opposition and independent civil society as the next front. While torture remained all too common during the interim period, its scope and targets were somewhat subdued to periods of crackdown and following major political events such as the Justice and Equality Movement (JEM) attack on Omdurman and the International Criminal Court's indictment of President Omar al-Bashir. Torture was most prevalent amongst mid-level members of civil society, journalists and members of disenfranchised ethnic groups. Now, the main target of the NISS is the youth movement. It appears that the majority of detainees from the youth movement organised demonstrations were subjected to torture.

"The African Centre has documented the testimonies of several released detainees. Torture was so severe that the NISS headquarters in Khartoum Bahri were dubbed 'the capital of hell'. Those who were willing to speak about their treatment reported severe and widespread torture, often with detainees being targetted on the basis of gender and ethnicity. Members of disfavoured ethnic groups, such as in the case of Taj Al Deen Mohamed Ibrahim (Darfuri) and Louis Aweil Weriak (a Southerner), were often transferred immediately to incommunicado detention and repeatedly referred to as 'slaves' and other racial slurs." **[27c](p.3-4)**

16.44 A second ACJPS paper entitled 'Stemming the Tide: Arrests of Students and Youth Continue in Efforts to Curb Potential Organising Power', dated May 2011 explained:

"Since the successful youth protests in Tunisia and Egypt and demonstrations throughout Sudan organised by the Youth for Change in late January till present, the National Intelligence and Security Services (NISS) and police have increasingly targeted students, likely over fears of their potential organising power. Demonstrations organised by students and young people have been targeted even when their rallying cause is fairly non-controversial; rather, they appear to have been targetted due to their presumed affiliation with the Youth for Change movement, whose calls for President Omar al-Bashir to abdicate power have been much more brazen. In the case of arrests following peaceful demonstrations on 28 April in Al Salaam and Abu Shouk IDP Camps in North Darfur against a new aid distribution policy, three of those arrested and subjected to torture are 17, 14, and 16, respectively. They remain detained in Shalla Prison, El Fashir, alongside the rest of the group arrested. ... Those involved in the Youth for Change movement were arrested en masse in demonstrations in Khartoum, El Obeid, Wad Medani, and Kosti." **[27d](p.1-2)**

16.45 Referring to the government crackdown on student demonstrators in June 2012, a press release from Human Rights Watch, dated 26 June 2012 noted:

"... [P]rotests began on June 16 at Khartoum University in response to government austerity measures and price increases. By June 22 the protests had spread to dozens of other locations in Khartoum, Omdurman, Madani, Sennar, Gedarif, Port Sudan, Hasahisa, and other towns across Sudan, with protesters calling for the end of the current government. Human Rights Watch interviewed more than a dozen witnesses,

protesters, and former detainees in Khartoum and Omdurman and is in contact with other groups monitoring the situation. ...

"Groups of pro-government students wielding sticks and iron bars apparently cooperated with the security forces to beat and arrest demonstrators. A student from Sudan University told Human Rights Watch that on June 19 he and his friend were arrested by a large group of pro-government students who had radios. 'They took us to Nile Street, where the security guys told them they will take us from there,' the student said. 'That is when I knew they were working for the security.' ... Once in national security custody, the students were blindfolded and beaten severely. 'They were slapping us and insulting us, calling us slaves of foreigners and punching us and beat us with their gun butts,' said the student, whose injuries were so severe that he had to go to the hospital upon his release the following day. ... On June 24, a pro-government group threw explosives in glass bottles, which one witness described as a 'Molotov,' on protesters at Khartoum University, who in turn threw rocks at the group. The same day the main hospital in Khartoum treated more than 20 protesters who had serious injuries from beatings by riot police, witnesses told Human Rights Watch." **[19e]**

16.46 A posting on the website sudanesetoday.com, dated 19 June 2012, referring to raids conducted on student accommodation in Khartoum noted:

"On Saturday 16/6/2012 at around 6 p.m. a protest was launched from the female dorms at the University of Khartoum (UoK); where the female students protested against the staggering increase in the prices of meals and transportation. The girls' protest reached the male dorms and the male students joined forced with them. The protest continued and the students marched until they reached al-Gamhouria street where they were met with police forces who dispersed them. After the female students returned to the dorms, they took to the streets once again. The harassment of the police and security forces continued at the female dorms, in addition to the threats of pro-government National Congress Party (NCP) students who carried metal rods and batons. They then raided the female dorms, and police bombarded the expanse with tear gas and verbally abused the female students. The chaos went on until 1 a.m., and the students of both the male and female dorms held speeches inside the dorms and confirmed they will take to the streets the following day.

"On Sunday 17/6/2012 the students of UoK gathered in campus and speeches were held announcing the details of the previous night when the police raided the female dorms. This coincided with the police raiding the dorms for the second day in a row and beating the female students with batons. ... Police and security forces and NCP students gathered once again in an attempt to raid the campus, but the student protesters clashed with them and ran them out a second time. ... These incidents at the UoK main campus triggered similar incidents in various branches of the University including Education College in Omdurman and Agriculture College in Shambat, Khartoum North and their affiliated dorms; where police and security forces also clashed with the student protesters. ... Many students were arrested and released later on, after police officers brutally beat them with batons. Numerous injuries were reported, sustained by students who clashed with the police and were exposed to tear gas, in addition to police officers who were also injured during the clashes. ... Security forces still surrounded all dorms until Sunday evening, and there are expectations that they will be raided and the unarmed students will be attacked again." **[55a]**

16.47 The Sudan Tribune in an article dated 27 July 2012 further noted:

"Two members of Sudan's anti-government group, Grifina, are due to appear in court on 29 July to face charges stemming from their involvement in a protest earlier this month. ... Girifna's website reported that the pair, Rudwan Dawoud and Ahmad Kawarti, was arrested among a group of 14 people following a protest they organised in Al-Haj Youssef area of Khartoum North on 13 July. ... After several postponements of the trial, the judges acquitted and released all other defendants except the Dawoud and Kawarti who stand accused of 'establishing a terrorist organization', a charge punishable by 10 years in prison. ... Testifying before the court, members of the National Intelligence and Security Services (NISS) which arrested the activists said that Dawoud and Kawarti were planning to instigate acts of violence against the state." **[12t]**

See also the website for the youth movement Girifna (We r Fed Up)

For information on political repression of students and youth activists in East Sudan, refer to the Waging Peace briefing paper, 'The Human Rights Situation in East Sudan', dated 2012.

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17. FREEDOM OF SPEECH AND MEDIA

For a fuller appreciation of freedom of speech and freedom of expression more generally, readers are also recommended to read the sections on Political affiliation, and Human rights institutions, organisations and activists. The section, Security forces, also provides information on the actions of the security forces, including impeding rights of political affiliation and expression.

17.01 The Reporters Without Borders 'Press Freedoms Index 2011/2012', dated 25 January 2012, ranked Sudan 170th out of 179 states listed.**[57d](p.17)** The accompanying briefing explained: "The bad ranking assigned to Omar al-Bashir's Sudan (170th) was due to prior censorship, closure of newspapers, and arrests, prolonged detention and mistreatment of journalists." **[57d](p.6)**

17.02 The US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012 (USSD Report 2011) explained:

"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. The government, including the NISS [National Intelligence and Security Services], continued to cen of the government. Nightly prepublication censorship of newspapers occurred from May to August [2011]. The government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

"The government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available, and a private FM radio station continued to operate. The government restricted UN radio. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs." **[2b](2a. Freedom of Speech and Press)**

17.03 The African Centre for Justice and Peace Studies, in a paper 'Sudan Steps Backwards: National Security Intensifies Violations of Freedom of Expression in 2011', dated January 2012 noted:

"Historically, the Sudanese government's main method of silencing media was to use the National Intelligence and Security Service (NISS) to ensure prior-censorship of articles deemed sensitive. Recent actions by agents of the government against the media industry indicate the adoption of a new strategy that focuses on the use of censorship after printing by preventing vendors from distributing copies of their printed papers or confiscating copies from the printing warehouses. This new strategy inflicts enormous financial costs on newspapers and media organizations. These actions are clearly designed to pressure editors and publishers to delete any material that might upset the ruling National Congress Party in order to ensure the financial survival of the paper." **[27e](p.1)**

17.04 The Committee to Protect Journalists (CPJ) report, 'Attacks on the Press in 2011', Sudan, dated February 2012, highlighted that in 2011 Sudan suffered from practices of "vast censorship" together with the detention and arrest of journalist to "... suppress human rights coverage ..." **[56c]** The CPJ report further explained:

"Sudan continued to impose extensive censorship by confiscating newspapers and shutting news outlets, and it maintained a hostile atmosphere through the frequent use of harassment and detention. Numerous press freedom violations were reported in the run-up to the January referendum that led to independence for South Sudan. On the eve of South Sudan's independence in July, the state-run National Council for Press and Publications announced the withdrawal of licenses for six newspapers partly owned by South Sudanese citizens that had run commentary critical of the Khartoum government. In September, the council ordered the suspension of another six sports-oriented publications for allegedly 'inciting violence between teams.' In June, authorities filed politicized criminal defamation charges against several journalists who covered the alleged rape and torture of a youth activist. After the end of the Muslim holy month of Ramadan, President Omar al-Bashir announced that he would pardon all imprisoned journalists. Jafaar al-Subki Ibrahim, a reporter for the private daily Al-Sahafa who had been held incommunicado and without charge since November 2010, was released after the announcement. But no formal pardon was ever issued, and four journalists were still in detention in late year. In September alone, the National Intelligence and Security Services blocked the distribution of four opposition newspapers without cause." **[56c]**

17.05 See the CPJ website for further updates on freedom of press. The BBC country profile, Sudan, Media, dated 1 May 2012 stated:

"Sudanese broadcasting is highly restricted. State-run radio and TV reflect government policy. A military censor ensures that the news reflects official views. There are no privately-owned TV stations. ... Satellite dishes are a common sight in affluent areas and pan-Arab stations are popular. A Netherlands-based shortwave station, Radio Dabanga, aims to reach listeners in Darfur. ... The private press carries opposition views, but the state uses its powers to influence what is published. The press regulator closed six newspapers partially owned by South Sudan citizens on the eve of southern independence in 2011." **[3f]**

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MEDIA LAWS

17.06 Article 39 of the National Interim Constitution of Sudan states that:

"(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
(2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.
(3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war." **[13e](Article 39)**

17.07 The Press and Publications Act, 2009, outlines under Article 5 the 'Political Principles of the Freedom of the Press and Journalists' as follows:

"(1) The Journalism shall– freely and independently – be practiced without prejudice to the constitution and law while maintaining the public good, individual rights and privacies and without infringement upon public morals.
(2) No restrictions may be applied to the freedom of journalistic publishing save as maintained in this Act with regards to national security protection, public order and health; newspapers shall not be confiscated or shutdown nor shall journalists and publishers be imprisoned on issues pertaining to their practice save under the provisions of this Act." **[39f](Article 5)**

17.08 However the Freedom House, Freedom in the World 2012, Sudan country report, April 2012, referring to events in 2011, observed that the 2009 Press and Publication Act allowed a government appointed Press Council to prevent the publication and broadcast of material deemed unsuitable; to temporarily shut down newspapers; and impose heavy fines for violation of media regulations. The 'Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1' (A/HRC/WG.6/11/SDN/3), dated 25 February 2011, referring to submissions provided by the Amnesty International (AI) and Human Rights Watch (HRW) similarly noted:

"AI stated that the 2009 Press and Publications Act conferred on the National Press Council (NPC) broad regulatory powers over newspapers and journalists and recommended to reform this Act in line with its international human rights obligations and commitments. ... HRW stated that the National Congress Party continued to dominate the NPC and use it for political purposes and that the NPC has summoned journalists for articles about Darfur, international justice, and the [2010] elections." **[1g](para 51 – 52)**

17.09 The African Centre for Justice and Peace Studies, in a paper 'Sudan Steps Backwards: National Security Intensifies Violations of Freedom of Expression in 2011', dated January 2012, further explained that the Press and Publication Act 2009:

"... [R]etains two retrogressive provisions misused by the state security agents. First, it preserves the extensive powers of the partisan National Council on Press and Publications, over 40 percent of whose members are appointed by the Presidency - to suspend newspapers. This provision allows space for the NISS, the National Press and

Publications Council and other government agents to violate freedom of expression under the pretext of safeguarding national security.

"Second, the Act retained the special courts for the press with their wide discretionary powers to impose astronomical fines on newspapers. These types of sanctions are known as "indirect imprisonment" because the fine could be very high and result in imprisonment for failure to pay. The Act also gives the courts the powers to ban newspapers and place super injunctions on printing houses from publishing, suspend editors, the publisher or the related journalist who committed the alleged offense for a period determined by the court. It can also, cancel or suspend press registration. ... The Act does not pronounce itself explicitly on the issue of censorship but gives the government room to justify censorship and other forms of intervention in the name of security, order or public health.

"The implementation of the 2009 Press and Publications Act in Sudan as a vehicle for legitimating censorship violates Article 9 of the African Charter on Human and People's Rights as interpreted by the African Commission in relevant decisions. It also violates Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights to which Sudan is a signatory." **[27e](p.2-3)**

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PRINT MEDIA

17.10 The USSD Report 2011 observed:

"The constitution guarantees freedom of press but newspapers, especially privately owned and pro-opposition ones, were frequently subjected to measures to prevent them from reporting on issues deemed sensitive by authorities. Those measures included direct prepublication censorship, confiscation, legal proceedings, and denial of state advertising. Confiscation, in particular, inflicted severe financial damages on newspapers that were already hard-pressed due to low circulation." **[2b] (2a. Freedom of Speech and Press)**

17.11 A report from the organisation Media in Cooperation and Transition gGmbH (MICT), 'The Sudanese press after separation – Contested identities of journalism', based on research conducted in December 2011 during a mission to Khartoum, published 2012, included a paper by Roman Deckert entitled 'The current state of the Sudanese press: A diverse range of papers for a narrow spectrum of society'. The paper observed with regard to print media in present-day Sudan:

"Newsstands in the markets of Khartoum display an impressive diversity of newspapers. There are some twenty political papers available, as well as about ten sports papers and a half a dozen focusing on lifestyle and entertainment. The number of titles fluctuates: some close down, victims of political or economic pressure, and others spring up in their place. Unlike in the past, there are few monthly magazines on the market. All papers except one – Port Sudan Medenati – are published in the capital city. All but two English-language periodicals are in Arabic. On average, they cost one Sudanese pound. ... The top-selling title is by far Al Intibaha, the venomous mouthpiece of the Islamist Just Peace Forum (JPF) party. It has an estimated circulation of 60,000. Next comes the pro-government Al Ahram Al Youm and Akhir Lahza, an organ of the

National Intelligence and Security Service (NISS), which each have a circulation of approximately 20,000 copies per day. Five other dailies sell nearly 15,000 apiece, but the majority only manage distribution of a few thousand. The total circulation of political papers is, therefore, around 300,000 and some 200,000 for sports and lifestyle papers. In a country of about 32 million people, this seems relatively low, but experts estimate that each copy is read by up to ten people. Distribution, however, is limited to the greater Khartoum region and a couple of urban centers due to logistical and financial restraints in the continent's third largest country.

"These days, media houses' political affiliations are far less obvious than in the past. Official party papers form a small minority: Al Intibaha of the JPF, Ray Al Shaab of the Islamist Popular Congress Party (PCP) until its closure in January 2012, Al Raed of the ruling National Congress Party (NCP) and Al Midan of the Communist Party of Sudan (CPS). Alwan is considered to be close to the PCP and Al Jareeda as somewhat sympathetic with the banned Sudan People's Liberation Movement – Northern Sector. Only two papers are widely viewed as independent, Al Ayaam, and to a lesser degree, Al Sahafa. Most of the others are subtly or openly pro-NCP, since most of them are owned by businessmen with close links to the governing party ... However, this does not mean that the majority of papers are absolutely conformist in their editorial lines. On the contrary: Many of them represent the in-house opposition of the NCP, which hosts quite a broad range of differing interests in the absence of a proper opposition. Hence, the Sudanese press is fairly diverse even though it reflects a somewhat narrow spectrum of elitist opinion, not in the least because of its strong focus on Khartoum affairs which neglects the marginalized peripheries." **[141a](p.16)**

For further information on Sudan's opposition political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements. See also: Corruption.

17.12 The same report in a paper by Anke Fiedler entitled 'Political newspapers in Sudan after separation: Fig leaves of government monopoly or real alternatives to the state-run media?' based on 15 semi-structured interviews conducted with "... 13 leading journalists (mainly editors-in-chief)" and "... two official functionaries, [namely] Muheddin Titawi (Sudanese Journalist Union) and Ali Shummo (National Council of Press and Publications)..."**[141a](p.21)** aimed to examine "... why a small number of opposition and independent newspapers ... exist alongside the powerful state-run television and radio services ..."; and what "... motivates journalists to constantly risk their personal freedom." **[141a](p.20)** In the concluding section of the paper it was noted:

"So are Sudan's newspapers symbols of government monopoly or real alternatives to state media? The answer is not as straightforward as it may seem. This study showed that the country's national newspaper market is hybrid. Political dailies are not just fig leaves disguising the worst of press freedom violations while feigning a diverse media landscape. Despite all the aforementioned problems, newspapers play an indispensable role in the Sudanese media, not just because they are the only existing critical source of public information on a national level. They provide essential background, local news, a 'home' for the opposition and other assets which cannot be replaced by international and 'free' TV stations such as Al-Jazeera or the BBC. Part of the reason they function in this way lies in the opening of the media system with the 2009 abolition of pre-censorship. Nevertheless, the journalists themselves are the main driving forces for maintaining the diversity of the newspaper market. Most of them hail from a humble background but aspired to join the profession from an early age. Their love for writing

(often combined with a clear political position) helps them challenge governmental pressures and restrictions. All the interviewed journalists worked abroad and are familiar with other media systems that influenced their work and shaped their self-image. They either fight for their own political perspective, or they feel they represent the 'voice of the population, working to enhance living conditions. This motivation to work 'for the good cause' is boosted through the admiration of the readership, mainly the Sudanese elite. For this reason in particular, newspapers are considered to be the most influential medium in Sudan.

"However, newspapers are not 'alternatives' to the state-run television and radio. First of all, in a state where only two out of five citizens are able to read and write, the press cannot serve as a means to create a critical public sphere (disregarding the fact that newspaper circulation oscillates between a rather insignificant 1,000 copies to 140,000 copies). Second, in most cases the ownership of press products is not transparent. 'We are independent,' said Haidar Al Mokashfi. 'I think, more than 90 percent of the newspapers in Sudan are owned by the government and the ruling party.' It is very difficult to prove such claims and figures, but one should bear in mind around 40 newspapers are published on a daily basis in Sudan. Approximately 20 of those can be considered political newspapers. 'When a society begins to open up a little bit, there is a strong desire for the right to express yourself. It is like an explosion: People want to express themselves because they have been kept quiet for such a long time,' explained Mahjoub Mohamed Salih. 'The mushrooming of the media, after a closed, restricted period, is natural.'

"The extent of freedom of expression depends largely on the topics covered. Subjects like the army or the Darfur or South Kordofan conflicts are problematic. Other aspects affecting professional freedom are a newspaper's editorial line towards the government, the language (Arabic or English) and the paper's finances. ... Considering ongoing disputes with South Sudan, the conflicts about oil resources and territories as well as the political transition process, further changes to the Sudanese newspaper market are to be expected. There are signs of a return to tighter media controls in the future." **[141a](p.32-33)**

Confiscation of newspapers

17.13 The African Centre for Justice and Peace Studies, in a paper entitled 'Sudan Steps Backwards: National Security Intensifies Violations of Freedom of Expression in 2011', dated January 2012 explained:

"NISS recently began seizing copies of newspapers after they had been printed to prevent distribution. No reasons have been given for these confiscations. Preventing newspapers from distributing copies that have already been printed is a well-known tactic designed to impose extreme financial harm against the newspaper that will lead to the weakening of these newspapers economically and could force them into bankruptcy. It is a tactic that is meant to intimidate paper owners from allowing journalists to publish articles on topics that might not be favourable to security officials." **[27e](p.7)**

17.14 The same source listed the following publications as having had their newspaper confiscated: 'Ajras Alhurria' (on 20 January 2011, 31 January 2011, 8 March 2011, 6 April 2011, 7 April 2011, 10 June 2011, 21 June and 26 June 2011); 'Alahadath' (on 7 and 8 August 2011); 'Aljareeda' (on 7 August 2011 and "...on 20, 21, and 22 August and 4 September 2011 because Aljareeda allowed journalists from Ajras Alhuria to publish articles in its paper .."; 'Akhbar Alyoumr' (on 13 September 2011); 'Almidan' (on 2, 4, 6,

8, 12, 14 September 2011); 'Alsahafa' (on 8 and 11 September. "...Alsahafa was confiscated again on 11 October by NISS in Khartoum without justification. Observers indicated to ACJPS that they suspect the paper was confiscated due to an article within that criticized President Bashir for wearing illegal lion skin shoes while greeting President Kiir at Khartoum airport."); 'Akhbar Elyoum' (on 13 September 2011) and 'Alwan' (on 23 October 2011). **[27e](p.8)**

17.15 The ACJPS report additionally observed:

"In August [2011] Aljareeda newspaper offered to allow some of the former journalists, Faiz Elselaik, Rasha Awad and Khalid Fadul from Ajras Alhurrias to continue to publish articles in their paper. Once Aljareeda started to publish articles, the security and intelligence targeted the paper and repeatedly prevented it from distributing copies of its paper, causing heavy financial losses. ... On 4 September, the newspaper was confiscated for the fourth time. On the same day, the newspaper issued a statement reporting that NISS officials had told the newspaper explicitly that the cause of seizures is the presence of journalists from Ajras Alhurria on staff. The security threatened that the continuation of these writers at the paper would lead to continued confiscations." **[27e](p.9)**

17.16 The Committee to Protect Journalists, in a briefing paper entitled 'Sudan authorities continue to confiscate newspapers', dated 15 September 2011, expressed alarm at the "... growing censorship of newspapers in Sudan." **[56d]** The source further noted:

"In the past two weeks alone, the National Intelligence and Security Services (NISS) halted the distribution of four different opposition newspapers without cause. ... On September 4, 6, 8, and 11 [2011], Sudanese authorities confiscated four print-runs of the Sudanese Communist Party thrice-weekly Al-Midan, local and international news reports said. On Tuesday [13 September], the paper was seized again by the NISS, for the fifth time in two weeks. On September 4 and 8, two other opposition newspapers, Al-Jarida and Al-Sahafa, respectively, were confiscated by authorities. On Tuesday [13 September], the pro-government paper Akhbar al-Youm was seized, local reports said.

"'The repeated confiscation of these newspapers' entire print-runs is an insidious form of censorship designed to put the publications out of business,' said CPJ Deputy Director Robert Mahoney. 'The people of Sudan are entitled to hear alternative voices. The government must respect this right and allow these papers to publish without interference.'... CPJ has reported on previous newspaper confiscations in Sudan, an ongoing repressive tactic employed by the government. In each case, the authorities wait for the newspapers to be printed and then confiscate the copies before they are distributed, thus inflicting maximum financial losses." **[56d]**

17.17 "Al-Jarida, an opposition newspaper, said it lost at least US$10,000 in revenue when its August 20, 21, and 22 editions were confiscated by authorities, according to the African Centre for Justice and Peace Studies." (CPJ, 'Attacks on the Press in 2011',Sudan, 2012) **[56c]** The Foreign and Commonwealth publication, Human Rights and Democracy, Sudan quarterly update, dated 31 March 2012 additionally noted that in January 2012 the Sudanese authorities confiscated the 'Al Jarida' newspaper and in March 2012 confiscated copies of 'Al Maydan'. **[16d]**

Closure of newspapers

17.18 The African Centre for Justice and Peace Studies, in a paper entitled 'Sudan Steps Backwards: National Security Intensifies Violations of Freedom of Expression in 2011', dated January 2012 explained:

"On 8 July 2011, the National Press and Publications Council issued a decision to close six newspapers, including five newspapers that publish in English and one in Arabic. The targeted papers are the Khartoum Monitor, Sudan Tribune, the Advocate, Juba Post, The Democrat and Ajras Alhuria, which publish in Arabic. ... The Secretary-General of the Council issued a statement about the closures saying that the 'newspapers have been stopped from the ninth of July against the backdrop of the existence of citizens of the State of South Sudan as part of the owners and publishers of these newspapers, based on Article 28 of the Press and Publications Law of 2004.' This action was taken before the end of the six-month transitional period set by the Council itself to adjust the situation of media licensure following the secession of South Sudan. The council withdrew the licenses of the newspapers, which constitutes a direct violation of the Press and Publications Act." **[27e](p.8-9)**

17.19 A report from Reporters without Borders, entitled 'Two private newspapers closed down since start of the year', dated 17 January 2012 observed:

"Within the past two weeks, two independent and opposition newspapers, Alwan and Rai al-Shaab, have been closed by security forces without explanation. ... 'These latest two newspaper closures show the government of President Omar Hassan al-Bashir has yet to overcome his chronically repressive instincts aimed at silencing the media,' Reporters Without Borders said. ... 'We fear these examples are merely the start of many and call on the authorities to put an end to this spiral of repression.'" **[57c]**

17.20 As referenced in the previous paragraph, a Reporters without Borders article , 'Two private newspapers closed down since start of the year', 17 January 2012, reported:

"On 14 January, police raided the offices of the Arabic-language daily Alwan. Officers closed up the premises and took an inventory of all equipment without giving an explanation. A day earlier, the paper's editor Hussein Khogli was told by telephone it would be closed down, after copies had been seized over the preceding two days. ... The closure order was believed to have been given by Mohamed Atta, the head of the National Intelligence Security Services, and was believed to be linked to the publication of an interview with an Islamist political leader, Lubaba Alfadli. The newspaper was the target of similar suspensions in 2008 and 2009." **[57c]**

17.21 The same source also reported in article titled, 'Two private newspapers closed down since start of the year', 17 January 2012, and referenced in paragraph x.xx above, that:

"On 2 January 2012, it was the Arabic-language Rai al-Shaab, the official newspaper of the opposition Popular National Congress Party led by Hassan al-Turabi, that was the authorities' target for suspension. Its premises were closed and 15,000 copies of the paper were seized from its printing plant by NISS officials. Its manager, Nagi Dahab, has received no explanation. ... The closure could be as a result of the publication of an interview with Gibril Ibrahim, the spokesman for the Darfur rebel group Justice and Equality Movement concerning the difference in how prisoners were treated by the JEM and by the Sudanese government. ... The Sudanese Media Centre, a state-linked website, said the action was taken because the newspaper's behaviour violated the ethical and professional standards of the journalists' code of conduct. ... The NISS previously closed down Rai al-Shaab in 2010. Its deputy editor Abuzar Ali Al-Amin spent

several months in prison, where he suffered ill-treatment. The newspaper resumed publication last October after a court overruled its closure." (**[57c]**

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INTERNET

17.22 The BBC country profile, Sudan, media, dated 1 May 2012 stated: Sudan had 4.2 million internet users by September 2009, comprising around 10% of the population (Internetworldstats). ... According to web filtering monitoring body OpenNet Initiative (ONI), 'Sudan openly acknowledges filtering content that transgresses public morality and ethics or threatens order.' Blogging is 'subject to scrutiny and can incur serious consequences'." **[3d]** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 explained:

"The government monitored Internet communications, and the NISS read e-mail messages between private citizens. The National Telecommunications Corporation blocked some Web sites and most proxy servers deemed offensive to public morality. While there generally were no restrictions on access to news and information Web sites, authorities regularly blocked access to YouTube. During the 2010 elections, the government blocked access to the Sudan Vote Monitor Web site." **[2b](2a. Freedom of Speech and Press)**

17.23 The African Centre for Justice and Peace Studies, in a paper entitled 'Sudan Steps Backwards: National Security Intensifies Violations of Freedom of Expression in 2011', dated January 2012 noted: "... the sudaneseonline website was hacked into and disabled for two weeks in October 2010. Bakri Abu Bakar, the owner and administrator of the web site said in a statement that he filed a case against the hackers saying that they belong to electronic department of NISS, 'El-jihad Electrony.'" **[27e](p.8)**

17.24 The Amnesty International report 'Silencing Dissent: Restrictions on Freedom of Opinion and Expression Persist in Sudan', dated April 2012 also explained:

"Social media sites such as Facebook, Twitter and YouTube have been increasingly used by Sudanese activists to disseminate information and co-ordinate activities, including demonstrations. ... The authorities have previously infiltrated sites used by youth groups such as Girifna and Youth for Change and used them to arrest activists. Activists told Amnesty International that during interrogation by the NISS, they were asked for their email and Facebook passwords. ... NCP officials made statements in the national media in February and March 2011 stating that they were closely monitoring Facebook pages that they considered to be 'anti-regime'. ... The statements concluded that Facebookgroups were being administered by 'foreign intelligence bodies' from abroad and were not representative of Sudanese youth." **[8m](p.5-6)**

Additionally refer to the websites for Sudan Change Now; Girifna (We r Fed Up), the twitter page '#SudanRevolts' and website Sudanese Tweeps. See also: Freedom of Association and Assembly, popular protests

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JOURNALISTS

The following information should be considered together with Human rights violations perpetrated by government forces; Human rights violations perpetrated by NISS; Non-governmental organisations and human rights activists and Opposition groups and political activists.

For information on the treatment of journalists reporting on Sudan's regional armed conflicts additionally see: Human rights monitoring in regional conflict areas

17.25 The USSD Report 2011 stated:

"Individuals who criticized the government publicly or privately were subject to reprisal, including arrest. The government attempted to impede such criticism and monitored political meetings. Authorities continued to target aggressively journalists and publications through contrived legal proceedings, politicized criminal charges, and confiscations. ... Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting… The NISS also required journalists to provide personal information, such as details on their tribe, political affiliation, and family. ... The government selectively restricted international media. Some foreign journalists were denied visas; others had regular access to opposition politicians, rebels, and civil society advocates." **[2b](2a. Freedom of Speech and Press)**

Arrest and detention

17.26 The Committee to Protect Journalists (CPJ) report, 'Attacks on the Press in 2011, Sudan, dated February 2012, noted that as of 1 December 2011 there were four journalists in detention in Sudan **[56c]** (According to the CPJ report, the four journalists in detention in Sudan as of 1 December 2011 were Abdelrahman Adam Abdelrahman, Adam al-Nur Adam, Zakaria Yacoub Eshag and Jamal Osman Hamad **[56c]** However, a report from Radio Dabanga, dated 4 December 2011 stated that the detained journalists involved in the Radio Dabanga case (which included Abdelrahman Adam Abdelrahman, Adam al-Nur Adam, and Zakaria Yacoub Eshag) were released on 4 December 2011. **[58a]** A report from Reporters without Borders, dated 16 December 2011, also noted that Jamal Osman Hamad, the fourth detainee referred to in the CPJ report, 'Attacks on the Press in 2011', had been released from detention following his initial arrest in October 2011. **[57a]**).

17.27 The Reporters without Borders feature, '2012: Journalists imprisoned', undated, circa 2011/2012, listed only one case for Sudan, that of Abdelrahman Adam (Radio Dabanga case) who was detained on 30 October 2010 **[57b]** (Abdelrahman Adam was in fact released in December 2011 (Radio Dabanga, 'Court Sudan orders release detainees accused of collaboration Radio Dabanga', 4 December 2011**[58a]**). However a briefing issued by Amnesty International (AI) dated 22 June 2012, entitled 'Sudan: Human rights situation continues to deteriorate, Amnesty International written statement to the 20th session of the UN Human Rights Council (18 June – 6 July 2012)' observed that journalists were "... frequently subject to arrest and criminal charges." **[8j]** Referring to events in 2012, the AI statement explained:

"In April and May 2012 Faisal Mohammed Saleh, a prominent columnist with several national newspapers faced harassment by the NSS [National Security Services]. He was made to report to the NSS offices for 13 days, and was made to wait all day for an interrogation that never took place, without being provided with food or water. He was then repeatedly arrested and released, before being charged with 'noncooperation with a public agent.' ... Faisal Mohammed Saleh was acquitted on 31 May, but continues to

face criminal charges for his 2011 reporting on the alleged rape of an activist by NSS agents." **[8j]**

17.28 In June 2012 there were also reports that journalists covering popular demonstrations were subject to detention by the Sudanese authorities. A report from Human Rights Watch entitled 'Sudan: Torture, Abuse of Demonstrators', dated 11 July 2012 for example noted that since protests had began in mid June 2012 Sudanese security forces had arrested peaceful protestors including journalists. **[19h]** Similarly a press release from the European Union's Catherine Ashton, High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Comissioned raised concern at the "...growing levels of censorship and restrictions on the media and the political opposition in Sudan, including the detention of a number of journalists and political activists." **[105a]**

See also: Freedom of Association and Assembly, popular protests and Amnesty International, 'Sudan: End crackdown on protestors and journalists', 22 June 2012

17.29 The Freedom House, Freedom in the World 2012, Sudan country report, dated April 2012, referring to events in 2011 remarked that "[j]ournalists risked prosecution for doing their jobs." **[20a]** The source continued:

"... Ten reporters were charged with defamation in May 2011 for reporting on the alleged gang rape of a female student by agents from the NISS. At least three of the reporters were found guilty, and two spent a month in prison rather than pay a fine. A presidential decree was issued in August to release all journalists held in custody. Soon afterward, the editor of the newspaper Al-Sahafa, who had been detained since November 2010, was set free. Seven members of the Darfur radio channel Radio Dabanga who had been behind bars since October 2010 were released without charge in December 2011. However, four journalists remained in custody at year's end, according to the Committee to Protect Journalists." **[20a](Political rights and civil liberties)**

17.30 Referring the case of the arrest of Radio Dabanga employees in 2010, the CPJ report, 'Attacks on the Press in 2011', Sudan, dated 2012, observed: "Abdelrahman Adam Abdelrahman, Adam al-Nur Adam, and Zakaria Yacoub Eshag, all journalists with Netherlands-based Radio Dabanga, were being held on antistate charges. [The three journalists were from a group of seven charged in June 2011, following their arrest in October 2010. They were all eventually released from detention in December 2011. (Radio Dabanga, 'Court Sudan orders release detainees accused of collaboration Radio Dabanga', 4 December 2011)**[58a]** Radio] Dabanga is outlawed in Sudan because of its coverage of Darfur and human rights, highly sensitive topics for the government. The station uses shortwave frequencies to transmit its signal into Sudan." **[56c]**

For further information on the arrest of journalists in Sudan, refer to the ACPJS publication 'Sudan Steps Backward: National Security Intensifies Violations of Freedom of Expression in 2011', dated January 2012 and refer to the subsection 'II. Arrests and Prosecutions of Journalists and Media Professionals'.

Extra-judicial killings

17.31 The Committee to Protect Journalists feature entitled, 'Killed in 2012', listed the most recent case of a journalist being killed in Sudan as that of Mohammed Taha Mohammed Ahmed, in September 2006. **[56a]** Mr Taha, editor in chief of the private daily, 'Al Wifaq',

was abducted by unknown gunmen from his home in Khartoum and killed, his mutilated body was found south of the capital the day after his abduction. **[56b]** The report explained:

"Taha had angered Islamists by running an article about the Prophet Muhammad. He had also written critically about the political opposition and armed groups in Sudan's western Darfur region, according to press reports. No group claimed responsibility for the killing, Reuters reported. ... Taha, 50, was an Islamist and former member of the National Islamic Front. But in May 2005, he was detained for several days, fined 8 million Sudanese pounds (US$3,200), and his paper was closed for three months after he offended the country's powerful Islamists by republishing an article from the Internet that questioned the ancestry of the Prophet Muhammad. Demonstrators outside the courthouse demanded he be sentenced to death for blasphemy. Sudan is religiously conservative and penalizes blasphemy and insulting Islam with the death penalty." **[56b]**

17.32 The CPJ report noted that in April 2009 the Sudanese authorities executed nine men from Darfur who were found guilty of killing Taha. However according to the source "... [m]any press freedom and human rights observers saw the prosecution as a miscarriage of justice ..." **[56b]**

See also: Treatment of (perceived) supporters of non-state armed groups, Darfurian groups and government opponents

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18. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

The following information should be considered together with Humanitarian issues, International Non-Governmental Organisations

18.01 The Human Rights and Democracy: Foreign and Commonwealth Office Report 2011, April 2012, observed:

"While Sudan is a party to a number of major international human rights treaties and has relevant national legislation, implementation is characterised by a lack of both will and capacity. Opportunities for dialogue between the international community and Sudanese authorities on human rights are limited, particularly following the disappointing decision of the government of Sudan to end the mandate of the UN Mission to Sudan (UNMIS) on 9 July, which has left Sudan without an international presence to carry out human rights monitoring and reporting.

"Sudan was the subject of a Universal Periodic Review in May, resulting in 160 recommendations. The Sudanese Ministry of Justice expressed a need for technical assistance from the international community to respond to the report. But they have not yet accepted EU-led requests for meetings to discuss these needs. In September, the mandate for the UN Independent Expert on Human Rights in Sudan was renewed by the UN Human Rights Council." **[16c](p329)**

18.02 For information on Sudan's ratification of Multilaterial Treaties deposited with the UN Secretary-General (MTDSG) in the field of Human Rights, refer to MTDSG database (Chapter IV of MTDSG database covers human rights). The MTDSG database, accessible via the UN Treaty Collection website:

"... provides information on the status of over 500 major multilateral instruments deposited with the Secretary-General of the United Nations (as of 1 January 2009) and covers a range of subject matter [including Human Rights]... The number of treaties deposited with the Secretary-General keeps growing steadily. This publication reflects the status of these instruments, as Member States sign, ratify, accede or lodge declarations, reservations or objections." **[54g]**

NATIONAL MECHANISMS FOR PROTECTING HUMAN RIGHTS

18.03 The National Report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1 (A/HRC/WG.6/11/SDN/1), dated 11 March 2011, produced by the Government of Sudan as part of Sudan's Universal Period Review noted that "... to ensure the promotion and protection of human rights [in Sudan there] are a number of national mechanisms that seek to enforce human right principles and standards." **[1d](para17)** The report went onto list the following institutions, the Constitutional Court; the national judiciary; the Advisory Council on Human Rights; the National Committee on International Humanitarian Law; the Public Grievances Chamber; the Commission for the Rights of Non-Muslims in Khartoum state; the National Council for Child Welfare; the Human Rights Commission; the Human Rights and Public Duties Committee of the National Assembly and the Violence against Women and Children Unit of the Ministry of Justice. **[1d](para 18 – 29)**

18.04 However the US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 explained: "The government's Advisory Council for Human Rights did not respond to requests by international organizations to investigate human rights violations and did not provide lists of detained individuals to the international community. ..." **[2b](5.Government attitude regarding international and nongovernmental investigation of alleged violations of human rights)** Although the US State Department report observed that: "[t]he National Commission for Human Rights Act, purportedly created by law in 2009, had not been established by year's end." **[2b](5.Government attitude regarding international and nongovernmental investigation of alleged violations of human rights)** A report in the Sudan Tribune, entitled 'President Bashir appoints members of Sudan's human rights commisssion', dated 11 January 2012 explained: "Sudanese President Omer al-Bashir, has issued a republican decree today Wednesday [11 January 2012] to form National Commission for Human Rights (NCHR). ... The commission will be headed by Amal Hassan Babiker and Joseph Khalil Suleiman, as vice-President. In addition 13 members were also appointed to the commission. ... The presidential decision comes in line with the Doha Document for Peace in Darfur where the government committed itself to ensure the effective functioning of the NCHR. The latter has to establish a 'decentralised, independent, autonomous and resourced Human Rights Sub-Committees for Darfur'." **[12k]**

18.05 The position paper 'Criminal Justice and Human Rights: An agenda for effective human rights protection in Sudan's new constitution', written by Dr. Mohamed Abdelsalam Babiker, Assistant Professor, University of Khartoum Faculty of Law, in his personal capacity, published as part of the Project for Criminal Law Reform in Sudan, dated

March 2012 (Criminal Justice and Human Rights Report 2012) explained that under the Comprehensive Peace Agreement (CPA) several commissions were established to "... function as oversight bodies mandated with the protection of human rights." **[44b](p.13)** The source continued: "Part Eight of the Constitution (Independent Institutions and Commissions) envisages that such bodies play an effective supervisory role, in particular the National Constitution Review Commission (NCRC), the Human Rights Commission and the National Judicial Service Commission." **[44b](p.13-14)** However the report went to highlight the weaknesses of these three commissions as follows:

"The NCRC could have been an important actor with regard to law reform and harmonization of national laws with the constitution. In practice, it has largely failed to address the apparent dichotomy between constitutional human rights norms and existing legislation. During the CPA implementation, the lack of a transparent process of law reform was evident and designated bodies such as the NCRC had limited capacity, powers and operational independence. Although the CPA identified specific laws that need to be reformed, provided for the establishment of the NCRC and a Law Reform Committee (LRC) at the Ministry of Justice to ensure compatibility with the CPA and the Interim National Constitution, there has been limited progress, particularly regarding the harmonisation of existing laws with the Bill of Rights. ...

"Other Commissions such as the National Human Rights Commission and the National Judicial Service Commission could also play an effective role in the protection and promotion of human rights from a criminal justice perspective. The National Human Rights Commission was created by an Act of parliament in 2009. Its members were appointed in January 2012 almost three years later. The establishment of the Commission has the potential to strengthen the system of national human rights protection if properly constituted and resourced. The Act vests the Commission with a mandate to monitor the application of the rights and freedoms provided for in the Bill of Rights, as well as the powers to receive complaints of violations and to ensure harmonisation of laws with the Bill of Rights. However, there are a number of gaps in the Act that may hinder the ability of the Commission to carry out its mandate effectively and independently. In particular, the law could be further elaborated in relation to the Commission's quasi-judicial competence to deal with complaints and investigate human rights violations proprio motu; and issues relating to its accessibility. Another area of concern is the selection and appointment process for Commission members that is largely controlled by the executive.

"The main purpose of the National Judicial Service Commission is to commence the process of institutional reform of the judiciary so that it will be able to develop new roles and to accommodate the new constitutional provisions to reform the judiciary. ... However, there are concerns that the body has not been able to perform its envisaged role and progressively achieve judicial reform and independence. First, the Commission was expected to focus on substantive issues including the promotion of the rule of law and judicial independence. Instead, the Commission has concentrated on procedural issues (i.e. removal and disciplinary of judges, conditions of service). As a result, the Commission's work did not result in genuine and tangible changes in the performance of the judiciary in terms of public confidence and accessibility. Secondly, the Commission has not acted as a real supervisory body over the judiciary because the Chief Justice is the Head of the Commission and he is in a position to set the agenda of the Commission and its actual role. Thirdly, the Commission has not addressed critical issues and adopted policies with regard to issues frequently raised about the judicial authority and independence. This includes in particular judicial competence over the judicial work and the interference of the Ministry of Justice with the work of the judiciary

by staying or dismissing proceedings. Other issues include the role of the judiciary with regard to special courts and immunities granted to law enforcement officials." **[44b](p.14-15)**

See also: Judiciary

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NON-GOVERNMENTAL ORGANISATIONS AND ACTIVISTS

The following information should be considered together with Human rights violations perpetrated by government forces; Human rights violations perpetrated by NISS and Journalists

18.06 The Freedom House report, Freedom of the World 2012, Sudan Country report, April 2012, observed that the operating environment for non-governmental organisations in Sudan was difficult. **[20a](Political rights and civil liberties)** The US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012, further explained:

"The government was uncooperative with, and unresponsive to, domestic human rights groups. Workers of both domestic and international human rights organizations were restricted and harassed. ... The government restricted, harassed, and arrested NGO-affiliated international human rights and humanitarian workers, including in Darfur ... The government refused and delayed the issuance of visas to international NGO workers and restricted their access to parts of the country. ... NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. The HAC obstructed the work of NGOs, including in Darfur and the Three Areas ... During the year the HAC often changed its rules and regulations without prior notification." **[2b](5.Government attitude regarding international and nongovernmental investigation of alleged violations of human rights)**

See also: website for the Government of Sudan, Humanitarian Aid Commission

18.07 With regard to the arrest of human right activists, the US State Department report additionally noted that: "... [the] government harassed, arrested, beat, and prosecuted human rights activists for their activities." **[2b](5.Government attitude regarding international and nongovernmental investigation of alleged violations of human rights)** Examples include the case of Safiya Eshaq, a member of the youth group Grifna who was arrested and allegedly gang raped by security officials in February 2011 following her participation in protests earlier in the year. (Sudan Tribune, 'Sudanese female activist claims to be gang raped', 25 February 2011) **[12j]** Safiya's case captured international attention after a video was posted on You Tube in which Ms Eshaq publicly spoke about her ordeal. In June 2012 a report from SUDO UK, dated 30 July 2012, observed:

"On 18 June the Sudanese National Intelligence and Security Services (NISS) arrested Khalid Bahar with [a] number of activist from a forum at the Movement of New Democratic Forces (HAQ)'s residence where leaders from Sudan's main stream opposition's parties were about to sign a Democratic Alternative Charter (DCA). ... NISS members raided HAQ's offices and arrested Khalid Bahar, a 30-years-old political and human rights activist, and number of activists and political leaders. They closed the

roads leading to HAQ's offices and arrested people who were coming to the forum. Khalid was released on the next day and asked to come to the NISS offices daily, his camera and mobile phone were confiscated. On June 20th, Khalid went to the NISS office and when he reclaimed his camera and mobile phone he was arrested again and detained in Kober Prison. ... Khalid has been in detention since then, without charges and without access to a lawyer. His family managed to visit him once, and on the second occasion, to visit him, on 29 July, Khalid's family was told that he was transferred to Port Sudan with other detainees and they will be contacted regards his visits, they were also told that there were other detainees who were transferred to Wad Madani as well." **[103a]**

18.08 The Special Rapporteur on Human Rights Defenders in Africa and the Special Rapporteur on the Rights of Women in Africa additionally highlighted that women human rights activists had been particularly targeted during the latest crackdown on demonstrators in July 2012, as a press release from the African Commission on Human and Peoples' Rights, dated 24 July 2012 explained:

"The Special Rapporteur on Human Rights Defenders in Africa and the Special Rapporteur on the Rights of Women in Africa (the Special Rapporteurs) are closely monitoring the situation of women human rights defenders in Sudan. ... The Special Rapporteurs are deeply concerned by the persecution, arrest and arbitrary detention of women human rights defenders in Sudan following the peaceful demonstrations conducted on 13 July 2012 in Khartoum, Sudan, against the violence, including sexual violence, perpetrated against female students by agents of the National Intelligence and Security Service (NISS) during their recent demonstrations. ... The Special Rapporteurs are further concerned by the fact that five of the women arrested are now being held at unknown locations." **[53e]**

For further information see: Opposition groups and political activists; Freedom of Association and Assembly, popular protests. For further information on Sudan's opposition political parties and coalitions, refer to the listing included in Annex C: Political parties and urban protest movements For further information on sexual violence perpetrated against female activists see: Sexual and Gender Based Violence (SGBV) committed by security forces and militias. More generally refer to information included under: Women

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HUMAN RIGHTS MONITORING IN REGIONAL CONFLICT AREAS

In considering human rights reporting in Sudan's regional conflict areas the following section should be read in conjunction with the sections on Security situation; Human rights violations committed in areas of armed conflict and Freedom of speech and media. Additionally readers are recommended to refer to the following sources which provide ongoing coverage of human rights reporting in Sudan: The Sudan Tribune; African Centre for Justice and Peace Studies; Radio Dabanga; Eric Reeves blog – sudanreeves.org

Readers should also note that the following section includes reference to humanitarian aid organisations and journalists in addition to information on human rights activists and

international organisations. This is because information about the presence of journalists and humanitarian aid workers/organisations and the access such groups have to conflict areas in Sudan, is also relevant when considering human rights monitoring more broadly.

For information on the treatment of journalists see: Journalists for information on the humanitarian situation in Sudan's conflict zones see: Humanitarian situation in regional conflict areas.

Darfur

United Nations

18.09 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur' (S/2012/548), dated 16 July 2012, explained with regard to UNAMID deployment in Darfur: "During the reporting period, UNAMID conducted 12,783 patrols, including 5,727 routine patrols, 2,801 logistics and administrative patrols, 1,788 night patrols, 1,089 short-range patrols, 914 humanitarian escorts and 464 long-range patrols. UNAMID police conducted a total of 12,507 patrols, including 7,180 inside camps for internally displaced persons, 3,021 in towns and villages, 1,807 medium-range patrols, 277 humanitarian patrols and 222 long-range patrols." **[18t](para 56)** The report went on to provide statistical data on documented human rights violations monitored by UNAMID, observing: "...the overall number of documented human rights violations in the reporting period remained relatively unchanged at 145 cases involving 439 victims, compared with 148 cases involving 374 victims in the previous reporting period" **[18t](para 42)** (For further information on human rights monitoring by UNAMID, see previous reports of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur.)

18.10 However the 'Report of the independent expert on the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27', dated 22 August 2011, (A/HRC/18/40/Add.1) explained: "UNAMID human rights monitors do not have unfettered access to detention centers in Darfur especially access to persons held under emergency and national security laws. Access to NSS and Military Intelligence detention centers remain a challenge while limited access to the prisons have been granted on ad hoc basis usually after the submission of written requests." **[1b](para 19)**

For further information on arrest and detention in Darfur, including cases of incommunicardo detention, see Human rights violations committed in areas of armed conflict.

18.11 The Human Rights Watch Report, 'Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011 also explained:

"Sudan continues to restrict UNAMID peacekeepers ... from accessing large swathes of territory in Darfur, seriously undermining efforts to protect and monitor civilians affected by the fighting. ... Despite its efforts to increase patrols, the government has kept UNAMID out of conflict zones, usually on the pretext that the affected areas are insecure. On average this year, and depending on the number of attempts made by UNAMID, the government blocked more than a dozen ground patrols per month (more

than 20 in January) in defiance of the Status of Forces Agreement granting the peacekeepers access to the whole area. ... These restrictions persist in spite of temporary access granted to some locations, including in Jebel Mara where after more than a year of international pressure the government allowed access for a three-week trial period. The restrictions not only prevent UNAMID from effectively carrying out its protection of civilians mandate in areas most affected by conflict, but also from being effective monitors." **[19a](p.17-18)**

18.12 Eric Reeves in an article entitled 'The Seen and the Unseen in Darfur: Recent Reporting on violence, insecurity, and resettlement', dated 29 February 2012 further contended: "... there is no human rights reporting presence in Darfur, nor has there been for a number of years; this includes even rapporteurs appointed in one form or another by the United Nations. The UN Panel of Experts on Darfur has been eviscerated, as the UN has acquiesced before Khartoum's demand that the Panel be composed of accommodating (if unqualified) members." **[36e]** A biography of Eric Reeves is available on who his website, Sudanreeves.org, Sudan Research Analysis and Advocacy, Eric Reeves, undated, accessed 4 July 2012:

"Eric Reeves is Professor of English Language and Literature at Smith College in Northampton, Massachusetts. He has spent the past thirteen years working full-time as a Sudan researcher and analyst, publishing extensively both in the US and internationally. He has testified several times before the Congress, has lectured widely in academic settings, and has served as a consultant to a number of human rights and humanitarian organizations operating in Sudan. Working independently, he has written on all aspects of Sudan's recent history. His book about Darfur (A Long Day's Dying: Critical Moments in the Darfur Genocide) was published in May 2007…" **[36d]**

18.13 A report from Foreign Policy entitled 'The Silence in Sudan', dated 7 May 2012 stated that: "... sunnier accounts of events in Darfur in some ways reflects the tendency of the U.N. and African Union leadership to trumpet the successes of a peace process that they have helped brokered, and downplay its failures. But the long silence owes much to the Sudanese government practice of intimidating U.N. officials and independent aid workers into remaining quiet or minimizing government violations -- by threatening possible expulsion or harassment on the ground." **[104a]**

18.14 A second post from Eric Reeves, entitled 'Darfur in the Still Deepening Shadow of Lies', dated 25 May 2012, provided a critique on the effectiveness of UNAMID, challenging statements made by UN officials with regard to the security situation in Darfur. Annex 1 of the report additionally highlighted the failure of the UN Panel of Experts to investigate the Tabarat massacre in September 2010, which allegedly prompted the resignation of three Experts from the Panel. **[36c]**

18.15 The 'UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)' (S/2011/111), dated 20 September 2010, published 8 March 2011, highlighted the working constraints faced by the Panel during their mission as including difficulties over accessibility to areas and interlocutors; denial of access to areas under the control of the Justice and Equality Movement in Darfur and visa restrictions as the main obstacles faced by the Panel. Concerning access to areas of Darfur to meet with interlocutors the report noted:

"The ability of the Panel to fulfil its mandate as stipulated in resolution 1591 (2005), as read with the other relevant resolutions concerning Darfur, requires the Panel to have unhindered travel and movement to all locations of interest. It is

further required to interact with various stakeholders. The areas of interest are, among other sites, those of alleged bombings and of reported rebel or tribal fighting. Stakeholders include Government officials and members of rebel groups as well as alleged victims of human rights abuses. The Panel's ability in this regard was, however, severely constrained by the restrictive environment in which it operated and which entailed a lack of access to key areas and interlocutors in Darfur. ... Restrictions faced by the Panel in its movements and interactions with stakeholders were due to security concerns of UNAMID and/or the Government of the Sudan, logistical and operational constraints, as well as instructions by the Government that the Panel was to address its questions to its focal points in the relevant ministries in Khartoum. An invitation to the Panel to visit Jebel Marra by the commanders of the Sudan Liberation Army/Abdul Wahid faction (SLA/AW) in March 2010 was accepted, but the mission could not be conducted because of UNAMID security concerns. Furthermore, an invitation by the Government of the Sudan to visit Jebel Moon and Kulbus was not taken up because of logistical problems and difficulties in receiving UNAMID clearance to use SAF facilities for the trip. Visits to those locations would have greatly helped the Panel to look into issues such as the alleged taxation of the local population by some rebel groups, bombings and tribal clashes." **[18h](para 24 -25)**

18.16 With regard to information being provided to the Panel by the Government of Sudan and the Panel's access to Sudan Armed Force commanders in Darfur, the source further noted:

"The Panel was in constant contact with the Government of the Sudan, which maintained its coordination mechanism headed by the Panel's Government focal point in Khartoum. The Panel met on a regular basis with the office of the focal point to clarify issues and seek information, among other requests. Most requested meetings were facilitated by that office. ...However, at the time of writing of the present report, the Panel was still awaiting certain information requested from the Government. That information was requested under the right of reply methodology adopted by the Panel. Information was awaited from, among other Government ministries and non-governmental entities, the Ministry of the Interior (Police); the Ministry of Justice; NISS; the Advisory Council on Human Rights; the Civil Aviation Authority; and Air West Cargo. Furthermore, information provided by the Sudanese Armed Forces (SAF) sometimes failed to address the technical nature of the questions raised by the Panel.

"Additionally, the Panel was informed that it was no longer allowed to meet with SAF commanders in the field and that all issues and clarifications were to be sought from SAF headquarters in Khartoum. The reason given was that SAF in Khartoum was the only entity with strategic information on the situation in Darfur. Moreover, during the Panel's first visit to Khartoum, the Panel was informed by its Government focal point that it needed permission to travel outside Darfur while in the Sudan. The Panel regrettably notes that the Government of the Sudan expressed reservations with regard to the impartiality and independence of members of the Panel, whom it accused of working for foreign intelligence agencies, although it never provided evidence to back up that allegation. Despite assurances of continued support for the Panel's work, the issue was repeatedly raised throughout the duration of the mandate." **[18h](para 19-21)**

18.17 More recently, the Sudan Tribune in an article dated 15 June 2012 explained:

"Sudanese government declined a request by the UN Independent Expert on the situation of human rights in the Sudan, Mashood Adebayo Baderin , [Mr Baderin replaced the former expert Mohamed Chande Othman as the UN's independent expert on the situation of human rights in the Sudan in 2012 (Office of the United Nations High Commissioner for Human Rights, 'Independent Expert on the situation of human rights in Sudan')**[1j]]** to visit Darfur region, in his first visit to the country. ... In a press conference held at the ministry of justice in Khartoum on Thursday, Baderin said he applied for a permission to visit Darfur region but Sudanese authorities told him that the time limit 'was short to make the arrangements'. ... The independent expert pointed out that Sudanese officials assured him that the situation has improved in the region. However he added that 'other stakeholders' he met provided him with a different picture of the situation in Darfur. ... But he underlined it was difficult to make his own conclusions based on those statements." **[12e]**

Non-governmental organisations

18.18 The Freedom House report, Freedom of the World 2012, Sudan Country report, April 2012, remarked that in Darfur "... government backed forces and the main rebel groups place restrictions on the movement of aid workers." **[20a](Political rights and civil liberties)** Similarly the Human Rights Watch report, 'Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011 observed that humanitarian organisations in Darfur:

" ... face restrictions through often more hostile means, such as arrest and detention of national and international staff, and expulsion of the latter. In March 2009, shortly after ICC [International Criminal Court] issued an arrest warrant for President Omar al-Bashir, the government expelled 13 aid groups and closed down three Sudanese human rights groups. In 2010, the government expelled key staff of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees who were involved in overseeing programs to facilitate the return of displaced persons. In February 2011, the government expelled, Médecins du Monde, the only medical organization providing services in Jebel Mara, and has repeatedly threatened to expel another group from West Darfur involved in food distribution." **[19a](p.18)**

18.19 A report from Thomson Reuters AlertNet on the Darfur conflict, last updated 16 February 2012 further observed:

"In March 2009, the International Criminal Court issued an arrest warrant for Sudan's president for war crimes and crimes against humanity in Darfur. ... Soon afterwards the government expelled 13 international agencies from Sudan and three local agencies from Darfur. ... Since then few reports have been published on the humanitarian situation in the region. News agencies have very limited access, and aid agencies are reluctant to speak out for fear they will be expelled." **[102a]**

See also: Republic of Sudan, 'Violations of foreign INGO's expelled from the Sudan', undated

18.20 However an article by Eric Reeves for 'Dissent' magazine, entitled 'Darfur and the Consequences of Impunity', dated 9 September 2011, referring to the occurrence of gender based violence in Darfur, remarked on the extensive reporting on such violations by NGOs who had a presence in Darfur. As noted:

"... [I]nstances of rape have been reported continuously, voluminously, and authoritatively for eight years by Amnesty International, Physicians for Human Rights, Human Rights Watch, Doctors Without Borders/Médecins Sans Frontières (MSF/Holland), and many others. The Amel Center for the Treatment and Rehabilitation of Victims of Torture in South Darfur has substantial records of these crimes, and a compelling overview has been provided by the Harvard School of Public Health and the Francois-Xavier Bagnoud Center for Health and Human Rights." **[36f]**

18.21 Commenting on the recent operations of Medecins Sans Frontieres in Darfur (one of the groups cited by Eric Reeves) a Reuters Africa report entitled 'Sudan restrictions hamper aid work in Darfur: MSF', dated 22 May 2012 reported that: "Government restrictions on Medecins Sans Frontieres (MSF) have forced the group to suspend key medical activities in part of Sudan's Darfur region, leaving tens of thousands of people without health care, the aid agency said on Tuesday. ... MSF said hurdles to procedures like getting permits and shipping in medical supplies forced it to suspend most of its medical activities in the Jebel Si area, a conflict area in North Darfur state, where it is the only healthcare provider." **[59a]**

Human rights activists/journalists

The following information should be considered together with material on the treatment of journalists see: Journalists

18.22 The 'Report of the independent expert on the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27', dated 22 August 2011, (A/HRC/18/40/Add.1), in providing an update to the recommendations set out in the UN Human Rights Council's initial Group of Experts report (A/HRC/5/6), dated 8 June 2007, observed with regard to recommendation 1.6.1, 'Do not subject human rights defenders to arbitrary detentions, physical abuse and harassment as a tool for silencing their criticisms of human rights violations in the Darfur region and for providing legal assistance to victims': "During the reporting period, HRS documented nine (9) cases of abduction, nine (9) arrests, three (3) harassments, two (2) attacks on human rights defenders including UNAMID and UN staff members. [Concluding] ... No implementation at all, which has direct bearing on concretely improving the human rights situation on the ground ..." **[1b](Recommendation 1.6.1)** The report went onto cite the arrest of ten Darfuri activists, including human rights lawyers who were arrested and detained in Khartoum on 30 October 2010.

18.23 An article posted by Eric Reeves, entitled 'The Seen and the Unseen in Darfur: Recent Reporting on violence, insecurity, and resettlement', dated 29 February 2012 remarked: "Journalists travel rarely to Darfur and are allowed only where Khartoum's security and intelligence services permit; they confront a hostile bureaucracy that controls all visa and travel permits, and they are closely scrutinized by security forces during their entire stay in Darfur." **[36e]** However, the same source went on to note with regard to reporting provided through Radio Dabanga and other interlocutors:

"... [I]f reporting on Darfur is challenging, it is not impossible. This past month has seen publication or promulgation of several important reports and updates, including the continuing dispatches of Radio Dabanga, which chronicle with grim particularity the continuing epidemic of rape, the acute deprivation within many Internally Displaced

Persons camps, and the increasingly violent predations of the Central Reserve Police (CRP), also known as the 'Abu Tira' (many former 'Janjaweed' militiamen have been recycled into the Abu Tira ...). Radio Dabanga, which is continually expanding its already impressive network of sources on the ground in Darfur, is also the most reliable source for reports of aerial bombing and direct-fire attacks on civilians. Working with the Institute for War and Peace Reporting (The Hague), Radio Dabanga is essential reading for understanding Darfur in any broader sense." **[36e]**

18.24 A second paper by Eric Reeves, entitled 'Darfur in the Still Deepening Shadow of Lies', dated 25 May 2012, referring to the ineffectiveness of human rights monitoring by the UNAMID, noted with regard to reporting on gender-based violence in Darfur: "... [I]ncidents of rape and gang-rape—of women and girls—have been continuously reported by Radio Dabanga for years, with precise geographic information and identification sufficient to make investigation possible, were there any will to investigate. Beyond these reports there have been many detailed studies of the phenomenon of rape as a weapon of war in Darfur, including one by MSF-Holland that infuriated Khartoum." **[36c]**

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Blue Nile and South Kordofan

United Nations and Non Governmental Organisations

18.25 The Freedom House report, Freedom of the World 2012, Sudan Country report, April 2012, remarked that "Independent NGOs were denied access to South Kordofan and Blue Nile following the outbreak of violence in those states."**[20a](Political rights and civil liberties)** Similarly the European Commission's Humanitarian Aid and Civil Protection section, remarked in the 'Humanitarian Implementation Plan (HIP), Sudan and South Sudan', dated 31 October 2011 that: "… the lack of access and first hand information [from Blue Nile and South Kordofan] makes it impossible to know the extent and severity of what is happening on the ground." **[97a](p.1)** Human Rights Watch in a briefing dated 27 July 2011, referring to the outbreak of violence in June 2011 observed:

"Access to Southern Kordofan remains difficult, as Sudan is blocking road and air access to affected populations. In addition, its bombing campaign has destroyed or damaged airstrips, preventing humanitarian aid from reaching displaced people in the Nuba Mountains. ... 'As a critical first step, the Security Council should secure unrestricted access to Southern Kordofan for humanitarian purposes,' [Daniel] Bekele [Africa Director at Human Rights Watch] said. ... The mandate of the UN peacekeeping mission [UNMIS], which was established as part of the 2005 peace agreement and might have provided some protection to these civilians, formally ended on July 9. The UN forces who remain in Southern Kordofan are confined to their bases until their departure, scheduled for August 31. ... In June, the Security Council unsuccessfully pressed Sudan to agree to an extension of the UNMIS mandate. ... An international presence in Southern Kordofan is urgently needed and could grow out of an existing peacekeeping mission or could be a stand-alone operation involving the UN, the African Union, or both organizations. In any case, the mission should have an explicit mandate to monitor and report publicly on human rights violations, Human Rights Watch said. ... An unpublished report by UNMIS, leaked to the media in mid-July [2011], documented numerous cases of extrajudicial killings, arrests through house-to-house searches and checkpoints, and abductions. ... The report, based on information gathered by UNMIS

human rights monitors before the mission's mandate ended, also detailed witness accounts of large numbers of dead bodies, mass graves, the use of chemical weapons, and the presence of landmines. The report noted that such violations, if proven, could amount to war crimes and crimes against humanity." **[19f]**

18.26 Whilst a leaked UNMIS report, published by the Sudan Tribune, dated 20 July 2011, recommended: "That the UN Security Council mandate the establishment of a commission of inquiry or other appropriate investigative authority, including the Prosecutor of the International Criminal Court, to conduct a comprehensive investigation into the violence in Southern Kordofan and violations of human rights and humanitarian laws and to identify the perpetrators or those who bear the greatest responsibility, with the view to bringing them to justice." **[12g]** As noted in an article provided by Eric Reeves, to date no such investigation has been forthcoming. ('Darfur and Kadugli (South Kordofan): Obduracy Rewarded', 7 April 2012) **[36g]**

18.27 A testimony by President Obama's special envoy for Sudan, Princeton Lyman, to the U.S. House of Representatives Subcommittee on Africa, Global Health, and Human Rights Hearing, dated 4 October 2011 noted the likely difficulties to any UN-led investigation as follows:

"Mr. Chairman, accountability for human rights violations that have occurred in the Two Areas [Blue Nile and South Kordofan] is critical to a lasting resolution of the conflict. We will continue to push for a credible, independent investigation of violations of human rights that will contribute to efforts to bring those responsible to account. Unfortunately, to date, there has been insufficient support in the UN Security Council for such an investigation. While just last week, we successfully secured renewal of the Independent Expert on Human Rights by the UN Human Rights Council, this Expert will not be in a position to mount an investigation of the type and scale that is warranted." **[2c]**

18.28 More recently, although the UN's Office for the Coordination of Humanitarian Affairs, Sudan Humanitarian Update, 1st Quarter 2012, dated 23 April 2012, noted that following a new government directive issued in February [2012], some UN international staff had been able to return to Kadugli [the capital of South Kordofan]. **[24e](p.3)**The report further highlighted that "[t]hey were granted time-limited travel permits which they have had to get extended every one or two weeks ..." and additionally observed that the "... movement of both national and international UN staff outside Kadugli remain[ed] limited." **[24e](p.3)**

18.29 An Amnesty International report entitled 'We can run away from bombs, but not from hunger: Sudan's refugees in South Sudan', dated June 2012 additionally reported:

"...Since the conflict [in Blue Nile and South Kordofan] erupted, the Sudanese authorities have denied international human rights monitors and humanitarian agencies access to Southern Kordofan and Blue Nile, and particularly the SPLM-N controlled areas within the states, preventing them from providing assistance to civilians in those areas. The use of starvation of the civilian population as a method of warfare is prohibited and humanitarian relief personnel must be respected and protected. ..." **[8l](p.14)**

For further information on the implementation of humanitarian aid under the February 2012 tripartite proposal submitted by the African Union, League of Arab States and the

UN see Recent developments, Continued fighting, political stalemate and a deteriorating humanitarian situation (early 2012 – 1 August 2012)

Human rights activists / journalists

The following information should be considered together with material on the treatment of journalists see: Journalists

18.30 The Human Rights Watch, World Report 2012, Sudan, covering events from 2011, dated January 2012 observed with regard to restrictions on journalists in the region: "In May [2011] security officials detained and interrogated two Sudanese journalists because they tried to report on elections in Southern Kordofan. In June and September [2011] security officials arrested Al Jazeera journalists attempting to cover events in Southern Kordofan and Blue Nile." **[19b]**

18.31 The Project for Criminal Law Reform in Sudan, 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment, dated April 2012 noted:

"On 25 January 2011, Bushra Gamar Rahma, Chairperson of the Human Rights and Development Organisation (HUDO) working in the Nuba mountains, was arrested by NISS officers and held incommunicado for the first three weeks. He was handcuffed and blindfolded, his head was banged against the wall and he was beaten on his legs with a water hose, while being questioned about his human rights work. He was also threatened with rape. In addition, he was held in poor conditions of detention and denied medication. He was re-arrested by NISS upon his release even though the Criminal Court had found that there was insufficient evidence against him – he is still in detention at the time of writing. No investigation is known to have taken place into the complaints made in this case." **[44a](p.4)**

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19. CORRUPTION

19.01 Transparency International's 'Corruption Perceptions Index 2011: The perceived levels of public-sector corruption in 183 countries/territories around the world', published 11 November 2011, listed Sudan 177th out of the 182 countries, with a score of 1.6. Somalia was ranked 182 with a score of 1.0 (0 highly corrupt to 10 very clean) **[110a](p.3) (Political rights and civil liberties)** The Freedom House report, Freedom of the World 2012, Sudan Country report, undated (circa 2012), further explained:

"Sudan is considered one of the world's most corrupt countries. Power and resources are concentrated in and around Khartoum, while outlying states are neglected and impoverished. Members of the NCP, particularly those from favored ethnic groups, tightly control the national economy and use the wealth they have amassed in banking and business to buy political support. The International Crisis Group estimates that the party's top leadership owns more than 164 companies, which get the pick of the government's contracts." **[20b] (Political rights and civil liberties)**

19.02 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, noted:

"The law does not specifically address official corruption. However, officials are subject to the Financial Service Audit law that calls for a special anticorruption attorney to investigate and try corruption cases. Criminal law provides punishments for embezzlement that can include execution for public service workers. All bankers are considered public service workers. Officials frequently engaged in corrupt practices. … There are no laws providing for public access to government information, and the government did not provide such access." **[2b](Section 4. Official Corruption and Government Transparency)**

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20. FREEDOM OF RELIGION

20.01 The Interim National Constitution of Sudan, undated, accessed on 1 August 2012, drawn up as part of the Comprehensive Peace Agreement between the mainly Christian south and Arab north in 2005 described the Sudanese state as a "multi-cultural, multi-lingual, multi-racial, multi-ethnic, and multi-religious country where such diversity co-exists". **[13e](Article 1(1)** Article 6 of the Interim National Constitution stipulates that:

"The State shall respect the 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, private and public institutions,
(g) train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief,
(h) observe days of rest, 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." **[13e](Article 6)**

20.02 Whilst Article 38 states: "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." **[13e](Article 38)**

20.03 The US State Department, 2011 Report on International Religious Freedom, Sudan, dated 30 July 2012 (USSD IRF Report 2011) observed that "... [the Sudanese] government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. ..." **[2d](Executive Summary)** The same source observed that: "There were reports of societal abuses and

discrimination based on religious affiliation, belief, or practice, and religious prejudices remained prevalent throughout the country." **[2d](Executive Summary)** The United States Commission on International Religious Freedoms (USCIRF), Annual Report 2012 (covering events between 1 April 2011 and 29 February 2012), published March 2012, recommended that Sudan be named a 'country of particular concern', a status Sudan has been given by the USCIRF since 1999. **[63a](p.176)** The source went on to observe that:

"Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari'ah (Islamic law) on Muslims and non-Muslims; attacks and threats against the Christian community; the application of the Public Order Act and related laws and use of floggings for undefined acts of 'indecency' and 'immorality;' the denial of public religious expression and persuasion of Muslims by non-Muslims, while allowing proselytizing of non-Muslims by Muslims; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction." **[63a](p.176a)**

20.04 A report from The Evangelical Fellowship of Canada, 'Religious Freedom in Sudan: Referendum on the North/South Divide', dated January 2011 noted that Christians in Sudan suffered mistreatment "... primarily as a result of the entrenchment of a strict interpretation of Sharia law in the North." **[61a](p.6)** The report went onto identify that: "Broadly speaking, there are three main categories of persecution [in Sudan]: ... The imposition, legally and socially, of a strict understanding of Muslim moral codes and beliefs on a diverse population. ...[;] The limitations and prohibitions placed on Christian NGOs and missionary organisations ...[and] More extreme but transient attacks on Christians." **[61a](p.6)**

Religious demography

20.05 The USSD IRF Report 2011 stated that:

"The Ministry of Information stated that 96.7 percent of the population is Muslim. Almost all Muslims in the country are Sunni, although there are significant distinctions between followers of different Sunni traditions, particularly among Sufi brotherhoods. In addition, there are small Muslim minorities, including Shia and the Republican Brothers, based predominantly in Khartoum. There is a growing percentage of citizens who are embracing Salafist-inspired Islam.

"The Ministry of Information stated that Christians constitute an estimated 3 percent of the population. Christians primarily reside in Khartoum, the north, and the Nuba Mountains. It is unclear if the ministry's numbers count residents of Southern Sudanese origin whose citizenship status remained under review during the year. Khartoum has a significant Christian population, in part because of the migration of individuals from what is now South Sudan during the long civil war. This number is diminishing, however, with the separation of the South and the repatriation of many Christians of Southern heritage to South Sudan.

"There are very small but long-established groups of Orthodox Christians in Khartoum and other cities, including Coptic Orthodox and Greek Orthodox. There are also Ethiopian and Eritrean Orthodox communities, largely made up of refugees and migrants, in Khartoum and the east. Other Christian groups with smaller followings

include the Africa Inland Church, Armenian (Apostolic) Church, Sudan Church of Christ, Sudan Interior Church, Sudan Pentecostal Church, Sudan Evangelical Presbyterian Church, Presbyterian Church of the Sudan, the Seventh-day Adventist Church, and Roman Catholic Church, as well as Anglicans/Episcopalians and Jehovah's Witnesses.

"The Ministry of Information stated that 0.3 percent of the population practices African traditional religious beliefs. Some Christians and Muslims also mix traditional beliefs in their religious practices." **[2d] (Section I.Religous Demography)**

See also: Ethnicity, religion and language

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ENFORCEMENT OF SHARIA (ISLAMIC LAW) AND PROTECTION AVAILABLE FOR RELIGIOUS MINORITIES

The following information should be read together with Corporal punishment under the 1991 Criminal Act and Public Order Laws and Popular Police Force / Public Order Police. See also: Women, legal rights (including the application of Sharia law); Women, Social and economic rights; Violence against women, corporal punishment and Death penalty.

20.06 The USCIRF, Annual Report 2012 (covering events between 1 April 2011 and 29 February 2012), published March 2012, observed:

"All Sudanese, including Christians and followers of traditional African religions, are subject to the government's interpretation of Shari'ah (Islamic law). In meetings in Khartoum in December 2009, both Christians and Muslims told USCIRF that they felt their religious freedoms were infringed upon by the government's imposition of its own particular Islamic ideology on the entire population, including its enforcement of religiously-based morality codes and corporal punishment. ... The government enforces religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime. This Regime comprises the Public Order Police, the Public Order Courts, the Public Order Acts, and sections of the 1991 Criminal Act on 'offences of honor, reputation and public morality,' including undefined 'indecent or immoral acts.' Public order violations carry a maximum penalty of 40 lashes through flogging, a fine, or both. Each year, dozens of Muslim and Christian women and girls in Khartoum are flogged for indecent dress in violation of the Public Order Regime. What constitutes indecent dress is not defined in law, but is left to the discretion of arresting officers and prosecuting judges. According to the African Centre for Justice and Peace Studies (ACJPS), indecency charges relating to dress or the brewing or selling of alcohol are used primarily against poor Southern Sudanese women, the vast majority of the female inmate population in Khartoum. The public order laws also are used to discriminate against women of all classes, including the requirement that all women wear the hijab and wide restrictions on women's economic activities, including the limitation on work hours for women in Darfur. Under the guise of protecting morality and preventing co-mingling, which is deemed 'prostitution,' the Public Order laws have also been used against unmarried men and women who share office space and taxi rides or attend parties together. These arrests often target the government's political opponents. In 2011, a number of Muslims and Christians arrested for consuming alcohol were sentenced to 80 lashes, more than what is specified in the law." **[63a](p.178-179)**

20.07 A joint report from the African Centre for Justice and Peace Studies, East and Horn of Africa Human Rights Defenders Project and the Federation Internationale des ligues des droits de l'Homme, entitled 'Human Rights Violations in the Republic of Sudan: A Shadow Report to Sudan's Fourth and Fifth Periodic Report to the African Commission on Human Rights and People's Rights, dated April 2012, similarly noted:

"[I]n 2004, the African Commission expressed concern that 'the application of some criminal law provisions for shari'a or Islamic law in the whole country entails the risk of extending it to individuals belonging to religious groups other than Muslims living in some parts of Sudan.' This concern is still valid; shari'a law is frequently imposed on Sudanese citizens, regardless of their religion. Furthermore, under Article 126 of the 1991 Criminal Code, an apostate includes anyone 'who propagates for renunciation of the creed of Islam or publicly declares his renouncement thereof by an express statement or conclusive act.' ACJPS worries that Article 126 is used to suppress ethnic minorities and those who the state perceives as potential sources of opposition."
[62a](p.16-17)

20.08 The same source provided the following examples:

"On 17 April 2011, more than 100 female students at Sudan University in Khartoum protested against University dress code regulations which compel students to wear a uniform based on Islamic law, or else be expelled. ... On 29 July 2011, 150 people were arrested by police in Hay Mayo, South Khartoum. All are members of the Hausa ethnic group and from Darfur. While 21 individuals (children and the elderly) were immediately released, 129 were subsequently charged with apostasy, disturbance of the public peace, and being a public nuisance under Articles 126, 69 and 77 of the 1991 Sudanese Penal Code respectively (Case No. 2157/2011). The most serious of these charges, apostasy, carries a maximum sentence of death. ... On 4 December 2011 Shamsalddin Dawalbeit received a summons from the North Khartoum Court to appear at 10am on 6 December 2011 in conjunction with previously dropped apostasy charges. Mr. Dawalbeit is a prominent scholar who frequently writes about issues of Islamic reform, human rights, democratisation, and multiculturalism. He was originally accused of apostasy on 8 February 2010 after authoring an article on reformist principles. He was released and the charges dropped the following day without explanation."
[62a](p.17-18)

20.09 Additionally the source noted:

"A key provision of the CPA [Comprehensive Peace Agreement] was that Southerners would not be subjected to shari'a law, the introduction of which had been a key driver of the civil war. However, this was not the case in practice. Raids searching for illegal alcohol breweries often solely target Southerners, and have been seen as a form of harassment. Frequently when homes are raided for alcohol or unlicensed weapons, property is damaged or destroyed. When SPLM [Sudan People's Liberation Movement] officials have intervened, they are often subjected to intimidation as well. In the period leading up to the 2009 referendum on Southern independence, these attacks amplified. ... On 1 November 2010, the Sudanese National Press and Publications Council issued a one day ban on The Citizen newspaper after the newspaper published an advertisement deemed in contravention to Sharia law. The advertisement was for a talent competition sponsored by the Kenyan beer company Tusker. ... On 28 October 2010, police found alcohol during a raid at the home of Kaka Telian in Block 32 of Dar el Salaam camp. Ms. Telian is a 32 year old single mother of three children. She was beaten and dragged in front of her children to the local police station. She was

sentenced to a fine of 250 SDG (roughly $100 USD) and 40 lashes by the local court." **[62a](p.18)**

20.10 A report from Reuters US, entitled 'Sudan constitution to be '100 percent Islamic' Bashir', dated 7 July 2012 further updated:

"President Omar Hassan al-Bashir said on Saturday [7 July 2012] Sudan's next constitution would be '100 percent Islamic' to set an example for neighboring countries, some of which have seen religious parties gain power after popular uprisings. ... The secession of mostly non-Muslim South Sudan a year ago sparked predictions that Sudan, which hosted former al Qaeda leader Osama bin Laden in the 1990s, would start implementing Islamic law more strictly. ... In a speech to leaders of the mystical Islamic Sufi tradition in Khartoum, Bashir suggested Sudan's new, post-secession constitution could help guide the region's political transformation. ... 'We want to present a constitution that serves as a template to those around us. And our template is clear, a 100 percent Islamic constitution, without communism or secularism or Western (influences),' said Bashir. ... 'And we tell non-Muslims, nothing will preserve your rights except for Islamic sharia because it is just,' he said." **[107a]**

See also: Recent developments, Overview for further information on the drafting of a new constitution for Sudan.

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Apostasy charges

20.11 The USCIRF, Annual Report 2012 (covering events between 1 April 2011 and 29 February 2012), published March 2012, stated:

"In 2011, nearly 170 persons were imprisoned and charged with apostasy, a crime punishable by death in Sudan. In the past, suspected converts were subjected to intense scrutiny, intimidation, and sometimes torture by government security personnel. On May 8, Sudanese intelligence officers arrested Hawa Abdulla Muhammad Saleh, a Christian, for apostasy, proselytizing, 'Christianization of minors,' and other crimes. Upon her arrest, the government posted a picture of Hawa holding a Bible in her hand, putting her life in danger. She was later released and remains in the country. On July 29, 150 people were arrested and 129 were charged with apostasy, disturbance of the public peace, and being a public nuisance. The individuals are members of the Darfur Hausa ethnic group and practice a version of Islam different than the one propagated by the ruling NCP; they follow the Qur'an but not the sunna. The individuals were released in September only after they renounced their faith and agreed to follow the government's interpretation of Islam. On September 8, Suleman Aboulgasim Musa and 17 of his followers were arrested and charged with apostasy. Musa, who believes he is Jesus Christ and a follower of the Prophet Mohammed, and his followers have been practicing their religion since 1981." **[63a](p.177)**

20.12 The US State Department, '2011 Report on International Religious Freedom', Sudan, dated 30 July 2012 commented: "The law does not explicitly ban proselytism, although most Christian groups refrain from public proselytizing. Non-Muslim groups acknowledge that they could potentially face apostasy charges if they proselytize Muslims due to the vague wording of the apostasy law." **[2d](II.Status of Government Respect for Religious Freedom)** The same source additionally commented: "Despite

the possibility of a death sentence penalty for apostasy, the government has never carried out a death sentence in such a case." **[2d] II.Status of Government Respect for Religious Freedom)**

Blasphemy

20.13 The USCIRF, Annual Report 2012 (covering events between 1 April 2011 and 29 February 2012), published March 2012) noted: "Blasphemy is legally prohibited under Sudan's criminal laws, and blasphemy accusations have been used to intimidate those expressing disfavored views ..." **[63a](p.177)** "The penalty for blasphemy and 'defamation' of Islam is up to six months in prison, whipping, and/or a fine." (US State Department, '2011 Report on International Religious Freedom', Sudan, 30 July 2012)**[2d] II.Status of Government Respect for Religious Freedom)**

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SOCIETAL DISCRIMINATION AND ATTACKS AGAINST CHRISTIANS

The following information on the treatment of Christians should be considered together with information listed under Treatment of ethnic groups, Discrimination and racial prejudice. For further historical background on the civil conflict between north and south Sudan, including religious conflict see: History of Sudan's regional conflicts and South Sudan (1956 – 2005). For more recent information on changes to Sudan's nationality laws see: Citizenship and Nationality

20.14 The US State Department, 2011 Report on International Religious Freedom, Sudan, dated 30 July 2012 observed:
"There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. Because ethnicity and religion are often inextricably linked, it was difficult to categorize many incidents specifically as ethnic or religious intolerance. The separation of the South, which was home to most of the country's Christians, led to instances of social conflict between Sudanese and residents of South Sudanese origin. ... Christian leaders acknowledged they usually refrained from preaching on political or other sensitive topics. Some imams avoided political topics in their preaching as well." **[2d](III. Status of Societal Respect for Religious Freedom)**

20.15 A report from The Evangelical Fellowship of Canada, 'Religious Freedom in Sudan: Referendum on the North/South Divide', dated January 2011, observed with regard to attacks on Christian groups in Sudan:

"Christians in Northern Sudan have experienced other extreme but transient events, such as acts of vandalism and destruction of churches, attacks on worshipping communities, and even death threats faced by pastors and other leaders. One prominent example occurred on New Year's Day, 2007: ... [citing the US International Religious Freedom's report 2007, the report noted] police raided the seat of the Episcopal Church of Sudan Diocese of Khartoum with tear gas, injuring six worshippers. The raid occurred during an annual prayer service to mark the coming of the New Year and marked the first time since the signing of the 2005 CPA that authorities in Sudan have disrupted a religious gathering." **[61a](p.12)**

20.16 The report, additionally noted that physical violence against Christians also occurred in early 2009, especially in the South Kordofan area. Referring to several occurrences of violence against Christians in the aforementioned state, the report went onto conclude: "It was only after [such] attacks, along with minor clashes between the PDF and the SPLA that the South Kordufan State Legislative Council began to 'address the mounting religious and ethnic tensions in the area,' albeit through a 'special session.'" **[61a](p.12-13)**

20.17 The USCIRF, Annual Report 2012 (covering events between 1 April 2011 and 29 February 2012), published March 2012, observed: "Attacks on Christians and churches in Sudan increased in 2011. A senior Christian leader from Khartoum told USCIRF in October 2011 that Christians fear for their future and safety in Sudan and that churches are no longer places of sanctuary, but targets of the government." **[63a](p.177)** Commenting on violence in South Kordofan, the source continued:

"USCIRF was told by Nuban refugees during a trip to Yida refugee camp and Juba, South Sudan that Sudanese Armed Forces (SAF) and paramilitary soldiers targeted Christians for executions and arrest because of their faith or because, as Christians, they were assumed to be supportive of the opposition Sudan People's Liberation Movement-North. SAF and paramilitary soldiers executed seminary student Philip Kalo and two other Christians in early June. Catholic priest Abraham James Lual has been arrested three times since July [2011]. He is accused of supporting the opposition and preaching against Islam. There are reports of other Christians being arrested. In addition to the killings and arrests, USCIRF was told that four of the five churches in Kadugli were destroyed by government forces in the fighting. On February 1, 2012, the first day of school, the government bombed Heiban Bible College. While no one was hurt, two building were destroyed." **[63a](p.178)**

20.18 The report also noted elsewhere in Sudan: "Christian leaders in Khartoum were threatened during this reporting period. On July 18, a group of Muslim extremists attacked the home of Bishop Andudu Adam Elnail, attempting to kill him and two other pastors. When the attackers found no one home, they left a letter warning the pastors of future, similar attacks. In July and August [2011], Christian leaders reported receiving text messages warning that they and their respective churches would be attacked. One text message reportedly stated, 'We want this country to be purely an Islamic state, so we must kill the infidels and destroy their churches all over Sudan.'" **[63a](p.178)**

20.19 IRIN reported of an attack on a church in Khartoum in April 2012 following Friday prayers. According to the report the ranksacking:

"... [I]llustrates the increasing hostility faced by some of the hundreds of thousands of residents of the Sudanese capital whose origins lie in what is now the independent state of South Sudan. ... On 21 April, a 300-strong mob attacked a Presbyterian church compound in Khartoum's Al-Jiraif District, torching parts of the premises, witnesses told IRIN. ... As well as a church, the compound included a home for the elderly, a medical clinic, a bible school and priests' living quarters. Most of the church's congregation is made up of people with roots in South Sudan. ... 'They burned the bible and looted possessions and money,' said the church's Father John Taw, adding that the attackers included women and children. ... 'During Friday prayers, the imam of the next door mosque, who is known for his extremism, incited people to destroy the church, saying the land it was on belonged to Muslims,' he said. ... The priest said he believed the imam's words were linked to a government deadline that all South Sudanese in Sudan -

who number some 500,000 - should register as foreigners or head back to South Sudan. ... The priest added that hostile rhetoric had escalated two weeks earlier, as Sudan and South Sudan's armies began to fight over the disputed borderland Heglig oilfields." **[106a]**

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21. ETHNIC GROUPS

ETHNIC DEMOGRAPHY AND DIVERSITY

21.01 The CIA World Factbook, Sudan, regularly updated, noted that Sudan is predominantly made up of Sudanese Arabs, which account for approximately 70 per cent of the population. **[6a](People and Society)** Other ethnic groups in northern Sudan include the Nubian (8 per cent); Beja (6 per cent); Fur (2 per cent) and Zaghawa (1 per cent). (BBC News, 'Sudan: One country or two?', 20 April 2012)**[3d](Interactive map, Ethnic groups)** For a more detailed list of Sudan's ethnic groups refer to the Joshua Project, Sudan country page.

See also: Ethnicity, religion and language

21.02 Chapter four, of the 'Sudan Handbook', published by the Rift Valley Institute in 2012 entitled 'Peoples and Cultures of Two Sudans', by John Ryle (RVI Sudan Handbook 2012) observed: "Ethnic groups in Sudan are numerous; and individual and group identities have multiple aspects. Sudanese people differentiate themselves – or have been differentiated by others – using a range of overlapping criteria: lines of descent from a single ancestor, a common language or place of origin, mode of livelihood, physical characteristics, and political or religious affilitation." **[121a](p.70)**

21.03 The Encyclopaedia Britannica, Academic Edition, last updated 29 March 2012, explained:

"In many ways, the concept of ethnicity in Sudan is closely related to language and religion. The country is dominated by Muslims, most of whom speak Arabic and identify themselves as 'Arabs.' They are for the most part ethnically mixed, and many of them are physically indistinguishable from those who do not consider themselves Arabs. 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. The Arabs historically have 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. The Jalayin encompasses the sedentary agriculturalists along the middle Nile from Dongola south to Khartoum and includes such tribes as the Jalayin tribe proper, the Shāyqiyyah, and the Rubtab. The Juhaynah, by contrast, traditionally consisted of nomadic tribes, although some of them have now become settled. Among the major tribes in the Juhaynah grouping are the Shukriyah, the Kababish, and the Baqqārah. All three of these tribes herd camels or cattle on the semiarid plains of western, central, and eastern Sudan.

"Besides Arabs, there are several Muslim but non-Arab groups in the country. The most notable of these are the Nubians, who live along the Nile in the far north and in southern Egypt. Most Nubians speak Arabic as a second language. The same applies to the Beja, who inhabit the Red Sea Hills. Although they adopted Islam, these pastoral nomads have retained their Bedawi language, which belongs to the Cushitic branch of the Afro-Asiatic language family. Another non-Arab Muslim people is the Fur; these sedentary agriculturalists live in or near the Marrah Mountains in the far west. North of the Fur are the Zaghawa, who are scattered in the border region between Sudan and Chad." **[120a](Peoples)**

21.04 The publication 'The Sudan: The Problem of National Identity' by Ann Mosely Lesch, dated 1998 further explained with regard to identifying Arabs: "[In Sudan] ... the actual meaning of the term [Arab] remains ambiguous. A generally accepted definition would include peoples who speak the Arabic language and claim to have originated in Arabia, even though that genealogy is largely fictional. Many indigenous peoples call themselves Arab since, over the centuries, they adopted the Arabic language, customs, and Islam. In that sense, most Arabs in the Sudan are really Arabized Nubians, Dinka, Nuba, Shilluk, Fur, or Beja." **[124a](p.15)**

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African / Arab dichotomies

21.05 A paper by the Small Arms Survey entitled 'The Other War: Inter-Arab Conflict in Darfur', written by Julie Flint, dated October 2010, observed with regard to the Darfur insurgency of 2003: "By the time non-Arab groups led by the Fur, Zaghawa, and Masalit declared themselves in rebellion against the government in 2003, Darfur's complex identities had been simplified to an 'African' versus 'Arab' dichotomy that itself became a driver of conflict." **[116c](p.9)** Similarly Alex de Waal in the paper 'Who are the Darfurians? Arab and African Identities, Violence and External Engagement, dated 10 December 2004 (accessed via the website Contemporary Conflicts, Social Science Research Council) observed:

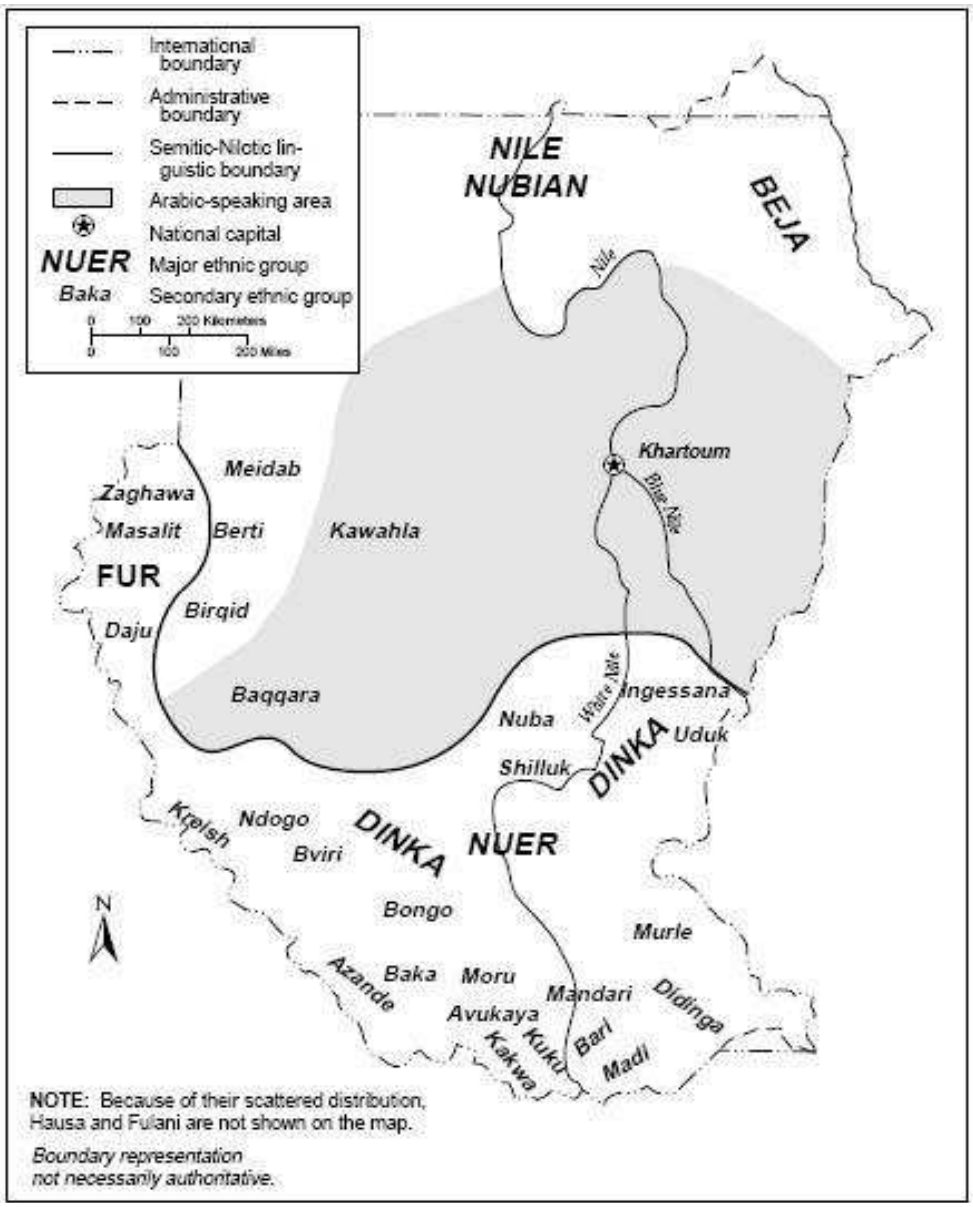
"Darfur's complex identities have been radically and traumatically simplified, creating a polarized 'Arab versus African' dichotomy that is historically bogus, but disturbingly powerful. The ideological construction of these polarized identities has gone hand-in-hand with the militarization of Darfur, first through the spread of small arms, then through the organization of militia, and finally through full-scale war. The combination of fear and violence is a particularly potent combination for forging simplified and polarized identities, and such labels are likely to persist as long as the war continues. The U.S. government's determination that the atrocities in Darfur amount to 'genocide' and the popular use of the terms 'Arab' and 'African' by journalists, aid agencies and diplomats, have further entrenched this polarization, to the degree that community leaders for whom the term 'African' would have been alien even a decade ago, now readily identify themselves as such when dealing with international interlocutors." **[140a]**

21.06 A report from Professor Atta el-Battahani, Department of Political Science at the University of Khartoum, entitled 'A complex web: Politics and conflict in Sudan', dated December 2006, published by Conciliation Resources, commenting more generally on Sudan's conflicts stated:

"The popular assumption that violent conflicts in Africa emanate from ethnic, tribal, religious, or cultural differences is seriously flawed. Most ethnic dichotomies appear to be a consequence rather than a cause of violent conflicts. However, ethnic, religious and cultural dichotomies are potent in determining perceptions of violent conflicts by fighters on both sides, even if such factors are weak or non-existent as root causes of 'new' conflicts. The longer a conflict persists, the more these ethnic, religious and cultural factors come into play as a principle of political solidarity and mobilization. In a long-standing conflict, even when the initial causes have petered out or died away, abstract, ideological ethnicity becomes an active material and social force. In Sudan, these ethnic and ideological identities have been deliberately encouraged and instrumentalized, stiffening resistance and serving as a catalyst to the internationalization of Sudan's wars." **[125a](p.13)**

Maps

21.07 Below is an ethno-linguistic map of Sudan, provided by the Library of Congress, Geography and Map Division (republished in the paper 'Conflict of National Identity in Sudan' by Kuel Maluil Jok, 2012). **[122a]**



For more detailed maps of Sudan's ethnic/linguistic groups refer to:

- The Gulf 2000 project, 'Ethnic Groups in Rep. Of Sudan (north)', M Izady, 2012
- RVI Sudan Handbook 2012, Map 4.1 'Principal ethnic and ethnolinguistic groups in Sudan and approximate home territories', page 71.
- National Geographic Society, 'Map of Sudan's ethnic groups, 2003
- Ethnologue, 'Language map of Sudan'

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Arab groups and identities

21.08 The RVI Sudan Handbook 2012 stated:

"Today something over half the inhabitants of northern Sudan – between fifteen and twenty million people – would define themselves as belonging to one or another group of Arab, or Afro-Arab, descent. Most of these descent groups fall, in theory, under one of two higher-order groups, Jaali and Juhayna. The logic of patrilineality is liable to breakdown on examination, however; there is often a lack of fit between particular Arab tribal identities and these overaching categories. ... The educated elites of three groups in the central Nile valley ... have, to a significant extent, monopolized state power in the post-independence era. The Jaaliyin, who are a Jaali subgroup with an historic centre in Shendi, are the first of these. Jaaliyin have also, historically, dominated trade and business in the towns and cities of the north ... The second of the key groups in the northern politics is drawn from the Shaigiya, a tribal confederacy known ... for their domination of Sudan's armed forces. The third of the triumvirate of riverain groups from which the political elites have been drawn is the Danagla, the people of Dongola in southern Nubia. Danagla are found in every town and city of the north (as are Shagiya and Jaaliyin) ..." **[121a](p.76)**

21.09 The same source observed with regard to nomadic Arab tribes:

"Beyond the northern Sudanese heartland, away from the two Niles, in Kordofan and parts of Darfur, is the territory of nomadic Arab camel and cattle pastoralists. Many Arabs in Kordofan and Darfur trace their ancestry, nominally at least, to a second wave of migration sometime after the seventeenth century, which entered Sudan from the east. Their traditions and way of life – and their historical origins – are distinct from those of the farming people living along the river and the latter's urbanized relatives in the cities of the heartland. This difference is reflected in a paradoxical use of the term 'Arab' in riverain communities: it may be used as a self-description, but it may also be used in a pejorative sense to refer to these desert-dwelling nomads." **[121a](p.76)**

21.10 The publication 'The Sudan: The Problem of National Identity' by Ann Mosely Lesch, dated 1998 additionally remarked that: "... Arabs are not homogeneous socially: some have nomadic origins and others are based on riverine villages. Even among those categories there is considerable diversity, which urbanization, labor migration, and long-distance trade patterns have magnified over hundreds of years." **[124a](p.15)**

21.11 Commenting on specific nomadic Arab groups, the RVI Sudan Handbook 2012 further explained that desert-dwelling Arab peoples in Sudan included the Kababish a "... confederation of camel keepers" living in northern Kordofan. **[121a](p.77)**; the source continued: "In northern Kordofan and in northern Darfur there are numerous other such groups of Abbala – camel-keeping tribes ..." while in southern Darfur and southern Kordofan there was also "... a broad belt of cattle-keeping Arab peoples, known collectively as Baggara." **[121a](p.77)**

Darfurian Arabs

21.12 A paper by the Small Arms Survey entitled 'The Other War: Inter-Arab Conflict in Darfur', written by Julie Flint, dated October 2010, explained with reference to Darfur's Arabs:

"For an understanding of the current conflict, Darfur's Arabs can be separated into three main groups, with a caution that no generalization is absolute and the distinction between Abbala and Baggara communities is often blurred— especially in South Darfur, where they can be both herders and farmers:

- "The landless Northern Rizeigat Abbala of North Darfur, the backbone of the proxy forces armed by the government. Two decades after suffering catastrophic losses in the drought of the mid-1980s, the Northern Rizeigat are more deprived of services and more militarized than any other sector of Darfur society. The blocking of their marahil—by the Zaghawa of North Darfur even before the insurgency and more recently in parts of West and South Darfur, including by other Arabs—has restricted their pastoralist way of life and forced diversification into 'maladaptive' strategies, including militarization, as a means of controlling resources or restricting others' access to them (Young, 2009).

- "Recent migrants to West and South Darfur—particularly the fertile wadis (valleys) west and south of Jebel Marra. Many of these migrants, most of them Baggara, were driven out of neighbouring Chad by civil war and drought beginning in the 1970s; others were encouraged to boost the numbers and political influence of their tribes in Darfur.These small groups have no land but through customary practices have had access to land and water along their marahil and in their damrat (nomadic and semi-nomadic settlements, plural of damra) … Unsure of their identity in Darfur, and without the administrative and political power that comes with land, the acquisition of land titles is a priority.

- "The cattle-herding Baggara of South Darfur—Beni Halba, Habbaniya, Rizeigat, and Ta'aisha—who have their own tribal land, or dars, supported by strong traditional leaderships, or Native Administrations. With the exception of small political elites who joined the government, the large Baggara tribes generally oppose government policies towards Darfur—including the use of tribes as military proxies." **[116c](p.10-12)**

The same source also provided a table on the Abbala tribes which included a breakdown by section and subsection. For information refer to the source, 'The Other War: Inter-Arab Conflict in Darfur', written by Julie Flint, dated October 2010, and see 'Table 1 Abbala most involved in the fighting', on page 14-15.

Ethnic identity of the Janjaweed and other pro-government militias

The following section should be considered together with Darfur's non-government armed groups

21.13 The Report of the African Union High-Level Panel on Darfur (AUPD) published on 29 October 2009, acknowleged that:

"One of the disturbing outcomes of the war, and the international humanitarian and advocacy response, has been the stigmatisation of the Darfur Arabs. The term 'Janjaweed' has often been applied indiscriminately to imply that all of Darfur's Arabs are associated with the militia. In addition, the characterisation of the conflict as a confrontation between 'Arabs' and 'Africans' reinforces the misleading and dangerous argument that the Arabs are foreigners in Darfur and cannot, therefore, be part of the solution." **[12l] (para 125)**

21.14 The ICI Report 2005, in considering the ethnic make-up of the Janjaweed reported:

"[M]any Arabs in Darfur were opposed to the Janjaweed, and some Arabs were fighting with the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. Similarly many non-Arabs were reported to have supported the Government and served in its army". In summary the report concluded "[the] term 'Janjaweed' referred to by victims in Darfur certainly does not mean 'Arabs' in general, but rather Arab militias raiding their villages and committing other violations." **[18u] (p32)**

21.15 A previous report from the UN's Panel of Experts (established pursuant to resolution 1591 (2005) concerning the Sudan), the 'Final report of the Panel of Experts submitted in accordance with paragraph 2 of Security Council resolution 1841 (2008), (S/2009/562), dated 29 October 2009, commenting on inter-tribal conflicts in the area of Wada'ah in February 2009 between the Mimas and Zaghawa tribes, explained with reference the Janjaweed: "Both Mimas and Zaghawas became proxies for the ongoing conflict between the Government of the Sudan and the SLA/M [Sudan Liberation Army/Movement]. [...] Despite the fact that both tribes are of African origin, the Zagahawa call the Mimas 'Janjaweed' and the Mimas call the Zagahwa 'Tora Bora'." **[6q] (para 236)**

21.16 More recently, a report from Human Rights Watch, entitled 'Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights', dated June 2011, explained with reference to recent fighting in Darfur that ".... [t]he patterns of attack show that the Darfur conflict continues to play on ethnic divisions, with government forces targeting communities associated with rebels and rebel groups retaliating against those communities from which the government has recruited its security forces." **[19a](p.11)** Additionally the source noted with reference to an incident in early February 2011 at Eid el Beda, North Darfur, in which a pro-government miltia killed persons from the Zaghawa ethnic group that "... witnesses described the militia as comprising ethnic Berti, Birgid, and Mima – all groups recuited by the government into its security forces, underscoring the ethnic dimension to the conflict." **[19a](p.15)** According to a report by the Centre for Humanitarian Affairs Resource Management, funded by Norwegian Church Aid and Save the Children Sweden, entitled 'Small Arms Survey in Darfur And Investigation of the Child Soldier', 2000, the Berti, Birgid and Mima were all listed as non-Arab tribes. **[126a](p.6)**

21.17 A report from Small Arms Survey, entitled 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012, also highlighted the use of non-Arab proxies by the Government of Sudan in Eastern Darfur:

"... [T]he Government of Sudan has partly shifted away from using Arab proxy militias only to rely on newly formed (and newly armed) non-Arab proxies. This development has fundamentally changed the ethnic map of eastern Darfur, drawing on previously latent tensions between non-Arab groups over land, ethnicity, and local political dominance—and generating some of the most significant ethnically directed violence since the start of the conflict in 2003. ... The first wave of major fighting, from 2003 to 2005, was dominated by attacks against non-Arab groups accused of supporting the rebellion. The violence was perpetrated principally by government-sponsored, Arab-dominated abbala (camel-herding) militias, leading to thousands of civilian deaths and the displacement of hundreds of thousands of people. After the signing of the Darfur Peace Agreement (DPA) in 2006, Arab groups increasingly turned against both the government and each other. Between 2008 and 2010, violent deaths in Darfur were thus dominated by intra-Arab fighting, notably between abbala and baggara (cattle-herding) groups in South Darfur (AU, 2009, p. 112; Flint, 2010b; USAID, 2010). ... In contrast, the 'new' war in eastern Darfur, which erupted in late 2010 and early 2011, has pitted non-Arab groups against other non-Arabs; specifically, government-backed militias drawn from small, previously marginalized non-Arab groups—including the Bergid, Berti, and Tunjur—deployed against Zaghawa rebel groups and communities." **[23n](p.7-8)**

21.18 The source additionally noted with regard to the use of non-Arab militias by the Government of Sudan earlier in the Darfur conflict:

"Prior to this new wave of recruitment, non-Arab proxy militias had been active to some degree as early as 2003. In particular, they had been recruited among the South Darfur Fellata (a Pula community generally considered Arab), South Darfur Bergid (a tribe also involved in the current violence), and West Darfur Gimir and Tama (two communities that have older and deeper grievances against their Zaghawa neighbours to the north than do the non-Arab tribes in eastern Darfur). These early non-Arab militias, however, were not at the forefront of the conflict; they were complementary to the Arab militias and were less extensively deployed, in much smaller areas than the wide stretch of eastern Darfur where such militias have been active in 2010–12." **[23n](p.14)**

21.19 Commenting on the formation of these non-Arab militias the paper by Gramizzi and Tubiana stated:

"In contrast to the militias that were created at the beginning of the conflict in 2003, the various PDF [Popular Defence Force] units established in eastern Darfur—mainly at the end of 2010—were generally recruited among small, non-Arab groups; these units became the chief perpetrators of recent anti-Zaghawa attacks. More specifically, these groups are considered the 'indigenous' and 'landowning' tribes or first settlers of this part of Darfur, to which the paramount traditional leaders (and generally landowners) of this area belong. They include the Berti (mostly in At-Taweisha area), the Bergid (in She'eria, Khor Abeshe, and Khazzan Jedid as well as Shangal Tobay, Dar-es-Salam, and At-Taweisha), the Tunjur (in Shangal Tobay), the Mima (in Wada'a, Am Dresaya, and Dar-es-Salam), and some others—but not the Zaghawa.

"...Unlike the former Arab proxy forces, the new non-Arab militias are not referred to as 'janjaweed' but simply as milishiyat or milishiyat Kibir—after the governor of North Darfur, himself a Berti and one of the main supporters of the non-Arab PDF active in North Darfur, particularly in his area of At-Taweisha. ... Governor Kibir and other officials in the North Darfur government and the NCP [ruling National Congress Party], as well as major traditional leaders from non-Arab non-Zaghawa tribes, started to mobilize kinsmen shortly after the departure of the SLA-MM [Sudan Liberation Movement – Minni Minnawi] in late 2010." **[23n](p.30-31)**

See also: Security Forces, Popular Defence Forces For further background information on Darfur's ethnic groups see: African v Arab dichotomys, together with Non-Arab groups and identities (including Darfurians and Nuba)

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Non-Arab groups and identities (including Darfurians and Nuba)

21.20 Non-Arab groups in Sudan include the Fur and Zaghawa in Darfur; the Funj and Uduk in Blue Nile; the Beja in the East and the Nuba in South Kordofan. (Time magazine, 'Darfur Redux: Is 'Ethnic Cleansing' Occurring in Sudan's Nuba Mountains?', 14 June 2011) **[123a]** The publication 'The Sudan: The Problem of National Identity' by Ann Mosely Lesch, dated 1998 provided a table based on various sources, which listed 'Non-Arabized Peoples of Northern Sudan'. This has been reproduced below (it should be noted that the original source included percentages to indicate population composition. However these have not been listed below as they refer to the composition when Sudan and South Sudan were unified. According to the figures (circa 1989), Sudan was previously made up of 34 per cent Southern peoples; 40 per cent Arabized peoples of northern Sudan and 26 per cent non-Arabized peoples of northern Sudan. ('The Sudan: The Problem of National Identity' by Ann Mosely Lesch, dated 1998) **[124a](p.17)**):

"A. [Beja]: ... Beni Amer, Amarar, Bisharin, Hadendowa
B. [Dar Fur]: ... Fur, Daju, Beigo, Zaghawa, Berti, Masalit, Gimr, Tama
C. [Nuba] ... over 50 groups, including Nyimang, Temein, Katla, Tima, Tegali, Koalib-Moro (Heiban, Shawi, Otoro, Tira, Moro), Daju, Tulishi, Keiga, Miri, Kadugli, Korongo, Talodi-Mesakin, Lafofa and 'Hill Nubians'
D. Nubian ...
E. West African (fallata) ... Fulani, Hausa, Kanuri, Songhai (Zabarama)." **[124a](p.17)**

21.21 The RVI Handbook 2012 further explained with regard to west African migrants:

"In scatter communities in western Sudan and, to a greater extent, in the central Nile valley – particularly in Gezira – descendants of migrants from West Africa travelled through Sudan ... the majority of these settlers were Hausa from northern Nigeria; the rest were drawn from other West African ethnic groups, some of them speaking Hausa as a lingua franca. In Sudan the settlers became known as Fellata. This was originally a term for the Fulani, one of the non-Hausa groups, in Sudan it was applied to other Sudanese to all descendants of West Africans and acquired a prejorative connotation. Today the term 'Hausa' is often used to refer to all Sudanese of Western African descent ..." **[121a](p.79)**

21.22 Minority Rights Group, 'World Directory of Minorities and Indigenous Peoples', updated May 2009 noted with regard to the Beja ethnic group:

"Beja of the deserts of eastern Sudan and arid mountains of the Red Sea Hills are among the country's longest established peoples, having been resident for over 4,000 years. They number approximately 2.2 million and extend into Egypt and Eritrea. They inhabit large areas of Sudan between the Egyptian border, Eritrea and the River Setit, and from the Red Sea coast to the River Atbara and the Nile. … Beja have traditionally followed a nomadic way of life, mostly as camel herders. Colonial economic ventures attracted various groups from outside the region when mechanized farming was introduced in the 1940s. … Most significantly, as a result of the construction of the Aswan Dam from 1964–7, some Nubian inhabitants of Wadi Haifa were resettled in the south-western part of Beja land, increasing population concentration and putting pressure on scarce land resources. The Aswan Dam inundated important pastures for the Bisharin, a sub-group of the Beja, causing massive impoverishment." **[119b]**

Nuba

21.23 The RVI Sudan Handbook 2012 stated:

"Among the indigenous non-Arab peoples of northern Sudan, the hill-dwelling Nuba of southern Kordofan are the most culturally and linguistically diverse. Dozens of languages are represented in a few thousand square kilometres of the Nuba mountains. Some originate from as far as Nubia, but Nuba communities have their historical origins in many different parts of the countr, diverse populations having been displaced over long periods of time and found refuge in these mountain redoubts. Today, some Nuba are Muslims; some Christians; some are neither; most groups are patrilineal, reckoning descent through a line of male ancestors as Arab, or Arabized, peoples do, but some are matrilineal, a form of social organisation with a pre-Islamic origin." **[121a](p.80)**

21.24 Minority Rights Group, 'World Directory of Minorities and Indigenous Peoples', Sudan, Nuba, updated May 2009 also observed:

"A group of 50 or more autonomous and ethnically diverse tribes, numbering some 3.7 million people, Nuba inhabit the mountainous Kordofan in central Sudan [what is now on Sudan's border with South Sudan]. They speak several dialects of the Cushitic group of the Hamito-Semitic languages. Some traditional religions survive but most Nuba have been converted to Islam or Christianity. These diverse peoples have found a common identity as 'Nuba' through their shared mountain homeland and a history of shared oppression. … Nuba migrated to the mountains for protection or improved water sources to cultivate beans, cotton, millet and maize, and to raise cattle, goats and sheep. Their traditional rivals, the cattle herding Sudanese Arabs known as Baggara, who live in southern Kordofan, often have been allies of central power in Sudan since the nineteenth century …" **[119c]**

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Non-Arab Darfurians

21.25 A paper by Alex de Waal entitled 'Who are the Darfurians? Arab and African Identities, Violence and External Engagement', dated 10 December 2004 (accessed via the website Contemporary Conflicts, Social Science Research Council) noted with regard to

the identification of Darfurians that there are "four overlapping processes of identity formation, each of them primarily associated with a different period in the region's history." **[140a]** These were: "... the 'Sudanic identities' associated with the Dar Fur sultanate, Islamic identities, the administrative tribalism associated with the 20th century Sudanese state, and the recent polarization of 'Arab' and 'African' identities, associated with new forms of external intrusion and internal violence." **[140a]** The paper continued:

"It is a story that emphasizes the much-neglected east-west axis of Sudanese identity, arguably as important as the north-south axis, and redeems the neglect of Darfur as a separate and important locus for state formation in Sudan, paralleling and competing with the Nile Valley. It focuses on the incapacity of both the modern Sudanese state and international actors to comprehend the singularities of Darfur, accusing much Sudanese historiography of 'Nilocentrism', namely the use of analytical terms derived from the experience of the Nile Valley to apply to Darfur." **[140a]**

21.26 The RVI Sudan Handbook 2012 stated: "In recent years large numbers of Darfuris – including Zaghawa, Fur, Masalit and other ethnic groups – have been driven from their villages and forced into displaced camps on the outskirts of towns, contributing to a wider drift towards urbanization." The same source additionally explained with regard to the changing tribal identities in Darfur:

"Today ... Fur [tribal] territory and other parts of the Darfur region are in an increasingly disputed political space. Due to a significant extent to the government's use of militias drawn from Arab nomadic groups and the ethnic divide-and-rule strategy of which this is a part, tribal identities in Darfur have become militaried; and rights to land brutally contested. ... Another non-Arab group involved in the Darfur conflict is the Zaghawa, whose territory extends across the border into Chad."

See also the paper 'Transnational ethnic groups and conflict: The Zaghawa in Chad and Sudan', by Joseph Sany and Sameeksha Desai, published in Conflict Trends, Issue 2, 2008.

21.27 In considering the conflict in Darfur between 2003 and 2005 and the political polarisation of African and Arab tribal identities during this time, the 'Report of the international commission of inquiry on Darfur to the United Nations Secretary-General', pursuant to Security Council Resolution 1564 of 18 September 2004, dated 25 January 2005, (ICI Report 2005) observed:

"[I]n recent years the perception of differences has heightened and has extended to distinctions that were earlier not the predominant basis for identity. The rift between tribes, and the political polarization around the rebel opposition to the central authorities, has extended itself to issues of identity. Those tribes in Darfur who support rebels have increasingly come to be identified as 'African' and those supporting the government as the 'Arabs'. A good example to illustrate this is that of the Gimmer, a pro-government African tribe and how it is seen by the African tribes opposed to the government as having been 'Arabized'. Clearly, not all 'African' tribes support the rebels and not all 'Arab' tribes support the Government. Some 'Arab' tribes appear to be either neutral or even support the rebels". **[18u] (p130)**

21.28 A previous report from the UN's Panel of Experts (established pursuant to resolution 1591 (2005) concerning the Sudan), the 'Final report of the Panel of Experts submitted in accordance with paragraph 2 of Security Council resolution 1841 (2008)',

(S/2009/562), dated 29 October 2009, in considering abuses more recently, similarly reported that:

"The parties to the conflict in Darfur are commonly referred to as 'Arab tribes', 'Arab militias', 'Janjaweed' or 'Africans', 'Blacks' or 'Tora Bora', all of which terms are unclear and often offensive. While the term 'African' purports to describe people originating from the continent of Africa, the term 'Arab tribe' negates the fact that these Darfurians are also 'African'. 'Arabness' in Darfur is best viewed as a subjective definition: some Darfurians have accepted it for themselves, while others are comfortable with 'Africaness' as their proper identity.'

"Depending on the political conjuncture, the affirmation by a group or a tribe of its 'Arabness' or 'Africaness' can result in concrete consequences and specific benefits. Landless Darfurian nomads and cattle herders ('Arabs') who lose their traditional grazing land to drought and the advancing desertification, may end up seeking pastures in the lands traditionally occupied by Darfurian farmers ('Africans').

"Some landless Darfurian Arabs chose to join the counter-insurgency forces organized by the Government of the Sudan in order to gain access to land and enhance their socio-political status. Thus, these tribes are viewed by the African and Arab tribes who are beneficiaries of hakoura (a local Arabic term meaning 'traditional system of collective ownership of land') as insurgents, outsiders or Janjaweed (Arabic for 'bandits')... In the Panel's own terminology, the only distinction made will be between Darfurians who have joined 'counter-insurgency forces' or 'Government of the Sudan auxiliary forces' and Darfurians who are part of anti-Government 'rebel movements' or 'armed groups'." **[18v](p14, box 1)**

21.29 The ICI Report 2005 in considering those parties responsible for human rights violations committed in Darfur between 2003 and 2005 (as part of its mandate – **[18u](p2)**) cautioned that:

"The various tribes that have been the object of attacks and killings (chiefly the Fur, Massalit and Zaghawa tribes) do not appear to make up ethnic groups distinct from the ethnic group to which persons or militias that attack them belong. They speak the same language (Arabic) and embrace the same religion (Muslim). In addition, also due to the high measure of intermarriage, they can hardly be distinguished in their outward physical appearance from the members of tribes that allegedly attacked them. Furthermore, inter-marriage and coexistence in both social and economic terms, have over the years tended to blur the distinction between the groups. Apparently, the sedentary and nomadic character of the groups constitutes one of the main distinctions between them. It is also notable that members of the African tribes speak their own dialect in addition to Arabic, while members of Arab tribes only speak Arabic".**[18u](p129)**

For further information on the ethnic make up of the Janjaweed and other pro-government militia groups, including information on the recruitment of 'non-Arab' groups by the government see: Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias and Darfur's non-government armed groups. For further background information on Darfur's ethnic groups see: African / Arab dichotomys.

For information on the ethnic background of Darfur's opposition groups see: Annex D: Armed Opposition groups

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TREATMENT OF ETHNIC GROUPS

Legal rights

21.30 Sudan acceded to the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD) on 21 March 1977. (UN Treaty database, Multilateral Treatise Deposited with the Secretary-General, Human Rights, 2. International Convention on the Elimination of All Forms of Racial Discrimination, accessed 1 August 2012) **[54f]** However Sudan last submitted a report to the Committee in 2000 (which was reviewed at the 58th session of the Committee, 5 – 23 March 2001) **[1n]** The annual 'Report of the Committee on the Elimination of Racial Discrimination', dated 2 September 2011, (A/66/18) highlighted that Sudan was listed under the states which were at least five years late in the submission of their next report (the twelfth periodic report due since 2002). **[1m](para 69)**

21.31 The Interim National Constitution of Sudan, drawn up as part of the Comprehensive Peace Agreement between the mainly Christian south and Arab north in 2005 described the Sudanese state as a "multi-cultural, multi-lingual, multi-racial, multi-ethnic, and multi-religious country where such diversity co-exists". **[13e](Article 1(1)**

21.32 Articles 13 (Education, Science, Art and Culture), 40 (Freedom of Assembly and Association), 44 (Right to Education), 47 (Ethnic and Cultural Communities), 156 (Dispensing Justice in the National Capital) and 211 (Powers of the President in the State of Emergency) of the INC also provide various legal safeguards which recognise the ethnic and cultural diversity of Sudan. (Republic of Sudan, Interim National Constitution, 2005)**[13e]**

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Discrimination and racial prejudice

The following information on ethnic discrimination should be considered together with information listed under Societal discrimination and attacks against Christians For further historical background on the civil conflict between north and south Sudan, including ethno-religious conflict see: History of Sudan's regional conflicts and South Sudan (1956 – 2005). For more recent information on changes to Sudan's nationality laws see: Citizenship and Nationality

21.33 An article from the Christian Science Monitor, entitled 'Racism at root of Sudan's Darfur Crisis', dated 14 July 2004, explained:

"Race - not religion - is the fundamental fault line in Sudan, though religion has certainly added fuel to the fire in the south. Indeed, since independence from the British in 1956, the demon of Sudan has been race. The Arab north, except for brief periods when token Africans were included in government, has exclusively held political and military power. To protest political exclusion, military repression, enslavement, and economic exploitation, Africans in the south rose against the state several years after independence." **[128a]**

21.34 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed: "The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas." **[2b](6.Discrimination, societal abuses, and trafficking in persons, National/Racial/Ethnic Minorities)** A report from the Chr. Michelsen Institute, entitled 'Nationality and Citizenship Questions in Sudan after the Southern Sudan Referendum Vote', by Munzoul A.M. Assal, dated January 2011, further noted:

"Poor and lowerclass people, especially those with darker skins, are more susceptible to random police checks. One can thus talk about some form of institutionalized racism in Sudan, where state agents, not ordinary people, indulge in racist acts. ... Labels that are inscribed by the society reflect some level of underlying racism in Sudan. For example, people from west Sudan are commonly known as Gharraba, a term that covers all those who originate from Darfur and Kordofan. People from the Nile Valley who migrate to other regions of the country are known as Jellaba, while southerners and those from eastern Sudan are known as Ganubiyyin and Badawait, respectively (Harir 1994). All these group labels are considered pejorative to a greater or lesser extent. Shimalyyin is a term that is used to describe the people of northern Sudan, including Khartoum. This term, because of its association with the ruling elite, has no negative cultural connotations, and northerners are comfortable with being labelled Shimalyyin. ... The negative attitudes reflected in these labels influence law enforcement agencies and contribute to inequality in access to social services provided by the state. For example, the case of the housemaid [referred to in the article, who was arrested by police in Omdurman because she was suspected she was a foreigner living illegally in the country] shows that being Fellata is disenfranchising (the Fellata are seen as a subgroup of the Gharraba)." **[71c](p.6)**

21.35 The Landinfo thematic report entitled 'Sudan – Internally displaced persons in Khartoum', dated 3 November 2008, additionally remarked: "Many of the people Landinfo interviewed in April/May 2008 [for the aforementioned thematic report] said that skin colour has a major bearing on social standing in Sudan. Sudan expert Alex de Waal described this as follows: 'Sociocultural classification based on skin color corresponds closely with power and wealth, and […] members of the northern establishment justify their dominance with reference to racial categories.' (2007, p.25) [taken from the publication Sudan: The turbulent state, War in Darfur and the search for peace']" **[127a](p.15)**

Discrimination against African 'southerners'

21.36 A transcript of a radio broadcast by PRI's 'The World' programme, entitled 'Racism in Sudan', dated 7 February 2011, by Matthew Brunwasser observed:

"The name Sudan comes from 'bilad al sudan': Arabic for 'the land of the blacks.' ... So you might expect Sudanese to be comfortable with the color of their skin. But they're not. ... 'They are equating black with dullness, so a black person is stupid, automatically a slave,' says southerner Agnes Silver Nyarsuk. She explains that Southern Sudanese consider themselves black, while northerners see themselves as Arabs — and treat blacks as second class. ... 'For transport, an Arab lady when she enters, the men will stand up and give the place, for an Arab lady, because she's a woman,' Nyarsuk says. 'But a black lady, even if she is old, and she's shivering, dying, they will not respect because you are automatically a slave.' ... The differences between north and south

might seem like one of religion but that's only a secondary conflict. Most northerners are Muslims. And most southerners follow traditional African religions or Christianity. ... Sudanese journalist Godfried Victor Bulla has written extensively on race issues. He says even when northerners and southerners are the same religion, perceived racial difference keeps them apart. ... 'An Arab looks at a black southerner, despite the fact that he's a Muslim, they look at him as inferior,' Bulla says. 'Someone, [sic] you know you're nothing. It has never been that a black southerner is a sheik. This attitude grows bigger.'" **[68b]**

21.37 The same source referring to an interview with Albaqir Muhktar, a Khartoum-based analyst, observed:

"... they [black southerners in Sudan] claim to be Arabs, they are not really Arabs, they are nubians, and indigenous people of Sudan [who] have been Arabized, in a way that that their language become Arabic and religion becomes Islam, that's all. But their looks remain Africans.' ... Mukhtar says Sudanese people have a wide spectrum of skin colors — and concepts of skin color to match. ... 'And we describe the color of a northerner who is very black, we call him green,' says Mukhtar. 'Although two different people, one northerner and one southerner, having the same color, when we describe the southerner we call him black, bluntly. When we describe the northerner, they call him green.' ... Mukhtar says that North Sudanese rarely admit there's such things as racism, so the mentality will likely persist for the foreseeable future." **[68b]**

21.38 An article from the Toronto Standard, entitled 'In Sudan, A War of Words', dated 9 May 2012, explained with regard to the escalation of hostilities between Sudan and South Sudan:

"In a country where colonial policies historically favoured an elite group of Muslim, Arabised Northerners, power and wealth have long been concentrated among a select few and the marginalization of and injustice against certain groups has been the norm. The conflict has often manifested itself in racism and religious hatred, with ethnicity and faith becoming the proxy battleground over unequal access to resources. ... Despite the promise it held for some, the South's independence did not alleviate either side's suspicion of the other. ... In fact, raging nationalism has resulted from the split and seems to have exacerbated the animosity. ... In a speech just days after the IMF announced that Sudan's economy was expected to shrink by 7.3 per cent in 2012 with consumer goods rising 23.2 per cent, Sudanese President Omar al-Bashir addressed Southern Sudanese, vowing to rid them of their 'insect' leaders, a pun involving the Arabic word for movement and the South's leading political party, the Sudan People's Liberation Movement (SPLM). ... Rhetoric in the South is similarly anti-North and, by extension, anti-Arab, with government officials and the public proclaiming war to be the only option." **[129a]**

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Treatment of ethnic groups involved in Sudan's regional conflicts

The following section should be considered together with information on Sudan's regional conflicts, included under the section Security situation.

21.39 The Minority Rights Group report 'Peoples under Threat 2012', Online Briefing, by Mark Lattimer, dated 24 May 2012, ranked Sudan second, behind Somalia on the table of

'Peoples most under threat' and listed the Fur, Zaghawa, Massalit and others in Darfur as ethnic groups being at risk, together with the Dinka, Nuba and Beja. **[119a](p.4, table 'Peoples most under threat – highest rated countries 2012')** The same source further noted with regard to the recent developments along Sudan's border, including conflict in South Kordofan (the Nuba Mountains) and Blue Nile:

"... [T]he greatest current risk for the peoples of both Sudan and South Sudan comes from the series of conflicts escalating along the border areas between the two countries, constituting 'a serious threat to international peace and security' in the words of a UN Security Council resolution adopted in May 2012. The Council had previously denounced repeated clashes between armies of the two countries, cross-border incursions and support to proxy militias." **[119a](p.3)**

21.40 A joint report from the African Centre for Justice and Peace Studies, East and Horn of Africa Human Rights Defenders Project and the Federation Internationale des ligues des droits de l'Homme, dated April 2012 entitled 'Human Rights Violations in the Republic of Sudan: A Shadow Report to Sudan's Fourth and Fifth Periodic Report to the African Commission on Human Rights and People's Rights', also noted that "Sudanese citizens are frequently arrested on the basis of ethnicity. In particular, activists from Darfur are repeatedly targeted for arbitrary arrest. This includes arrests for engaging with international bodies and participating in civil society organisations." **[62b](p.10)** The source went on to provide some specific case examples, which can be accessed through the source link above (see pages 10 – 11).

For further information on the treatment of specific ethnic groups involved in Sudan's regional armed conflicts, refer to the following sections:

- For information on the treatment of the Nuba in South Kordofan (including the Nuba Mountains) and Blue Nile see Security situation, Security situation for non-combatants in South Kordofan and Security situation for non-combatants in Blue Nile. Also see: Treatment of (perceived) supporters of non-state armed groups, South Kordofan/Blue Nile based groups and government opponents; Human rights monitoring in regional conflict areas, Blue Nile and South Kordofan; Freedom of movement and Humanitarian situation in regional conflict areas, Blue Nile and South Kordofan.

- For information on the treatment of Darfurians, including non-Arab Darfurians see Darfur, Security situation – security situation for non-combatants; Treatment of (perceived) supporters of non-state armed groups, Darfurian groups and government opponents; Human rights monitoring in regional conflict areas, Darfur and Humanitarian situation in regional conflict areas, Darfur. Additionally see: Ethnic group, Darfurian Arabs, Ethnic identity of the Janjaweed and other pro-government militias

- For information on the treatment of the Dinka see Security situation, Abyei – human rights violations committed against non-combatants. Also see: Human rights violations committed in areas of armed conflict; Security forces and Non-government armed forces

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Inter-communcal violence

21.41 The website Conciliation Resources, in an article entitled 'Land and Conflict in Sudan', by Dr Mona Ayoub from the University of Khartouom, published in the journal 'Accord' dated 2006, reported: "Sudan's conflicts have many causes, but at the root of each conflict are questions over the control and distribution of resources. The most important resource is land: whether exploited for agriculture, cattle-herding or subterranean resources such as oil or water, land ownership is the key to wealth and power." **[125b](p.14)**

21.42 The background section of a project briefing paper from the UN's Development Programme, Sudan, entitled 'Reduction of Resource Based Conflicts among Pastoralists and Farmers', undated (accessed 1 August 2012) further explained:

"Pastoralism in Sudan is a traditional way of life. It is a form of natural resource use and management that comprises a variety of movements ranging from pure nomadism, characterized by year-round camel breeding and long-distance migration, to seasonal movements over shorter distances. Some pastoralists combine seasonal farming with livestock-raising; these are known as agro-pastoralists. ... Historically, there has always been tension along pastoral corridors over land and grazing rights between nomads and farmers. But recently, some parts of the country have been caught in a complex tangle of severe droughts and dwindling resources. Disputes flare up between farmers and pastoralists as migrating camel and livestock herders, in search of water and pasture for their animals during the dry season, would sometimes graze on farmers' lands and use their water points. Disputes over lost crops, and access to water and pastoralists' routes are sometimes settled by tribal leaders. However, severe droughts, and increased mechanized farming have worsened the situation. Combined with a lack of institutionalized mechanisms for land and water rights and usage, all these factors lead to widespread seasonal tensions between pastoralists and farmers on the one hand and between traditional farmers and owners of big mechanized farms on the other." **[130a]**

21.43 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed with regard to events in Darfur: "...Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and also between different Arab tribes." **[2b](6.Discrimination, societal abuses, and trafficking in persons, National/Racial/Ethnic Minorities)** A BBC report entitled 'Cound Abyei dispute reignite Sudan war?', dated 17 January 2011, explained with reference to the inter-tribal conflict in Abyei: "Abyei is home to the Dinka Ngok, a subsection of the south's [ie. South Sudan] largest ethnic group, the Dinka. ... The Misseriya, who are northern nomads, travel through the region as they take their cattle to greener pastures in the south. ... Most years there are clashes when the Misseriya take their cattle through lands the Dinka Ngok consider belong to them." **[3e]** The BBC article further explained with regard to the causes of violence in Abyei:

"... [I]n Sudan religion has provoked conflict, in particular because the largely non-Muslim southerners rejected what they saw as the imposition of Sharia law. ... But in Abyei this is less of a factor. ... The Misseriya are Muslim, but so are some Dinka Ngok - though the majority follow Christianity or traditional religions. ... The split here is not predominantly on religious lines - instead it is ethnic and local. Muslim Dinka Ngok seem just as keen to join the south as the others. ... As with many places in Africa, the

battle for scarce resources between nomadic cattle-herders and settled communities can be bitter." **[3e]**

Darfur

21.44 The Christian Science Monitor, in an article entitled 'Africa's continental divide: land disputes', dated 30 January 2010, observed that: "Beneath the genocide in Darfur is a broken land tenure system, full of fights over soil that climate change is making increasingly unproductive."**[128b]** An article by David Lanz, entitled 'Complicating Darfur', published by the Fletcher Forum for World Affairs in late 2008 similarly acknowledged the significance of land in the Darfur conflict, citing the work of Jerome Tubiana, the article observed: "... Jérôme Tubiana, in 'Darfur: A Conflict for Land?,' draws attention to the fact that Darfur's traditional land tenure system, the hakura, excludes certain camel-herding Arab tribes of northern Darfur. Desertification, population growth, and asset depletion since the 1980s have fostered growing competition for land in Darfur and have threatened the existence of landless tribes. It is not surprising, Tubiana remarks, that the infamous Janjaweed militias consist primarily of young men from exactly these tribes." **[71d](p.214)**

21.45 A paper by the Small Arms Survey entitled 'The Other War: Inter-Arab Conflict in Darfur', written by Julie Flint, dated October 2010, observed:

"Since 2006, the largest single cause of violent death in Darfur has not been 'ongoing genocide' of non-Arabs, but fighting among former government collaborators—the so-called 'janjaweed'. The heaviest, and most recent, fighting has pitted camel-herding Abbala pastoralists from the Northern Rizeigat group of tribes against cattle-herding Baggara associated with the Missiriya tribe. It has taken place on and around the fringes of Jebel Marra [a mountainous area of Darfur] and is underlaid, paradoxically, by some of the same racial stereotypes that fuelled the counter-insurgency. ... UNAMID [the UN African Mission in Darfur] officials say 80–90 per cent of the violent deaths registered in South Darfur between 2006 and 2008 were occasioned by fighting between Arabs. After a significant drop in violent death across all Darfur in 2008, inter-Arab fighting erupted again on a large scale early in 2010, taking approximately 1,000 lives in the first nine months of the year. Arab informants say the figure is significantly higher, especially among Abbala, who seldom reveal their casualties. Yet the impact on unprotected Arab communities has received little international attention, and almost none among the human rights organizations that, along with the international humanitarian community, broke the silence about the mass killings of 2003–04." **[116c](p.10)**

21.46 A second report from the Small Arms Survey, entitled 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, dated July 2012 further updated: "Between 2008 and 2010, most of Darfur's violence appears to have been generated by fighting between Arab tribes, notably between abbala and baggara (cattle herders) of South Darfur, but also between large tribes sometimes straddling those livelihood categories (such as the Rizeigat and the Missiriya)." **[23n](p.13)** A report from the Institute for War and Peace Reporting, entitled 'Female Singers Stir Blood in Darfur', dated 4 January 2012, noted with reference to inter-tribal conflict in 2011:

"In November 2011, two groups – the nomadic cattle-herding Rizeigat tribe and the farming community of Fayreen – clashed on the border between Darfur and South Kordofan region, resulting in dozens of deaths. ... Like many clashes along this fractious border, the disagreement arose when cattle belonging to the Rizeigat were allowed to

wander onto communal farmland owned by the people of Fayreen. ... Fayreen tribesmen responded by slaughtering the cattle, prompting a strong response from the Rizeigat. A temporary halt to hostilities was then called when the Fayreen offered to pay compensation for the loss of the cattle. The Rizeigat accepted the offer. ... In June last year [2011], the Rizeigat and the Misseriya – two nomadic tribes whose rivalry goes back generations – clashed in North Darfur." **[75b]**

21.47 The IPWR report also explained with reference to the customary traditions of female singers known as 'Hakamat':

"Influential female singers known as 'Hakamat' are still fuelling inter-tribal conflict in Sudan's Darfur region, despite efforts to teach them about building peace in their communities. ... Traditional songs which ridicule fellow tribesmen who try to defuse conflicts with neighbouring groups help stoke tensions in the region. ... UNAMID, the joint African Union and United Nations peacekeeping mission in Darfur, is keen to work with Hakamat women to teach them how they can help bring peace to the region. But Saieed Salim, UNAMID public information assistant in Nyala, admits this is no easy task. ... 'It is difficult to change them to sing for peace,' he said. 'It is possible to give them money and to organise some cultural events that the Hakamat can come and sing at. But when they go back to their own tribes and communities, we see that the old values are still dominating their singing.'" **[75b]**

Additionally see also the COI Service, Background material: Sudan: Non-Arab Darfurian tribes, 10 March 2011. For further information on the current security situation in Darfur and violence linked to intercommunal violence see: Darfur, types of violence – inter-communal violence.

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22. SEXUAL ORIENTATION AND GENDER IDENTITY

The following information should be read together with Corporal punishment under the 1991 Criminal Act and Public Order Laws and Popular Police Force / Public Order Police . Other relevant information includes: Violence against women, corporal punishment; Death penalty and: Women, Social and economic rights.

LEGAL RIGHTS

22.01 According to the website of the International Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) Association, Sudan country page, Law, undated (accessed 1 August 2012) both male to male relationships and female to female relationships are not legal in Sudan. **[112a]** Although the website provides reference to the 1991 Penal Code as the legal basis for punishment of male to male relationships, the page on female to female relationships provides no reference to any legal texts. **[112a]**

22.02 Sodomy is prohibited by law in Sudan. Article 148 of the 1991 Criminal Act stipulates:

"148.(1)There shall be deemed to commit sodomy, every man who penetrates his glans, or the equivalent thereof, in the anus of a woman, or another man's, or permits another man to penetrate his glans, or it s equivalent, in his anus.
(2) (a) whoever commits the offence of sodomy, shall be punished, with shipping a hundred lashes, and he criminalises capital punishment applies to a man or woman

engaging in such acts may also be punished, with imprisonment, for a term, not exceeding five years;

(b) where the offender is convicted for the second time, he shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding five years;

(c) where the offender is convicted for the third time, he shall be punished, with death, or with life imprisonment." **[39d](Article 148)**

22.03 Article 151(1) defines 'gross indecency' as follows: "There shall be deemed to commit the offence of gross indecency, whoever commits any act contrary to another person's modesty, or does any sexual act, with another person not amounting to adultery, or sodomy, and he shall be punished, with whipping, not exceeding fourty lashes, and he may also be punished, with imprisonment, for a term, not exceeding one year, or with fine." **[39d](Article 151)**

22.04 Whilst Article 152 describes 'indecent and immoral acts':

"152.(1) Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding fourty lashes, or with fine, or with both.
(2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs." **[39d](Article 152)**

TREATMENT BY, AND ATTITUDE OF, STATE AUTHORITIES

22.05 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed: "The law prohibits sodomy, which is punishable by death; however, there were no reports of antisodomy laws being applied. … [However o]fficial discrimination based on sexual orientation and gender identity occurred." **[2b](6.Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)** A somewhat dated report from the 10th European Country of Origin Information Seminar, dated 1 – 2 December 2005, Budapest, on Sudan, republished 29 November 2006, citing contributions from Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, further explained:

"Homosexuals face persecution in Sudan. The Criminal Code is very strict on this matter. The concept of homosexuality is a bit different than in Europe; it is about sodomy. It is the act which is punishable, not the orientation. In the traditional concept, homosexuality doesn't exist, just like it didn't exist in Europe until not so long ago. Unmarried perpetrators would first be sentenced to 80 lashes, the second time to imprisonment, the third time to death. If the perpetrators are married, sodomy carries the death sentence. However, it is difficult to find information on the implementation, on how many people were actually sentenced or punished for sodomy." **[113a](p.18)**

22.06 A more recent briefing report for the Swedish Development Cooperation Agency (Sida) , dated 31 October 2011, remarked: "Regardless of the frequency of the implementation of so called sodomy laws, their mere existence usually results in a worsened situation for LGBT persons. In Sudan, the accusation of being homosexual is sometimes used to

blackmail somebody or to smear political opponents." **[114a](p.1)** The same source additionally noted with regard to the treatment of transvestites: "In August 2010, Reuters and BBC reported lashings of 19 persons of male legal gender, for wearing woman's clothing at a party that was perceived to be a same-sex wedding. The defendants were charged with violating Sudan's public morality codes." **[114a](p.1)**

22.07 A report from Freedom Sudan entitled 'LGBT in Sudan Under Islamic Laws', undated circa 2010/2011 also explained:

"In a tribal country like Sudan in which the everyday life is centered around the family and with the reputation and the honor of the family is of extremely dangerous importance , accurate and specific information like names, dates circumstance and addresses about individuals convicted with sodomy is scarce and mostly remains in the archives of the 'Alnezam Alaam' (public order- a branch of the police) or the intelligence agencies, families do whatever possible to keep it quiet and the 'convicts' (the victims) do not speak about it publically out of shame." **[115a](p.3)**

22.08 However the same source went on to outline two cases which had received public attention, the first related to the arrest and mistreatment of 'Ali' co-founder and president of the LGBT association Freedom Sudan, who was arrested in April 2009 after security forces raided a private party. **[115a](p.3-4)** The second case referred to was in August 2010 "...when 19 men were flogged publically and fined after being caught [by] Alnezam Alaam in a private party celebrating the wedding of two homosexual men in Khartoum." **[115a](p.4)**

22.09 No specific information on the treatment of trans or intersex persons by the state was available in the sources consulted in this section up to 1 August 2012.

See also: the Sudan Tribune articles 'Sudan flogs 19 men in public for cross-dressing', 5 August 2010 and the website of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, Sudan country page, Your stories, 'the life of LGBT sudanese', posted 5 June 2011.

SOCIETAL TREATMENT AND ATTITUDES

22.10 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed: "There were no known lesbian, gay, bisexual, or transgender (LGBT) organizations. …. Societal discrimination against LGBT persons was widespread. Vigilantes targeted suspected gay men and lesbians for violent abuse, and there were public demonstrations against homosexuality." **[2b](6.Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)**

22.11 However a briefing report for the Swedish Development Cooperation Agency (Sida) , dated 31 October 2011 noted:

"Freedom Sudan is the only LGBT organisation in Sudan. It was formed in December 2006. It is not a registered organisation, since this would be impossible due to criminalisation. The organisation is thus working underground and run by volunteers, but it has an official website: http://freedomsudan.webs.com/. Goals and strategies are to work towards the recognition of homosexuality in Sudan, social acceptance of the

rights of homosexuals in Sudan, abrogation of the death penalty for homosexual acts, and working together with LGBT organisations in other countries.

"Further, there is Bedayaa, a newly born association. It was founded in July, 2010, of a group of Sudanese and Egyptian volunteers. Bedayaa takes the responsibility of providing legal support, psychological support, and health& sex education for LGBT people in Sudan and Egypt .Bedayaa is now a part of the international queer Muslim umbrella formed in Calem conference, the informal confederation of associations LGBTQI European and Muslim, Paris 2010. They have a website: www.bedayaa.webs.com" **[114a](p.2)**

22.12 The website of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, Sudan country page, Movement, undated (accessed 1 August 2012) similary remarked that Freedom Sudan, established in 2006, was the only Sudanese LGBT organisation in existence. The website further explained: "[b]eacuase of the pressure from the sudanese government most of the activities of this organiztaion [sic] is in secret. But its helping all LGBT people in Sudan and giving them a place to express them self. ..." **[112b]**

22.13 More recently, an article by Pink News entitled 'New magazine and hope for LGBT people in Sudan', dated 30 March 2012 noted:

"A new online LGBT magazine in Sudan ... will offer an opportunity for the country's gay people to start discussing their lives and hopes for the future. This is a first for the country, where homosexuality is still punishable by death. … Rainbow Sudan publishes articles discussing topics including being gay in Sudan, the history of homosexuality in the country, Islam and sexuality, being lesbian and Muslim, poetry and more." **[111a]**

22.14 The same source explained that aside from the risk of criminal prosecution for sodomy: "…being out can have serious social and economic consequences – it typically means a loss of job prospects, ostracisation from family and community or even murder (so-called 'honour killings')." **[111a]** Citing interviews with Rainbow Sudan editor Mohammad and other Sudanese gays and lesbians about the magazine and their life in Sudan, the Pink News article further noted:

"Mohammad is a 32-year-old man living in the Sudanese capital, Khartoum. He is energetic, comfortable about his sexuality, full of charm and wit. He also has a scholarly side; he loves poetry, history and sociology. … He told us that 'to understand the gay community in Sudan you have to understand the religious factor here . . . it is a big taboo and regarded one of the biggest sins possible.' … Ibrahim, also 32 years old and a well-respected public figure, explained what that taboo means in practice: 'If you are outed in Sudan the consequences are very serious: social rejection and even punishment according to the Sudanese law.['] … 'The internet is my only lifeline, I can talk with people, learn about LGBT issues and occasionally arrange to meet people. I have to be so careful. If I were to be caught, exposed or worse, arrested, it would ruin me completely.' … Mazen is 28 and manages to live his life but has to be careful: 'There are places to meet in Khartoum which are well known, and there are even police and military men who come and I feel they are like an insurance policy. … 'Everyone is very discreet and respectful, we don't want trouble. It's hard enough as it is to lead a double life.' … But not everyone has things so well ordered. Mohamed, 46 and married for 12 years, has three sons. … 'My life is a living hell,' he confessed. 'I can occasionally go out at night for meets but am totally controlled by my extended family.'" **[111a]**

22.15 The same report continued:

> "Soso, a 35-year-old lesbian hairdresser, said: 'Despite all the difficulties, a Sudanese LGBT community exists, but society at large is not open to this idea, they see homosexuality as the work of the devil. But I am OK with who I am and know I won't change.' … Editor Mohammad stresses such voices show how 'Sudanese society considers homosexuality as a 'phenomenon', not a reality. It is considered a sin and psychological behaviour which is sick, and this view is often shared by LGBT people themselves here." **[111a]**

22.16 No specific information on the treatment of trans or intersex persons by societal actors was available in the sources consulted in this section up to 1 August 2012.

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23. DISABILITY

23.01 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

> "While the law does not specifically prohibit discrimination against persons with disabilities, it stipulates '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 prisoners with mental disabilities were chained 24 hours a day if they were considered a danger to themselves. Mentally disabled prisoners were not exempted from trial, although their cases could be deferred during treatment." **[2b](6. Discrimination, societal abuse, and trafficking in persons)**

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24. WOMEN

For information on girls the following material should be considered together with information listed under Children

OVERVIEW

24.01 A report from the Hauser Global Law School Program at New York University's School of Law, GlobaLex, entitled 'An Overview of the Sudanese Legal System and Legal Research', dated January 2007 noted: "Women's community-based groups voice serious concerns with the prevalence of gender-based violence, which is considered to include: Early (forced) marriage of girls; Domestic violence; Rape; Female circumcision; Forced marriages of widows. ... Additional prevailing gender issues include the right to own property; freedom of choice to enter into marriage; payment of dowry - bride wealth; wife inheritance ... [and] ghost marriages." **[72a](Gender Issues)**

24.02 In the executive summary of the US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, (USSD Report 2011) the main human rights abuses that occurred during the year included rape and other cruel and

inhumane treatment or punishment committed by security forces and violence and discrimination against women, including female genital mutilation." **[2b](Executive Summary)** The USSD Report 2011 also explained that although "[t]he interim national constitution prohibits discrimination based on ... gender ... the government did not effectively enforce these provisions." **[2b](6.Discrimination, societal abuses, and trafficking in persons)** The Foreign and Commonwealth Office report, 'Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', additionally observed: "Gender discrimination, including in family and property matters, and gender-based violence is widespread [in Sudan], including in Darfur." **[16c](p.332)**

24.03 The Social Institutions & Gender Index 2012, produced by the Organisation for Economic Co-operation and Development (OECD) provides a measure of gender discrimination based on five areas of social institutions: discriminatory family code; restricted physical integrity; son bias; restricted resources and entitlements and restricted civil liberties. **[69a](p.8 and Appendix A)** The 2012 index ranked Sudan 85th out of the 86 countries listed, this compared to a 2009 SIGI ranking of 102 out of 102 countries listed **[69a](p.13)** "Countries are included in the SIGI if they meet the following criteria: ... non-OECD or non-European Union countries; population of more than 1 million; availability of data on discriminatory social institutions." (OECD, 2012 SIGI Social Institutions and Gender Index, 'Understanding the drivers of gender inequality', 2012) **[69a](p.10)** The same source stated:

"The changes in the composition of the 2009 and 2012 editions of SIGI are the removal of the Polygamy (Discriminatory Family Code) and Freedom of Dress (Restricted Civil Liberties) variables and the addition of Reproductive Integrity (Restricted Physical Integrity), Fertility Preferences (Son Bias), Legal Age of Marriage (Discriminatory Family Code) Access to Public Space (Restricted Civil Liberties) and Political Voice (Restricted Civil Liberties) variables. Attitudinal and prevalence data has also been added to the Violence Against Women variable where available [the changes and variations between the surveys make like for like comparison more difficult **[69a](p.12)**]." (OECD, 2012 SIGI Social Institutions and Gender Index, 'Understanding the drivers of gender inequality', 2012) **[69a](p.10)**

For further information on the methodology applied in the SIGI, refer to the following paper '2012 Social Institutions and Gender Index: A methodological and technical background paper', 10 May 2012

24.04 The UN Development Programme's (UNDP) International Human Development Index, 2011, also includes a gender inequality index – described as a " ...composite measure reflecting inequality in achievements between women and men in three dimensions: reproductive health; empowerment and the labour market." **[64c]** Sudan's gender index score for 2011 was 0.611, this compared to 0.653 in 2005 and 0.718 in 1995 (a lower score indicates a higher level of gender equality – for example Sweden was listed top in 2011 with a score of 0.049) **[64c]**. 'Table 4: Gender Inequality Index and related indicators' of the 2011 Human Development Report published by UNDP ranked Sudan against the gender inequality index 128th. **[64f](p.141)** According to the report Sudan fell into the 'low human development' index for gender inequality (the low human development index score was recorded as being 0.606) **[64f](p.142)**

24.05 Sudan has yet to ratify the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (UN Treaty database, Multilateral Treatise Deposited with the Secretary-General, Human Rights, 8.Convention on the Elimination

of All Forms of Discrimination against Women, accessed 9 July 2012) **[54b]** Sudan has also not ratified the Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Rights of Women in Africa (Ratification Table: Protocol to ACHPR on the Rights of Women in Africa) **[53d] [53e]**

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LEGAL RIGHTS (INCLUDING THE APPLICATION OF ISLAMIC LAW)

The following information should be read together with Corporal punishment under the 1991 Criminal Act and Public Order Laws; Enforcement of Sharia (Islamic Law) and protection available for religious minorities and Violence against women, corporal punishment and Death penalty. Also see: Popular Police Force / Public Order Police and: Women, Social and economic rights.

24.06 The Interim National Constitution states:

"32 (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.

(2) The State shall promote woman rights through affirmative action.

(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women." **[13e](Article 32)**

24.07 Whilst Article 15 stipulates:

"15 (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." **[13e](Article 15)**

24.08 However despite such legal safeguards the US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, (USSD Report 2011) noted:

"The law discriminates against women, including many traditional legal practices and certain provisions of Islamic jurisprudence as interpreted and applied by the government. In accordance with that interpretation, a Muslim widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. Depending on the wording of the marriage contract, it is often much easier for men than women to initiate legal divorce proceedings. In certain probate trials, the testimony of women is not considered equivalent to that of men; the testimony of two women is considered equivalent to that of one man. In other civil trials, the testimony of a woman is considered equivalent to that of a man." **[2b](6. Discrimination, societal abuses, and trafficking in persons)**

24.09 A report from The Project for Criminal Law Reform in Sudan, 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: The

need for substantial legislative reforms to give effect to the rights, duties and freedoms enshrined in the Charter', dated April 2012 observed:

"Several provisions of the 1991 Personal Status Law of Muslims governing marriage (marital rights and duties), divorce and inheritance grant women inferior rights compared to men and constitute de jure discrimination. In the applied law of evidence, for some offences, such as adultery, only men can provide admissible evidence which amounts to de jure discrimination. Public order laws and provisions, such as article 152 of the Criminal Act 1991 that makes the wearing of 'indecent' or 'immoral' dress punishable by whipping, have a disproportionate impact on women who are de facto the sole targets of this provision. This includes instances of intersectional discrimination where women from less privileged backgrounds and/or different ethnic origin are targeted by such laws." **[44c](p.4-5)**

24.10 A report from Liv Tonnessen and Anne Sofie Roald, for the Chr. Michelsen Institute, entitled 'Discrimination in the Name of Religious Freedom: The Rights of Women and Non-Muslims after the Comprehensive Peace Agreement in Sudan', dated May 2007 (CMR Report, The Rights of Women and Non-Muslims 2007) noted:

"In reality, there is no equality before the law either between men and women or between Sudanese women across religious and tribal affiliation. Anne Itto says that there is an internal contradiction in the national interim constitution: 'There are articles […] that recognise customs, traditions and religion as sources of moral strength for the Sudanese people […] Yet some customs and traditions have contributed to the marginalisation of women'. So, this discriminatory system of legal pluralism contradicts the bill of rights in ... the interim national constitution (articles 15 and 32)." **[71a](p.18)**

24.11 The same report went onto observe with regard to 1991 Personal Status Laws:

"The Personal Status Law for Muslims of 1991 (qanun al-ahwal al-shakhsiyya lil-muslimin lil-sana 1991) represents the ruling NCP's interpretation of women's civil rights in the Islamic family law. ... The Law is built on the notion of the core family as the basic unit. The guiding principle in family disputes is reconciliation, particularly in families with children. The Supreme Court judge and member of the Islamic jurisprudence council Rabab Abu Ghazayza confirms: 'we do everything to keep the family together'. There are two important elements in the law which explain the inequality before the law between men and women. The first is patriarchy, in terms of which the man is the head of the family, and the second is patrilineality, under which the children belong to the father in name and in responsibility." **[71a](p.22)**

24.12 Whilst a report from the Strategic Initiative for Women in the Horn of Africa, entitled 'Women in the Horn still bending their heads: Immunity and Institutionalization of Violence Against Women in Sudan, Somalia and Eritrea', circa 2012 noted with regard to Sudan's Public Order Law:

"The Sudan Public Order Law is contributing to the perpetuation of [sexual and gender based violence] SGBV and valance [sic] against women crimes. The set of laws enacted into the Sudan Criminal Code of 1991 emphasize the presence and participation of women in public life as problematic. The laws largely reflect the current ideological trend of the ruling party's fundamentalist interpretations and application of Sharia Law. The Sudan Public Order Law is infused with a conception of women as problematic actors whose presence in public and private life must be subject to the

highest scrutiny least their inherent 'dangerousness' infect those around them. The brutality of the Sudan Pubic Order Police against the women and girls of Sudan is part of an ongoing battle to impose a fundamentalist moral order upon society and women are frequently the first victims where their lives are devalued in relation to their male counterparts. As a result, even where the laws are not expressed in gender specific terms, women are easy targets for the application of ill-defined moral standards which have been bestowed with legal characteristics. ... The unlimited authority, scope of interpretation of public order laws and the absence of accountability for public order police has led to an array of brutal crimes by them." **[70a](p.3)**

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POLITICAL RIGHTS

24.13 The Organisation for Economic Co-Operation and Development's, Social Institutions and Gender Index, Country Profiles, Sudan, based on material available up to November 2011 **[69c]** observed: "Women and men enjoy the same right to vote and to stand for election in Sudan. In regard to women's political participation, 25% of seats in the lower house of parliament are reserved for women. In 2010 women were elected to 26% of positions in the lower house and 11% of positions in the upper house. ... The United Nations Human Rights Committee has recommended that the government increase its efforts to ensure women's equal participation in public life."
[69b](Restricted civil liberties) The Freedom House, Freedom of the World 2012, Sudan Country report, April 2012, explained: "Female politicians and activists play a role in public life in Sudan, and women are guaranteed a quarter of the seats in the National Assembly." **[20a]**

24.14 However a paper by Liv Tonnesson entitled 'Beyond Numbers? Women's 25% Parliamentary Quota in Post-Conflict Sudan', dated 17 August 2011, in attempting to "... [understand] women's representation in parliament in a post-conflict setting by looking beyond numbers ..." **[108a](p.61)** cautioned:

"... [T]o 'include' [in] government women's voices in a politics that is flawed will have little transformative effect for Sudanese women's rights generally. As such a woman's quota in Sudan is reinforcing authoritarianism, blocking women friendly policies and even preventing oppositional voices from being heard. The Sudanese case thus illustrate that a woman's quota should not be seen as a proxy for assessing a country's commitment to neither democratization nor feminism." **[108a](p.61-62)**

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SOCIAL AND ECONOMIC RIGHTS

The following information should be considered together with Women, legal rights (including the application of Sharia law).

24.15 The World Bank project 'Women, Business and the Law', focused "... on setting out in an objective fashion legal differentiations on the basis of gender in 142 economies around the world, covering 6 areas -- accessing institutions, using property, getting a job, providing incentives to work, building credit, and going to court." **[73b]** For further

information on Sudan see: Sudan country page undated circa 2011. See also the report: 'Women, Business and the Law 2012: Removing Barriers to Economic Inclusion', 26 September 2011.

Marriage

24.16 On the age of marriage, the USSD Report 2011 observed 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 it remained a problem." **[2b] (6. Children)** The Organisation for Economic Co-Operation and Development's, Social Institutions and Gender Index, Country Profiles, Sudan, based on material available up to November 2011 **[69c]** (SIGI Report 2011) explained:

"In Sudan, marriage is governed by codified Sharia law, under the Muslim Personal Law Act of Sudan, 1991. The minimum age for marriage is defined as both parties having reached puberty. According to the law, both parties have to consent to marriage; however, the woman needs permission from a male guardian to validate the marriage. The husband is obliged to give the bride a dowry and the law stipulates that the dowry is the property of the wife and her family." **[69b](Discriminatory family code)**

24.17 Polygamy is legal in Sudan. (SIGI Report 2011) **[69b](Discriminatory family code)** "A man is ... allowed to marry up to four wives, although he has to treat all his wives justly. Moreover, a man can marry four wives without providing evidence that he is financially capable of supporting more than one wife." (CMR Report, The Rights of Women and Non-Muslims 2007) **[71a](p.22)**

24.18 According to a Question and Answer paper provided by the World Bank, under the 'Women, Business and the Law' project, Sudan country page undated circa 2011, explained that under Article 91 of the Muslim Personal Status Act of 1991, a married woman is required by law to obey their husband. **[73a](Accessing institutions)** The Q&A paper additionally outlined a number of rights which were restricted for married women in Sudan, this included: married couples do not jointly share legal responsibility for the family's financial expenses; a married woman can not be 'head of household' or 'head of family' in the same way as a man; can not get a job or pursue a trade or profession in the same way as a man and can not travel outside her home in the same way as a man. **[73a](Accessing institutions)**

For further information on the rights and restrictions imposed on married women, refer to the World Bank's, 'Women, Business and Law' project, Sudan country page undated circa 2011. Further information on the Personal Status Laws and Marriage in Sudan can also be found on the website of the Embassy of the United States, Khartoum, Sudan.

24.19 A report by Samia al-Nagar and Liv Tonnesen commissioned by Norad and Sida entitled 'UTV Working Paper, Sudan Country Case Study: Child Rights', dated March 2011, explained with regard to the marriage of non-Muslims: "According to the Non-Muslims Act from 1926, girls can get married at the age of 13 and boys at the age of 15. In practice, non-Muslims' civil rights (including marriage) in southern Sudan are regulated by non-codified customary law." **[71b](p.15)** However the CMR Report, The Rights of Women and Non-Muslims 2007, instead observed with regard to non-Muslim women:

"The state seemingly takes no responsibility for the civil rights of non-Muslims. There is no codification of the civil rights of Christian women, so their rights vary across

denomination. ... The Coptic Church is the only Christian community in Sudan which has a written Christian family law. This law is contained within a small booklet dealing with family issues such as inheritance, divorce, separation between spouses, and custody of the children in cases of divorce or separation. ... The other Christian churches have no written law, but claim to follow the Bible in family law issues." **[71a](p.30)**

Divorce

24.20 The SIGI Report 2011 observed:

"The rights of women to divorce vary according to the different types of law in Sudan. Under Sharia law women have the right to file for divorce in certain circumstances. ... Reports suggest that is it more difficult to get a divorce under customary law than Sharia law due to the dowry rules. As the dowry is the property of the wife's family, a divorce will have economic consequences for the entire family (who will lose the dowry in the event of divorce), thus preventing women from seeking divorce. Christian women and men are only able to obtain a divorce in cases of adultery or extreme domestic abuse." **[69b](Discriminary family code)**

For further information on the divorce rights of Christians see the Chr. Michelsen Institute paper 'Discrimination in the Name of Religious Freedom: The Rights of Women and Non-Muslims after the Comprehensive Peace Agreement in Sudan, May 2007' and refer to section 3.4 Christian Family Law.

24.21 The CMR Report, The Rights of Women and Non-Muslims 2007 explained with regard to divorce under Sharia law:

"A husband can divorce (talaq) his wife outside the court for no reason whatsoever. The divorce will come into force when he utters the divorce sentence 'I divorce you'. The husband has the right to take the wife back if he revokes the divorce sentence within the idda. Idda is a waiting period of three months after the divorce. ... The wife can only obtain a divorce in court (tatliq: a divorce granted by a judge) on certain conditions stipulated by the law. They are: (1) if the husband fails to fulfil his financial obligation to support her; (2) if her husband has more than one wife and she can prove that her husband does not treat all his wives justly; (3) if the husband has a defect she did not know about before marriage; (4) if the husband suffers from an incurable mental illness; (5) if the husband is impotent; (6) if he behaves cruelly; (7) if he is abroad for more than one year; and (8) if the husband is sentenced to prison for more than two years. ... The wife can also obtain a divorce if a judge declares her to be disobedient (nushuz) to her husband." **[71a](p.22-23)**

24.22 The CMR Report additionally highlighted:

"[According to] ... Judge Abu Gazayza [there are] ... two major improvements for Muslim women after the codification of the Islamic Family law [in 1991, i.e. the Muslim Personal Status Act] compared to previous sharia rulings in Sudan. Firstly, a wife can obtain a divorce if the husband has a defect (ayb) if she did not know about it before marriage. Secondly, before 1991 the principle 'house of obedience' (bayt al-ta'a) prevailed. This principle meant that if the wife left the house of her husband and he wanted her back, she would have to return against her will. In fact, the police would bring her back by force if she did not come voluntarily. 'Today', Abu Ghazayza says, 'the principle of

obedience is still in the law, but the wife does not have to go back if she does not want to'. In other words, the police do not compel the wife to return to her husband's house by force." **[71a](p.23)**

24.23 The same source observed with regard to alimony: "The wife is entitled to financial maintenance up to six months after the divorce. The husband is the financial provider for the children even when they are under the custody of the mother. The father is financially responsible for his daughters until marriage and for his sons until they provide for themselves." **[71a](p.23)**

Custody and guardianship of children

24.24 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, observed:

"Custody of children is ... gendered and differences exist between northern and southern laws and customs. According to the Muslim Personal Law of 1991, the mother has custody (hadana) of her daughters until they are nine years old and of her sons until they are seven years old when she divorces the father. After this, the principle of the best interests of the child (maslaha al-tifl) applies in some cases. But if the woman remarries, the father will automatically get custody of the children." **[71b](p.15)**

Inheritance and property ownership

24.25 The World Bank's, 'Women, Business and Law' project, Sudan country page undated circa 2011, explained that under the Muslim Personal Matters Act of 1991 (i.e. 1991 Personal Status Laws) the default marital property regime was 'Separation of property'. The original owner legally administers joint marital property and in the case of dissolution of the marriage is entitled to ownership of the marital home. **[73a](Using property)** For further information refer to the source via the link above.

24.26 The SIGI Report 2011 observed:

"Under Sharia law women have inheritance rights. However, the share of women and daughters is generally half than that to which men are entitled. ... Women do not have any rights to inheritance under customary law. In addition, under customary legal practices, on their husband's death, widows are commonly required to marry another man in the husband's family. Christian women and men have equal rights in regard to inheritance." **[69b](Discriminatory family code)**

Employment

24.27 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, noted: "Women experienced economic discrimination in access to employment, credit, pay for substantially similar work, and owning or managing businesses. Women were accepted in professional roles; for example, more than half the professors at Khartoum University were women." **[2b](6. Discrimination, societal abuses, and trafficking in persons)** "Women in Sudan have a legal right to paid maternity leave. The entitlement is 8 weeks to be paid at full salary. The right to equal pay is also enshrined in Constitution. There are however restrictions on women's right to work. Women are not allowed to work between 10pm and 6am with the exception of

women in administrative, professional, technical work or health services." (SIGI Report 2011) **[69b](Restricted civil liberties)**

24.28 The Strategic Initiative for Women in the Horn of Africa (SIHA), in a report entitled 'Women in the Horn still bending their heads: Immunity and Institutionalization of Violence Against Women in Sudan, Somalia and Eritrea', circa 2012, additionally observed:

"Public Order Laws ... place women of all walks of life, but particularly the poorest and most vulnerable at risk, with poor women street vendors and students frequently harassed and exposed to sexual violence by law enforcement officers. ... Salma, a street vendor serving food to passersby in Khartoum is a good example of arbitrary interpretation and application of Public Order Laws with the objective of imposing a specific moral order. In January this year [2012], Salma served two people, a man and a woman who bought and ate food at her stall. The Public Order Police saw this and arrested her. She was charged with 'managing a prostitution house' under article 154 of the Criminal Code and was convicted during a summary trial with no recourse to a defence. She was incarcerated for one month as a punishment." **[70a](p.4)**

24.29 A report from the Project for Criminal Justice Reform in Sudan entitled, 'No more cracking of the whip: Time to end corporal punishment in Sudan', dated March 2012, also highlighted how ethnic or class divisions could overlap with gender based discrimination. As noted:

"The interviews conducted [for this report], the cases considered by regional and international mechanisms, and reports by national and international Non-Governmental Organisations (NGOs) suggest that women seem to be at particular risk of whipping, and women from a disadvantaged background (Darfurian tea-sellers, Southern Sudanese alcohol-sellers and Ethiopian refugees) appear to be especially vulnerable. Unsurprisingly, this inter-sectoral discrimination (class, gender, ethnicity) mirrors broader power relations in society. Whipping often follows alleged infractions of public order laws of a (potentially) sexual nature, such as indecent dressing, running a place of prostitution or other forms of behaviour considered deviant." **[44d](p.17)**

24.30 An earlier report from the SIHA entitled 'Women of the Horn of Africa, still bending their heads: A General Overview of the human rights situation of women in the Horn of Africa', undated circa 2011 observed:

"[Sudan's Public Order Regime] ... has been instrumental in approaching IDPs women and communities. The women of the urban poor /IDPs camps around sizable central cities and large numbers of women from different IDP communities who are striving to survive as sellers of food, tea, coffee and brewing local alcohol, remain the target of the public order police systemically for over the past twenty years. Women are lashed and jailed for lengthy periods of time and often tortured and sexually harassed. One of the most striking features of the Khartoum Public Order Law is the general and vaguely worded final penalty provision which provides that 'in the case of any contravention of this Act' a person may be punished by a variety of criminal penalties including imprisonment, fine, confiscation of goods and lashing (section26). The acts which might constitute 'contraventions' of the law are not clearly defined—indeed many of the provisions in the Act regulate matters usually governed by civil/administrative and not criminal law e.g., the licensing of businesses." **[70c](p.10)**

Dress code

24.31 A report from Liv Tonnessen and Anne Sofie Roald, entitled 'Discrimination in the Name of Religious Freedom: The Rights of Women and Non-Muslims after the Comprehensive Peace Agreement in Sudan', (CMR Report, The Rights of Women and Non-Muslims 2007) dated May 2007 observed:

"In 1992 an effort was made to legislate codes of dress and conduct for women, but the Public Order Code 1992 failed to pass the state legislature. However, ministerial regulations were issued providing that female employees should be properly dressed. Furthermore, the Criminal Act 1991 includes a provision in Section 152 (1) stipulating that 'whoever commits an indecent act or an act that breaches public morality or wears clothes that are indecent or would breach public morality which causes annoyance to public feelings is liable to forty lashes or fine or both punishments'. In October 1996, a Public Order Code was adopted for the state of Khartoum. Its provisions include the forced separation of men and women in public places and on public transportation, as well as in private gatherings." **[71a](p.19)**

24.32 In 2009 there was a documented case in which a Sudanese woman was arrested in Khartoum for wearing trousers in contravention of the Public Order laws. According to a report from Al Jazeera, dated 8 September 2009, the woman, Lubna Ahmed al-Hussein was found guilty of public indecency and had been expected to receive 40 lashes, but a court instead ordered her to pay a US$200 fine. Ms Al-Hussein refused to pay the fine, saying she would instead go to prison. **[59b]** The source further explained: "[Ms] Al-Hussein, who was working as a press officer for the UN when she was arrested, has said her clothes were respectable and that she did not break the law. ... She has also said she wants to get rid of Article 152 of the Sudanese penal code, which decrees up to 40 lashes for anyone 'who commits an indecent act which violates public morality or wears indecent clothing'. ... She says the article 'is both against the constitution and sharia [Islamic law]' and that nothing in the Quran says that women should be flogged over what they wear." **[59b]**

24.33 The USSD Report 2011 noted, in part in contrast to the experience of Ms Al-Hussein, that: "Various governmental bodies have decreed women must dress modestly according to Islamic or cultural standards, including wearing a head covering. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum persons known as Public Order Police occasionally brought women before judges for allegedly violating Islamic standards." **[2b] (6. Women)**

24.34 A report from the SIHA entitled 'Beyond Trousers: The Public Order Regime and the Human Rights of Women and Girls in Sudan', dated 12 November 2009 noted with regard to the 'Lubna Hussein' incident:

"The headlines around the world were sensationalist; eliciting gasps of shock from many in the Global North: 'woman convicted for wearing trousers'. But the experience of Lubna Hussein and her arrest on 10th July 2009 in Khartoum for the commission of an 'indecent and immoral act' came as no shock to the women of Sudan. The section of the criminal law under which Lubna was convicted is only one element of a much broader framework of 'public order' laws and mechanisms in Sudan which impacts the daily life of all women in Sudan, in particular the poor and marginalised. Although not exclusively regulating matters of private or religious life, since the early 90s this framework of 'public order' laws and mechanisms has increasingly privatised the public

sphere, expanding state control of personal behaviour and expression in areas of public life and resulting in diminished economic, social and political participation of women from all backgrounds." **[70b](p.6)**

For further information see: SIHA, 'Beyond Trousers: The Public Order Regime and the Human Rights of Women and Girls in Sudan', 12 November 2009

Freedom of movement

24.35 The SIGI Report 2011 observed:

"Women's freedom of access to public space is limited for several reasons in Sudan. Firstly, the US Department of State reports that women cannot travel abroad without the permission of their husbands or male guardians. However, this prohibition is not strictly enforced. Secondly, the threat of sexual violence associated with conflict poses a significant obstacle to women's freedom of movement, particularly for internally displaced persons. Women's rights activists participating in a consultation exercise on rights to housing in 2004 also reported that in some parts of Sudan, women face day-to-day restrictions on freedom of movement, with male relatives denying them the right to leave the house unaccompanied. In addition, women's access to public space is limited by the fact that they face intimidation from the Public Order Police, who harass and sometimes arrest women whose dress or behaviour they deem inappropriate." **[69b](Restricted civil liberties)**

24.36 According to a Question and Answer paper provided by the World Bank, under the 'Women, Business and the Law' project, Sudan country page undated circa 2011, although an unmarried woman could apply for a passport in the same way as a man, a married woman could not. Women (both married and unmarried) were also not allowed to travel outside the country in the same way as a man. Under Article 73 of the Muslim Personal Status Act of 1991, a married woman could not travel outside her home in the same way as a man, but an unmarried woman could do so. **[73a](Accessing Institutions)**

See also: Exit and return

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VIOLENCE AGAINST WOMEN

The following section outlines some of the main human rights violations perpetrated against women in Sudan. In considering violence against girls the following information should be considered together with that included under Violence against children.

Legal safeguards and limitations

24.37 The Project for Criminal Justice Law Reform in Sudan in a paper entitled 'Comments to Sudan's 4th and 5th Periodic Report to the African Commission on Human and Peoples' Rights: Article 5 of the African Charter: Prohibition of torture, cruel, degrading or inhuman punishment and treatment', dated April 2012 explained:

"The laws on sexual violence fail to provide equal and adequate protection of women's right to physical and mental integrity ... Article 149 of the Criminal Act defines rape with

reference to adultery, which creates confusion over evidentiary requirements for a prosecution (adultery requires four male eye-witness of the act) and puts a woman at risk of facing prosecution for adultery if she cannot prove rape. The definition of rape is narrow in scope and does not reflect legislative reforms and best practices elsewhere. There is only one offence covering all other forms of sexual violence, which carries an inadequate maximum punishment of two years imprisonment. In addition, domestic rape, forms of sexual harassment and certain types of female genital cutting/mutilation are not criminal offences. The Government of Sudan has discussed the reform of rape laws but effective steps have yet to be taken in this regard." **[44c](p.5)**

24.38 The 1991 Criminal Act treats any sexual contact outside the marriage as a crime, defined as 'zina', i.e. unlawful sexual intercourse or adultery. The punishment for unlawful sexual intercourse is 100 lashes if the offender is not married (fornication) and stoning to death if the offender is married (adultery). (A paper by Liv Tonnessen for the Norwegian Peacebuilding Resource Centre, entitled 'From impunity to prosecution? Sexual violence in Sudan beyond Darfur', dated February 2012, (NOREF Report 2012)) **[74a](p.5)** However according the NOREF Report 2012, the 1991 Criminal Law "'renders the prosecution of rape difficult if not impossible.'" **[74a](p.5)** As the source explained:

"Since zina is not sufficiently differentiated from rape in the existing legislation, rape needs to be proved according to the rules of evidence applying to adultery. This requires at least one of the following: (a) a confession that is not retracted before the verdict; (b) four 'righteous' male (not female) witnesses who witnessed the penetration; or (c) pregnancy. The evidentiary rules applying to adultery (zina) are based on the rationale that there should be incontrovertible evidence for the drastic punishment envisaged. If applied to rape, however, the evidentiary rules effectively contribute to impunity. The presumption of zina on grounds of pregnancy puts women and girl defendants in a disadvantageous position compared to men and boys accused of the same offence. Further, not only is the evidence of female witnesses not taken into consideration, but it is effectively impossible to have a situation where four righteous male witnesses who witnessed the penetration testify in rape cases. And if four male witnesses were in fact present, their testimony would raise serious questions about their involvement in the rape itself. Legally, women are being trapped between rape and zina. Because rape is associated with zina, the law itself 're-victimizes the victim', because the perpetrators are almost guaranteed impunity according to the current Criminal Law." **[74a](p.5-6)**

See also the 1991 Criminal Act and refer Article 149 (Rape). Additionally see Articles to Articles 145 (Adultery (Zina)) and 148 (Offence of sodomy).

More generally refer to the following: Corporal punishment under the 1991 Criminal Act and Public Order Laws; Women, legal rights (including the application of Sharia law)

Legal reform initiatives

24.39 The NOREF Report 2012 observed: "There is need for comprehensive legal reform, particularly of Sudan's Criminal Law of 1991. The categorisation of rape as a form of adultery does not result only in the virtual impossibility of convicting a rapist, but may even lead to the incrimination of the female victim of rape instead. This is particularly problematic considering the widespread use of sexual violence in the Darfur conflict." **[74a](p.1)**

24.40 A blog report from Refugees International entitled 'Sudan: Women's Groups Advocate for Rape Law Reform', dated 10 August 2011 explained: "A new network of Sudanese women's organizations calling itself 'the section 149 alliance' has come together to advocate for reform of section 149 of north Sudan's Penal Code. Section 149 is one of the huge problems that face northern Sudanese women, including Darfuri women, who want to report a rape. This section of the criminal code mixes up the offences of rape and adultery." **[82a]**

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Types of violence and societal context

24.41 When examining types for gender based violence in Sudan, consideration should also be given to the wider societal discrimination faced by women. "The UN reference to gender-based violence (GBV) acknowledges that such violence is rooted in gender inequality and is often tolerated and condoned by laws, institutions and societal norms. Sexual violence is a form of GBV that encompasses rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, trafficking, inappropriate medical examinations and strip searches." (NOREF Report 2012) **[74a]** A report by Samia al-Nagar and Liv Tonnesen commissioned by Norad and Sida entitled 'UTV Working Paper, Sudan Country Case Study: Child Rights', dated March 2011 further explained that: "Cross-cutting issues of gender equality and women's rights are politically polarised and sensitive [in Sudan]. FGM, early marriages, forces marriages and the custody of girls are some examples. With the exception of FGM, these practices are regulated by family law, which are clearly not in conformity with the CRC [Convention on the Rights of the Child]." **[71b](p.38)**

The following subheadings outline some of the main types of gender-based violence which occur in Sudan.

Corporal punishment

24.42 Tthe US State Department, in their 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012, "Public order laws, in force in Khartoum State only, prohibit indecent dress, which is punishable by a maximum of 40 lashes, a fine, or both. Authorities applied these laws more frequently against women than men. They were applied to both Muslims and non-Muslims." **[2b](1c**) On the same subject, the Strategic Initiative for Women in the Horn of Africa (SIHA), in a report entitled 'Women in the Horn still bending their heads: Immunity and Institutionalization of Violence Against Women in Sudan, Somalia and Eritrea', circa 2012, recognised that Sudan's Public Order Laws placed women at greater risk of prosecution compared to men. **[70a](p.4)**

See also: Corporal punishment under the 1991 Criminal Act and Public Order Laws; Women, legal rights (including the application of Sharia law). and Death penalty. Also see: Popular Police Force / Public Order Police.

Sexual and Gender Based Violence (SGBV) committed by security forces and militias

The following information should be considered together with Security forces, immunities and avenues of redress and Violence against women, legal safeguards and limitations

24.43 The SIGI Report 2011 explained:

"The long-term conflict in Sudan has significantly increased women's vulnerability to violence. Although there are no prevalence studies, women have been subject to extremely high levels of sexual violence during armed conflict, perpetrated by state and non-state actors. Displaced women and girls have been at particularly high risk for sexual abuse and rape. Refugees International reports that rape has been an integral part of the pattern of violence that the government of Sudan inflicted upon the targeted ethnic groups in Darfur. Rapes are rarely reported by women due to social stigma. Moreover, there is a culture of impunity for perpetrators, particularly when they are state actors." **[69b](Restricted physical integrity)**

24.44 The report from the Strategic Initiative for Women in the Horn of Africa, entitled 'Women in the Horn still bending their heads: Immunity and Institutionalization of Violence Against Women in Sudan, Somalia and Eritrea', circa 2012 observed: "Despite the fact that thousands of women were raped in Sudan in both conflict and non-conflict situations, of the cases of adult women that were brought before the legal system, most never proceeded nor those that were concluded." **[70a](p.4)** As a result of this impunity, the report indicated that the scale of SGBV crimes was difficult to know as "...many SGBV cases went unreported by survivors who did not have faith in the justice system as well as the fact that they exposed themselves to stigmatization and harassment by an institution that lacks orientation or understanding of sexual violence and other violence acts against women as a crime." **[70a](p.4)**

24.45 A paper by Liv Tonnessen for Norwegian Peacebuilding Resource Centre, entitled 'From impunity to prosecution? Sexual violence in Sudan beyond Darfur', dated February 2012, further explained that the use of SGBV by agents of the state often had political undertones and was used to suppress opposition elements within Sudan. As noted:

"[Sudanese] laws encourage impunity, namely the National Security Forces Act of 1999, article 33(b); the Police Act of 2008, article 45(2); and the Armed Forces Act of 2007, article 34(1). Members of the Sudanese police, security forces or armed forces are granted conditional immunity against acts committed in the course of their duties. This is particularly important considering that these government security agencies are among the perpetrators of rape. Recently, a video featured Safiya Ishag, a young female activist who told her story of being mass raped and subjected to torture by members of the national intelligence and security forces following her participation in student demonstrations in Khartoum. While she was being raped, she was verbally harassed by the perpetrators, who called her 'promiscuous' and a 'communist', and accused her not being a decent girl, which indicates the political motivation behind the rape. Safiya is a member of a student group called Girifna, which translates as 'we are fed up', and the demonstration she attended aspired to bring the Arab Spring to Sudan. After Safiya reported the rape and circulated her story on YouTube, women politicians in the opposition were arrested and questioned by security police on allegations that they 'invented' the rape story as a means to undermine the government. Journalists who defended Safiya and called for political changes in the country were arrested and are currently undergoing trial. Safiya's case has focused attention on the fact that rape does not only occur in armed ethnic conflicts in the country whereby the government is raping by proxy through the janjaweed militias in Darfur, but it is also used as a means of political oppression and silencing oppositional voices." **[74a](p.6)**

See also the Youtube video, 'Safia Ishag's Rape'

24.46 A report from the Project for Criminal Justice Reform in Sudan entitled, 'No more cracking of the whip: Time to end corporal punishment in Sudan', dated March 2012 additionally observed with regard to the implementation of corporal punishment: "Women ... face arrest by male police officers who are reported to have offered to drop charges in exchange for sexual favours. The whipping of women by men is in itself a gendered punishment, which often has hardly disguised sexual overtones." **[44d](p.16)**

See also: Freedom of Association and Assembly, popular protests; Opposition groups and political activists, including Treatment of students / youth activists and Non-governmental organisations and human rights activists

Conflict-related SGBV in Darfur

The following information should be considered together with Security situation: Darfur

24.47 An article by Eric Reeves for 'Dissent' magazine, entitled 'Darfur and the Consequences of Impunity', dated 9 September 2011, referring to the occurrence of gender based violence in Darfur observed:

"... [I]nstances of rape have been reported continuously, voluminously, and authoritatively for eight years by Amnesty International, Physicians for Human Rights, Human Rights Watch, Doctors Without Borders/Médecins Sans Frontières (MSF/Holland), and many others. The Amel Center for the Treatment and Rehabilitation of Victims of Torture in South Darfur has substantial records of these crimes, and a compelling overview has been provided by the Harvard School of Public Health and the Francois-Xavier Bagnoud Center for Health and Human Rights." **[36f]**

24.48 The 'Report of the Secretary-General on Children and armed conflict', dated 26 April 2012 (A/66/782 – S/2012/261), covering events in 2011, explained with reference to Darfur:

"In 2011, the country task force verified 59 cases of rape of girls aged 6 to 17 years, an increase compared with the 22 cases recorded in 2010. Some of these cases were reported to the police or to the Sudanese Armed Forces. The alleged perpetrators included members of the Sudanese Armed Forces, unidentified armed men, armed nomads, pro-Government militia, Sudanese police forces, PDF and the Central Reserve Police. Limited access in areas controlled by armed groups and fear of being stigmatized affected the documentation of sexual violence cases." **[18r](para 111)**

24.49 The most recent 'UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)' (S/2011/111), dated 20 September 2010, published 8 March 2011 observed that: "...Sexual and gender-based violence has been one of the most persistent human rights violations in the context of the Darfur conflict ... [the] Panel's research indicates that sexual and gender-based violence continued to occur in all three states of Darfur during the current mandate, especially targeting internally displaced women. The most prevalent forms of such violence were physical assault, sexual assault and rape." **[18h](para 161-162)**

24.50 The report remarked in response to reports made by the Government of Sudan and international monitors, indicating a decrease in reported cases of sexual and gender based violence (SGBV), that the UN Panel distinguished "... between reported cases [of

SGBV] and others that go unreported ...", leading the Panel to caution that a decline in reported cases "... may be misleading." **[18h](para 164)** Specifically, the report identified that the UN Panel:

"...did not observe any dramatic improvements in the security situation of women who live in camps for internally displaced persons or in rural Darfur, or in the capacity of the relevant actors to protect women and prevent sexual and gender-based violence. In addition, the Panel did not observe significant improvements in the administration of justice system in relation to the reported cases. While the Panel is unable to quantify incidents of sexual and gender-based violence in Darfur, its research indeed indicates that the actual number of such cases is higher than the number of cases reported to the Government police and/or the UNAMID police. The research also indicates that the overall decrease in the number of reported cases may be less a result of there actually being fewer cases than of fewer victims being willing to report their ordeals." **[18h](para 164)**

24.51 The Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman (A/HRC/10/40), dated 22 August 2011 (UN Independent expert report 2011) similarly observed:

"Sexual and gender-based violence remained a serious concern in Darfur in spite of measures taken by the Government to address it. The persistent climate of impunity continues to create an environment conducive to the perpetration of sexual violence. Many incidents of sexual violence were not reported owing to fear of social stigma associated with rape, fear of reprisal and the victims' lack of trust in the police to effectively investigate and prosecute offenders. Furthermore, the police do not have the capacity to follow up and investigate cases of sexual violence in areas under the control or influence of armed groups. These challenges notwithstanding, the Government has taken a number of positive steps to combat sexual and gender-based violence. In North Darfur, the authorities have significantly increased the number of female police investigators, while in West and South Darfur, female police investigators have recently been posted in family and child protection units of the Police solely to handle cases of violence against women." **[1a](para 55)**

24.52 A report from the Institute for War and Peace Reporting (IPWR), entitled 'Darfur Refugees Still Fear Returing Home', dated 22 March 2012 observed with regard to the security situation and incidence of rape in Darfur:

"... [F]or many displaced persons, the situation outside the camps remains far from stable. In IWPR interviews, several expressed reluctance to return, and questioned whether the government would protect them if they did so. ... There are still daily reports of rapes and looting and of militias attacking civilians in the North and Central Darfur regions, according to Radio Dabanga, an independent station, while government forces reportedly shelled rebels in North Darfur earlier in March [2012]. ... An IDP at the Riyadh camp near El Geneina, the capital of West Darfur state, said the area remained highly dangerous. ... 'The situation hasn't changed; women outside the camps are still being raped… security is badly needed,' the IDP said. 'We've been stuck in these camps for nine years…We are ready to leave the camp if there is security. We need to feel that one can walk 20 to 50 kilometers in remote areas without threat.'" **[75a]**

24.53 Commenting on the difficulties in reporting on SGBV crimes in Darfur, an article from Eric Reeves entitled 'Darfur: The Truth Will Out', dated 11 June 2012 remarked that: "... [the UN's] refusal to halt or even report on the continuing epidemic of rape, often gang-

raping, of women and girls [is troubling]. Rape is a subject on which Khartoum has proved particularly sensitive, and this has translated into an almost complete acquiescence on the ground. Yet from RD [Radio Dabanga] we learn constantly of these most brutal, even lethal sexual assaults." **[36i]** The source additionally noted with regard to reporting from Radio Dabanga (RD): "RD has a vast network of Darfuri sources and contacts on the ground and in the diaspora, and uses a variety of electronic communication measures to reach out for news on a daily basis. Darfuris working in The Netherlands collate reports with other confirming or disconfirming accounts, assess them for credibility, and then seek comment from Khartoum and the UN—usually to no helpful effect." **[36i]**

Conflict-related SGBV in South Kordofan and Blue Nile (including women displaced by violence to South Sudan)

The following information should be considered together with Security situation: Blue Nile and South Kordofan

24.54 A press release from Human Rights Watch entitled 'Sudan: Crisis Conditions in Southern Kordofan', dated 4 May 2012 observed:

"Human Rights Watch interviewed victims and several witnesses of sexual violence carried out by government soldiers in El Taice [South Kordofan]. ... A 22-year-old woman from El Taice reported that she was taken by Sudanese forces into a trench the troops had dug. 'One threatened me with a gun and the other raped me,' she said. ... A mother of seven watched from a hiding place in the mountains as soldiers raped local women. 'There were many ladies,' she said. 'Some were injured. Some were killed and buried.' ... Government soldiers raped the mother, aunt, and sister of a young woman from El Taice: 'I saw my aunt being raped. We were in the mountain together, and they came and took her. She was raped near the mountain…afterward they took her to Kadugli.' ... Human Rights Watch previously documented reports of rape in Kadugli and Heiban [both in South Kordofan]. Several people also spoke of rape by government soldiers or allied militia in Dalami, Troji, and Dammam, but Human Rights Watch has been unable to confirm specific incidents or interview witnesses from those incidents." **[19g]**

24.55 An article published by Trust Law, Thomson Reuters, entitled ' Women raped while fleeing South Kordofan conflict', dated 1 March 2012, explained:

"Alarming levels of sexual violence are being reported by women and girls who have fled conflict in Sudan's South Kordofan area, the International Rescue Committee (IRC) said on Thursday. ... Citing refugee accounts, IRC said significant numbers of women and girls were raped while fleeing South Kordofan's Nuba Mountains and crossing into South Sudan. ... 'Violence against us was happening all the time. Raping was happening frequently,' one refugee told IRC staff. ... Some referred to the perpetrators as simply 'men with guns' and 'military', IRC, a non-governmental organisation, said. ... 'Women and girls described attacks in front of family members, by multiple perpetrators and for prolonged periods of time,' Bob Kitchen, the director of IRC's emergency preparedness and response team, said in statement." **[77a]**

24.56 Referring to the violence in Blue Nile, a report from the Enough Project, entitled 'Field Dispatch: Refugees from Blue Nile Recount Atrocities, Government's Targetting of Civilians' dated 1 November 2011, based on research conducted from speaking with

refugees at Sherkole Refugee Camp, Ethiopia, similarly noted the use of rape by government forces and aligned militia groups:

"Some Blue Nile residents... reported that government forces were targeting, killing, and raping civilians. ... Aziz [one of the refugees interviewed], who fled from Baw town [in Blue Nile], told Enough that government militias—who were sent to bring back those who had fled to the mountains nearby—kidnapped and detained some of the displaced women and young girls in a school. 'At night they had visitors and they did whatever they wanted with them,' he said, referring to SAF soldiers and government militias. Two young girls were killed as a result of being raped by around 30 men, said Ali, who also fled from Baw and spoke to Enough with Aziz." **[51b]**

24.57 The 'Report of the Secretary-General on Children and armed conflict', 26 April 2012 (A/66/782 – S/2012/261), covering events in 2011 explained with reference to violence in the so-called Three Areas (South Kordofan, Abyei and Blue Nile): "Monitoring cases of sexual violence against children ... continued to be a challenge. One incident of rape of a 14-year-old girl by four PDF elements in South Kordofan was verified. The country task force received allegations of about 20 additional cases of rape targeting Nuba girls and women by unidentified armed elements, including one incident leading to the death of a girl." **[18r](para 116)** Amnesty International, in a report entitled 'We can run away from bombs, but not from hunger: Sudan's refugees in South Sudan', dated June 2012, additionally explained that women refugees who had fled South Kordofan to Yida refugee camp in South Sudan continued to remain at risk from SGBV, as noted:

"Girls and young women in the unaccompanied compounds face the greatest levels of insecurity in Yida refugee camp. All of the girls and young women interviewed by Amnesty International described harassment they have experienced and indicated that night-time in particular was a time of considerable fear for them. ... Halima Ahmed told Amnesty International: 'At night we are always afraid. Men and boys often come around and harass us. Sometimes the police chase them away. One time, in the middle of the night, a man made it into our room. He grabbed me. I shouted out and some police did come running. The man ran away. The police do not guard our compound and they do not come around and patrol. But if we scream they usually do come quite quickly.'" **[8l](p.28)**

24.58 Additionally with regard to Doro refugee camp in South Sudan, the same report observed: "In Doro refugee camp, international NGOs were seriously concerned about reported incidents of rape and sexual harassment of women and girls that occurred at night around the waterpoints. Measures to mitigate these risks, such as a monitoring program, a health clinic and improved lighting, were being developed but had not been carried out at the time of Amnesty International's visit to the area." **[8l](p.28)**

24.59 Similarly a report dated 14 May 2012 from Elizabeth Pender from International Rescue Committee (IRC), who has been setting up IRC programmes at Yida camp for women and girls observed:

"... [I]n Yida, women and girls remain at grave risk, like a 19-year-old I met last week. I was called to the health clinic after the young woman had been taken there by others who found her wandering alone on a road outside the camp. Everything indicated she had been raped — signs of trauma, an inability to speak, evidence of assault. She couldn't remember anything. ... Teenage girls in Yida camp tell me they live in constant fear of being attacked, such as when they collect wood or go to the market place. ... 'We cannot go to the market alone,' a 15-year old told me. 'The military men wait for us

there. If a girl is alone, the men will grab her. These men are looking for girls.' ... And there are many young girls here. More than 500 fled en masse from their boarding schools in South Kordofan. They arrived with teachers, but no family members. The refugee community in Yida set up three compounds for the unaccompanied girls. But in spite of their good intentions, the risks these girls face inside the walls of these compounds are terrible — overcrowding, not enough food, no bathing area, one latrine for every 100 girls, no gate and no guards. To them, the compound feels like their only option for protection, but they are not safe at all." **[76a]**

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Domestic Sexual and Gender Based Violence

24.60 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

"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." **[2b](6.Discrimination, societal abuses, and trafficking in persons)**

24.61 A paper by Liv Tonnessen for Norwegian Peacebuilding Resource Centre, entitled 'From impunity to prosecution? Sexual violence in Sudan beyond Darfur', dated February 2012, similarly observed:

"Marital rape is not recognised as a criminal offence in the 1991 Criminal Law. Additionally, sections 91–95 of the MFL [Muslim Family Law, i.e. Personal Status Laws of Muslims] stipulate a wife's obedience to her husband. Article 91 stipulates that 'a wife is required to obey her husband if the husband has paid her the mahr (dowry), it is proved that she is financially secure with him, and that he provides her with suitable housing with all basic furniture in a good neighbourhood'" **[74a](p.6)**

24.62 The same source, citing an 'Islamist informant', interviewed for the paper in 2011 noted: "'Some consider it rape when a husband has sexual intercourse with his wife when she does not consent. In Islam we do not consider it as a rape. In Islam there is a contract between the man and the woman. To give adequate support (nafaqa) is obligatory for the husband. The other part of the contract is that a woman should obey. Therefore, a woman cannot refuse sex. It is obligatory for her.'" **[74a](p.6)**

24.63 The US State Department report highlighted an absence of statistics related to domestic abuse **[2b](6.Discrimination, societal abuses, and trafficking in persons)** and the SIGI Report 2011 more genrerally acknowledged: "Reliable data for prevalence rates of specific forms of gender-based violence against women were not available." **[69b]** The paper from Liv Tonnessen, whilst similarly recognising that there was no reliable statistics on the prevalence of sexual violence in Sudan, went on to provide some indication on the incidence of domestic violence:

"A qualitative research report on a series of interviews conducted with 150 married women in Khartoum State about the nature of sexual life inside the marriage found that 43% of the interviewed women were subject to forced sex and violent sex. The project leader goes on to say that 'I am 100% convinced that rape is widely practised within families in Sudan. It is legalised by the Muslim Family Law and according to this law no woman can claim that she has been raped by her husband'. But because this is such a sensitive subject, statistical data is very difficult, if not impossible, to obtain. Interviews conducted in 2011 with Khartoum state police and activists within various CSOs revealed that marital rape is considered a problem, but that there is chronic under-reporting due to shame, societal suspicion of adultery, legal gaps, the lack of female police officers and the lack of women protection units at police stations, among other things." **[74a](p.6-7)**

24.64 A report dated 14 May 2012 from Elizabeth Pender from International Rescue Committee (IRC), who has been setting up IRC programmes at Yida camp for women and girls additionally explained that women at Yida were more prone to domestic violence. As noted:

"... [W]omen in Yida ... may have escaped the violence in the Nuba Mountains, but they are increasingly at risk at home. Married women tell me that since they've arrived in Yida, their husbands are beating them far more frequently than ever before. One woman told me, 'Married women are beaten all the time. If you are married, you are hit. Everyone is being beaten.' ... It stuns and saddens me to realize that these women find nothing unusual about their husbands beating them, only that the beatings have become far more frequent since they became refugees. Yet these are the same women who trekked for many miles to reach South Sudan, protecting their children while carrying their family's belongings. And once they arrived, these are the same women who built shelters out of materials that they foraged and who, each day, collect food and water for their husbands and children. And these are the same women who helped clear a one-mile long swathe of bush for an airstrip that would allow food to be airlifted into the camp. ... It is a grim illustration of the conditions women and girls face at Yida camp that a place where they risk being raped every time they go to the market or beaten by their husbands every time they go home, is safe compared to where they came from." **[76a]**

See also: Violence against women, legal safeguards and limitations

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Female Genitial Mutilation (FGM)

Prevalence rates and applied practices

24.65 The Foreign and Commonwealth Office report, 'Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', observed: "Female genital mutilation/cutting [FGM/C] is very prevalent in Sudan with 89% of women and girls aged 15–49 believed to have undergone some form of the procedure. The government of Sudan has stated its commitment to eradicating the practice, through implementation of a national strategy published in 2008." **[16c](p.332)** The United Nations Children's Fund (UNICEF) website, Sudan country statistics, undated, accessed 19 July 2012), similarly listed the prevalence of "Female genital mutilation/cutting, 1997-2010... [for women]" as

89 per cent. **[79a](Child protection)** The UNICEF website's 'Definition and sources' page for Child Protection, lists the main data source for FGM/C as "DHS [Demographic Health Survey] conducted during the period 1996 – 2001 and MICS [Multiple Indicator Cluster Survey] conducted during the period 1999 - 2001" Additionally, further notes on the webpage highlighted that data presented on the UNICEF website was for "... the most recent year available during the period specified in the column heading." (UNICEF, Definition and Sources, Child Protection, undated) **[79b]**

24.66 The DHS Measure website lists for Sudan the most recent DHS Survey as that conducted in 1989-90. (Measure DHS, Survey Search Results, All Surveys by Country, Sudan) **[78b]** The figure of 89 per cent, which was recorded in Sudan's 1989-1990 Demographic Household Survey (DHS) was a "... slight drop from the 96 per cent reported in the 1977-78 Sudan Fertility Survey."(Department of Statistics, Ministry of Economic and National Planning, Khartoum, Sudan and Institute for Resource Development/Macro International Inc. Columbia, Maryland, USA, 'Sudan: DHS, 1989-90 – Final Report', Chapter 10 Female Circumcision, May 1991) **[78c](p.118)**

24.67 A report from the Government of National Unity and Government of Southern Sudan, Sudan Household Health Survey (SHHS) – 2006 based on data from the 15 states of north Sudan (i.e. present day Sudan) where the practice of FGM/C were more common, noted with regard to the prevalence of FGM/C: "...The results presented ... indicate[d] that the average FGM/C prevalence rate (proportion of women aged 15-49 years who reported undergoing any form of genital mutilation/cutting) in the 15 states surveyed was 69.4 per cent, ranging from 39.8 per cent in West Darfur State to 83.9 per cent in River Nile State." **[79d](p.188)** NB: the report is listed as a: "non-MICs 3 survey [Multiple Indicator Cluster Survey round 3 (circa 2005-6), conducted by UNICEF] which includes MICS 3 modules which have received MICS3 technical assistance."(UNICEF, Multiple Indicator Cluster Survey / MICS3) **[79e]**

24.68 To see a breakdown of results for the 15 states surveyed and for further information on the prevalence of FGM broken down by age, education and wealth background (as recorded under the 2006 SHHS survey) refer to Annex H: Female Genital Mutliation/Cutting prevalence (FGM/C): percentage of females who have had any form of female genital mutilation, Sudan (2006)

24.69 A summary report of the 'Sudan Household Health Survey Second Round 2010', dated August 2011, produced by the National Ministry of Health and Central Bureau of Statistics (SHHS2) reported against indicators on FGM that the percentage of girls and women aged 15-49 years who have had any form of FGM/C was 65.5 per cent. **[79i](p.4)** According to the summary report: "The methodology and content of SHHS2 is based on the Multiple Indicator Cluster Survey (MICS) 4th round with the objective of providing up-to-date information on the situation of children and women and measuring the key indicators that allow the country to monitor progress towards the Millennium Devlopment Goals and other internationally agreed upon commitments." **[79i](p.1)** The introduction to the summary noted that the sample covered 25 states which would indicate it included both Sudan and South Sudan. **[79i](p.1)**

Reader should note that only the summary report was accessible via the UNICEF's Childinfo website, surveys, MICS4, last updated July 2012 **[79j]** For further details refer to the source directly: http://www.childinfo.org/files/MICS4_Sudan_2010.pdf

24.70 A report from Measure DHS entitled 'DHS Comparative Reports 7, Female Genital Cutting in the Demographic and Health Surveys: A Critical and Comparative Analysis', dated September 2004, (DHS FGM Report 2004) citing Ellen Gruenbaum, who conducted anthropological field work in Sudan observed with regard to the reasons for the continued practice of FGM: "There is no simple answer to this question. People have different and multiple reasons. Female circumcision is practiced by people of many ethnicities and various religious backgrounds, including Muslims, Christians, and Jews, as well as followers of traditional African religions. For some it is a rite of passage. For others it is not. Some consider it aesthetically pleasing. For others, it is mostly related to morality or sexuality."**[78a](p.12-13)**

24.71 The DHS FGM Report 2004, additionally provided analysis based on the disaggregation of data from Demographic and Health Survey (DHS) country reports between 1989-2002, examining standard variables such as age; urban-rural residence and religion. For Sudan (northern), i.e. present day Sudan, the DHS FGM Report 2004 listed the prevalence of Female Genital Cutting (FGC) for the year 1989-90 as 89 per cent **[78a](p.26)**, which is the same figure currently being reported by UNICEF and the Foreign and Commonwealth Office (see paragraph 24.65 above). In considering the social-demographic variables for Sudan for 1989-90, the study observed with regard age that the prevalence of FGC remained roughly the same across different age groups (based on an age range of 15 to 49). **[78a](p.46)** The study also observed that in several countries including Sudan: "... FGC prevalence was substantially higher in urban than in rural areas ... [i]n these cases, the confounding effect of ethnicity most likely explains the higer FGC rates in urban areas." **[78a](p.27)** In considering the prevalence of FGC among eldest daughters by mother's education, the report noted the following for Sudan (northern):

Level of education	**Prevalence of FGC**
No education	62.7
Primary	57.2
Secondary	30.5
Total	57.7 (Number of total mothers 4,386)

[78a](p.29)

24.72 The prevalence of FGC in Sudan by religion, again based on the 1989-1990 DHS country report data, highlighted that FGC prevalence among Muslim women was 90.0 per cent compared to 46.8 per cent for Christians. The study further expained: "... [i]n countries, such as Sudan (northern) ... which have a 98 to 99 percent Muslim population, whether the rest of the religions participate in FGC or not, hardly affects the overall prevalence [which was 89.2 per cent for Sudan]." **[78a](p.30)**

24.73 In considering the type of circumcision applied in Sudan the DHS FGM Report 2004 noted: "Respondents in Sudan (northern) were asked to identify the type of circumcision they had undergone from a list of three categories: Pharaonic (82 percent), intermediate (3 percent), or sunna (15 percent). The categories correspond closely to the WHO types

used in many surveys: Pharaonic as infibulation, intermediate as excision, and sunna as clitoridectomy. Sudan (northern) showed a high rate of infibulations (82 percent), far higher than that of any other country for which DHS data are available." **[78a](p.36)**

24.74 Whilst analysis of the respondents answers among women who wanted FGC to continue, identified the following specific reasons:

Among women who want FGC to continue, percentage who gave specific reasons for continuing FGC	**Percentage (DHS Survey for Sudan (northern) 1989-90)**
Custom/tradition	68
Good tradition	19
Virginity	7
Religion	14
Hygiene/cleanliness	8
Marriage prospects	5

[78a](p.42)

See also: LandInfo, 'Female genital mutilation in Sudan and Somalia', 10 December 2008

Legal status and reform

24.75 A report by Samia al-Nagar and Liv Tonnesen commissioned by Norad and Sida entitled 'UTV Working Paper, Sudan Country Case Study: Child Rights', dated March 2011 explained:

"There were intense discussions about section 13 of the draft Child Act 2010. Section 13 was intended to criminalise FGM, but was unfortunately deleted from the final Child Act. Efforts were made to prohibit FGM already in 1946 under British rule. Pharaonic circumcision was in fact prohibited under the 1925 Penal Code, with less severe forms allowed. Civil society organisations have been trying to eradicate the practice for over 50 years. In 1992, the National Programme for Eradication of Harmful Traditional Practices was established by the current Islamist government. The NCCW has also launched a national strategy to combat FGM in collaboration with various civil society organisations. In Sudan the practice has been perpetuated for many generations. As such, the practice has been institutionalised as a habit or custom integral to the social system. Arguments in favour of the practice are complex (social, religious, cultural, etc.) (Tønnessen et al 2010). Its criminalisation will not be enough to eradicate it but is regarded by civil society and even by governmental institutions as an important tool in combating FGM. Despite the efforts of numerous civil society organisations, opposition

parties and government initiatives, section 13 was eventually deleted from the Child Act 2010." **[71b](p.12)**

24.76 Identifying recent efforts being made to combat FGM practices in Sudan, an article published by the United Nations Populations Fund (UNFPA) entitled 'In Sudan: Changing Labels, Changing Lives', dated 15 June 2012 observed:

"... [R]eframing the conversation about girls' bodies is changing perceptions and practices regarding this traditional practice in Sudan. This was one of the projects reviewed at the 5th Annual Strategic Review Meeting of the UNFPA-UNICEF Joint Programme on Female Genital Mutilation/Cutting held in Saly, Senegal ... [in early June 2012]. It was also featured in the recently released 2011 Annual Report on the joint programme. ... Following consultations with activists, communications experts, academicians, linguists, poets, religious scholars, community members and development professionsala, Sudan's National Council on Child Welfare and its National Strategic Planning Centre came up with a new strategy to spur collective behavioural change within communities. ... They encouraged the use of the word Saleema – an Arabic woman's name that means whole, intact, healthy in body and mind, unharmed, pristine, untouched, in a God-given condition, perfect – to replace the negatively charged ghalfa. The idea was to reinforce the idea that being uncut is a natural, desirable state. Rather than trying to discredit a long-held tradition, the strategy aims at allowing new social norm to take its place.

"...Today, some 640 Sudanese communities are involved in the Saleema campaign, up from 450 in 2009. Each community has as many as 30 active networks – of youth, women, children, leaders, religious scholars, legislators and media representatives – who are key to disseminating the Saleema concept. The government is also involved through the NCCW [National Council on Child Welfare] at both the national and state levels, and through state ministries of welfare. The breadth and intensity of community activity in the Saleema campaign often spurs the involvement of legislators and government officials who see it as a path to public support. Many government physicians, aware of the harm inflicted on girls and women by FGM/C, have also joined the campaign and are especially influential in supporting its objectives. Others have rejected the practice after learning from religious scholars that it is not linked to, or required by, Islam. In West Kordofan, after the entire community renounced FGM/C, the local commissioner petitioned the authorities to change the name of the village to Saleema.

"...In early 2011 the Khartoum State Ministry of Health, in collaboration with the NCCW and UNICEF, launched a programme called Born Saleema to apply the Saleema approach directly to protecting newborn baby girls. Women who give birth to girls in each of three public maternity hospitals and six health centres are registered and visited by trained health workers who explain the Saleema philosophy – 'Every girl is born Saleema; let her grow up Saleema.' Counseling about the benefits of Saleema is provided to parents and family members (with a pictogram information kit for the illiterate) and the family is invited to join the campaign. ... Born Saleema families sign a pledge that is prominently displayed at the hospital. The participating hospitals and health centres proudly display Saleema materials inside and outside of their buildings. Once mother and baby leave the hospital, each registered Saleema family is monitored through home visits by health workers. ... 'The Joint Programme is the main source of funding for Born Saleema and illustrates the holistic approach and social norms perspective of the Joint Programme,' said Nafissatou Diop, who heads the UNFPA/UNICEF Joint Programme on FGM/C. 'Under review for possible development

in other Sudanese states it is expected that the success of the campaign in Khartoum State will lead the way for integration of the programme into all of Sudan's reproductive health services.'" **[80a]**

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Forced/early marriages

24.77 The SIGI Report 2011 explained: "Forced early marriage is reported to be a significant problem in Sudan, although information as regards to prevalence is not available. The national child protection legislation for Sudan introduced in 2010 does not include protection against early or forced marriage." **[69b](Discriminary family code)** The USSD also observed: "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 it remained a problem." **[2b(6. Children)**

24.78 A report from the Government of National Unity and Government of Southern Sudan, 'Sudan Household Health Survey (SHHS) – 2006 recorded that: "12.4 per cent of women aged 15-49 years were married before age 15 years of age, while 36 per cent were married before the age of 18 years." (Figures included women from both Sudan and South Sudan – refer to table 9.2, p.134, for a state-by-state breakdown.) **[79d](p.133)** NB: the report is listed as a: "non-MICs 3 survey [Multiple Indicator Cluster Survey round 3 (circa 2005-6), conducted by UNICEF] which includes MICS 3 modules which have received MICS3 technical assistance."(UNICEF, Multiple Indicator Cluster Survey / MICS3) **[79e]**

24.79 A summary report of the 'Sudan Household Health Survey Second Round 2010', dated August 2011, produced by the National Ministry of Health and Central Bureau of Statistics (SHHS2) noted: "The percentage of women age 20 – 49 years who were first married before the age 18 is 38 percent in Sudan.Differences by wealth quintiles exists; 54 percent of women from the poorest households were married before age 18, while only 17 percent from the richest households married at this age." **[79i](p.11)** According to the summary report: "The methodology and content of SHHS2 is based on the Multiple Indicator Cluster Survey (MICS) 4th round with the objective of providing up-to-date information on the situation of children and women and measuring the key indicators that allow the country to monitor progress towards the Millennium Devlopment Goals and other internationally agreed upon commitments." **[79i](p.1)** The introduction to the summary noted that the sample covered 25 states which would indicate it included both Sudan and South Sudan. **[79i](p.1)**

Reader should note that only the summary report was accessible via the UNICEF's Childinfo website, surveys, MICS4, last updated July 2012 **[79j]** For further details refer to the source directly: http://www.childinfo.org/files/MICS4_Sudan_2010.pdf

24.80 The Department of Statistics, Ministry of Economic and National Planning, Khartoum, Sudan and Institute for Resource Development/Macro International Inc. Columbia, Maryland, USA, 'Sudan: Demographic Household Survey, 1989-90 – Final Report', Chapter 5 Nuptiality and exposure to the risk of pregnancy, dated May 1991 noted: "... that the median age at first marriage has increased substantially: it was about 16 years for women age 35 and over [when surveyed in 1989-90] but increased to 18 years for those 30-34 years and to almost 21 years for women 25-29 years of age." **[78d](p.58)**

24.81 A report by Samia al-Nagar and Liv Tonnesen commissioned by Norad and Sida entitled 'UTV Working Paper, Sudan Country Case Study: Child Rights', dated March 2011 noted that both the Muslim Personal Status Law from 1991 and the Marriage of Non-Muslims Act from 1926 in effect legalised marriage under the age of 18. **[71b](p.15)** As noted:

""The Muslim Personal Status Law, which is based on Islamic law, stipulates that boys and girls can get married when they reach puberty. Puberty is generally recognised in girls between the age of 9 and 15 and boys between the age of 14 and 18. For a girl to get married she needs the permission of a wali (a male guardian). According to the Non-Muslims Act from 1926, girls can get married at the age of 13 and boys at the age of 15" ('UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen, commissioned by Norad and Sida dated March 2011) **[71b](p.15)**

24.82 The report further observed: "... early marriage is related to health risks for the children. For girls, child birth at an early age might cause both physical and psychological damage. More significantly these marriages are arranged by families without giving the girls any voice in the matter." **[71b](p.15)** Additionally the paper noted: "Children living on the streets also lack access to education and adequate health services. The CRC committee is concerned that children may resort to prostitution and/or are forced into early marriages as a means of survival in exchange for food, money or basic goods (CRC Report, June 2007)." **[71b](p.14)**

24.83 Dr. Gamer Habbani, Secretary General, National Council for Child Welfare, Sudan, speaking at the 2011 International Congress 'Eradicate forced and early marriages' in Los Angeles on 28 October 2011 explained with regard to the practice of early marriage in Sudan:

"Sudan has the highest rates of early marriage in North Africa and the Middle East. More than 1 in 10 girls are married before the age of 15 (and 1 in 5 in the Blue Nile State, because of insecurity there). Sudan has no defined minimum age of marriage, only puberty. A father can make a marriage on behalf of his daughter if it is 'in her best interest.' The main causes of child marriage in Sudan are: (1) to ensure her own security, especially in conflict areas; (2) poverty and tradition; (3) to control unwanted behavior of girls; (4) girls are seen as an economic burden until marriage; (5) total prohibition on babies out-ofwedlock (which results in a major problem of abandoned children); and (6) girls want a big celebration for themselves." **[81a](p.13)**

24.84 The 'Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1' (A/HRC/WG.6/11/SDN/3), dated 25 February 2011, referring to submissions provided by Christian Solidarity Worldwide (CSW) noted:

"CSW stated, in relation to Northern Sudan, that the Sudanese Parliament, on August 2010, called for the punishment of Zina [unlawful sexual intercourse or adultery] ... and the promotion of early marriages and polygamy. CSW stated that ... the encouragement of early marriages could amount to a violation of Sudan's obligations arising from the CRC [Convention on the Rights of the Child]. CSW recommended that practice and legislation that impacted on women and children reflect Sudan's obligations under international law." **[1g](para 30)**

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PROTECTION AVAILABLE TO WOMEN

24.85 The 'National Report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1' (A/HRC/WG.6/11/SDN/1), dated 11 March 2011, submitted by the Government of Sudan as part of Sudan's Universal Periodic Review (heard at the eighteenth session of the Human Rights Council) explained that one of the mechanisms for protecting human rights in Sudan included the "Violence against Women and Children Unit of the Ministry of Justice." **[1d](para 29)**. As the source noted: "This Unit was established pursuant to a presidential decree in 2005, at the recommendation of the Cabinet, as a result of the National Plan to Combat Violence against Women. Its function is to follow up implementation of this Plan, in conjunction with the United Nations and international organizations. Similar units have been established in the three states of Darfur and in a number of the other states in the Sudan." **[1d](para 29)**

24.86 A paper by Liv Tonnessen for Norwegian Peacebuilding Resource Centre, entitled 'From impunity to prosecution? Sexual violence in Sudan beyond Darfur', dated February 2012, similarly observed:

"The government of Sudan has taken a number of steps to combat violence against women and girls, and it is extremely important to consider them. In 2005 a state plan to combat violence against women was adopted and a new Violence against Women (VAW) Unit was created at the Ministry of Justice. In 2007 several workshops were held on combating violence against women and on the Protocol to the African Charter on Human Rights and People's Rights on Rights of Women in Africa (better know as the Maputo Protocol). ... The government announced a number of measures. It has condemned sexual violence against women and reaffirmed a zero tolerance policy for such crimes. It has also declared its commitment to the prosecution of perpetrators. On August 18th 2007 the minister of justice issued a declaration on the measures for the elimination of violence against women in Darfur. The declaration also reinforced the implementation of Criminal Circular 2 of 2005 allowing women in Darfur to legally seek medical care without filling out Form 8 – the police form that has to be filled in when violence is being reported. Here it is important to note that women are in fact denied medical treatment at government hospitals if they have not filled in Form 8. It is also important to note that Criminal Circular 2 is only applicable in Darfur and not in the rest of the country. In other words, legal barriers exist that effectively prevent victims of violence from receiving vital medical treatment." **[74a](p.7)**

24.87 However the report went on to outline several limitations in these initiatives. For example with regard to protection provided through family and child protection units, the report noted: "... up to the present, the majority of these units operate merely as child protection units, meaning that they take care of girls and boys who are victims of rape and sexual abuse, but not adult victims of rape. There are three units in Khartoum State ... Adult women who approach these units in Khartoum are rejected and sent to the police station to fill out Form 8" **[74a](p.8)** Additionally with regard to Criminal Circular 2 applied in Darfur – allowing women to seek medical care without filling out Form 8 – the report observed:

"It is not a stated objective to make Criminal Circular 2 national. Moreover, post-rape treatments are not specifically defined and discussed. Should the morning-after pill to

prevent pregnancies after rape be allowed? According to an interviewee, 'the morning-after pill is included in the postrape kits distributed in Darfur. It is not, however, allowed in other states in Sudan, because the government considers it against Islam. They claim that prostitutes will use it and that it is a form of abortion, which contradicts Islamic law'." **[74a](p.8)**

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HEALTH AND WELFARE

24.88 The website for the UK's Health Protection Agency, page entitled 'Sudan women's health', undated (accessed 1 August 2012) provided the following reproductive health indicators for Sudanese women:

"... In Sudan the lifetime average number of children per women is 4 compared with 2 in the UK [;] ... 7.6% of women of reproductive age report using (or a partner using) a contraceptive method compared with 82% in the UK ... [and] ... 2% of women aged 50–69 years have undergone a breast examination or mammography compared to 75% in the UK and 2% of women aged 20–69 years have undergone cervical cancer screening compared to 70% in the UK." **[139a]**

24.89 The briefing paper entitled 'Maternal and Neonatal Health Services in Sudan: Results of a Situation Analysis', dated February 2010 written by Dr. Nahla Abdel-Tawab, Director of Regional Reproductive Program, Population Council, West Asia and North Africa Regional Office and Dr. Maha El-Rabbat, Professor of Community Medicine, Cairo University noted:

" ... Sudan has one of the highest maternal death rates in the world (Sudanese Government of National Unity and Government of Southern Sudan, 2006). Moreover, for every woman who dies, approximately 20 more suffer long-lasting injuries, or disabilities such as obstetric fistula, uterine prolapse, infertility and depression. The main direct causes of maternal death in Sudan are hemorrhage, infection, pregnancy-induced hypertension and unsafe abortion, while malaria, anemia and hepatitis contribute indirectly (Sudanese Government of National Unity and Government of Southern Sudan, 2006; Kinaro et al., 2009). Maternal death is often associated with neonatal death. ... Neonatal deaths are caused mainly by asphyxia, preterm birth and sepsis." **[80b](p.1-2)**

For information on maternity related health care issues see Children, Health and Welfare. More generally refer to the section Medical issues.

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25. CHILDREN

Readers are advised that when considering information related to girls, the following information should read in conjunction with material listed under Women.

OVERVIEW

25.01 The SOS Children's Villages International, on a webpage entitled 'General information on Sudan', undated (accessed 23 July 2012) explained:

"Sudan is, demographically speaking a very young country: around 42 per cent of the population is under the age of 14. In a country characterised by armed conflict and natural disaster, the children are amongst the worst affected. Families and communities have been pulled apart and an estimated 3.5 million children are without parental care. In addition, many children lose parental care due to poverty. ... Child labour is widespread. Children are forced to work in factories or in informal sectors such as shoe shining, car washing, and street vending. Other children resort to begging as a way of making some money. In rural areas children work in farming and animal rearing. ... The trafficking of children for prostitution or sexual abuse remains a problem. In areas affected by armed conflict, many children are recruited as child soldiers. ... Girls are particularly disadvantaged as they are less likely to get an education and are often forced to marry at a young age." **[86a]**

25.02 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, also observed:

"The last ten years have seen significant developments with regards to children in Sudan, but important challenges remain in the areas of education, health, protection and participation. The CPA (2005) marks a turning point in Sudanese history. Civil society organisations working on child rights have gained more elbow room to address issues related to child rights. But the ongoing conflicts in the country continue to hamper the enforcement of the CRC. Nonetheless, the Child Act 2010 (building on the Child Act 2004) is a major achievement, even though there are many challenges in terms of enforcement. There are also huge challenges in co-ordination between government and international and multinational organisations engaged in child rights promotion. The field of child rights is politicised and sensitive. The Humanitarian Aid Commission (HAC) is responsible for the registration and performance of the non-governmental organisations but has failed to build trust and cooperative relations between these organisations and the government. The 2004 NGO Act was enacted to give more control to HAC over civil society organisations (CSOs) that were required to re-register. HAC has the authority to expel or ban or stop activities of any organisation. In March 2009 when the ICC issued a warrant for the arrest of President Bashir on account of the government's atrocities in Darfur, several foreign organisations were expelled, including Save the Children US, Save the Children UK and the Norwegian Refugee Council (NRC)." **[71b](p.10-11)**

25.03 The Save the Children, Resource Center on Child Protection and Child Rights Goveranance, 'Sudan Country Profile', undated (accessed 23 July 2012) further noted:

"Discrimination against children exists in Sudan due to a number of reasons, which can be classified based on gender, disability and ethnicity. The cultural beliefs, misconceptions and traditional harmful practices of physical and humiliating punishments (PHP) and female genital mutilation (FGM), early marriage, insufficient attention to girls' education, limited support to poverty-stricken and marginalized families especially child and women headed households; children accompanying mothers in prisons, children born out of wedlock, existence of worst forms of child labor and in particular the phenomena of child soldiers in the on-going war in Darfur and other post conflict areas notably East, Blue Nile State and South Kordofan speaks for the dilapidated and adverse conditions of children living in Sudan." **[85a]**

For further information on the treatment of children in Sudan, see the slightly dated report from Watchlist, entitled 'Sudan's Children at a Crossroads: An Urgent Need for Protection', dated April 2007.

Basic legal information

25.04 The following legal arrangements apply to children in Sudan:

- Universal sufferage exists at 17 years of age (The CIA World Fact Book, Sudan, dated 17 July 2012) **[6a](Government)**
- Primary education is compulsory and free of charge. (Interim National Constitution, Article 44(2)) **(13e)[Article 44(2)**
- Employment of children below the age of 16 years is prohibited under the 1997 Labour Act, however exemptions allow children under the age of 12 to be employed in government run training schools; non-profit workshops; family businesses and under an industrial apprenticeship. (Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), March 2011) **[71b](p.13)**
- The minimum age of recruitment into the armed forces is 18 (Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), March 2011) **[71b](p.13)**
- Marriage is codified under the 1991 Personal Status Laws of Muslims. The minimum age of marriage is defined as both parties having reached puberty. (SIGI Report 2011) **[69b](Discriminatory family code)** See also Marriage.
- The age of criminal liability for children was raised from 7 to 12 years under the Child Act 2010. (National Report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1 (A/HRC/WG.6/11/SDN/1), 11 March 2011) **[1d](para 75)**
- The application of the death penalty is prohibited in cases involving children under the Child Act 2010. However the Interim National Constitution provides some remit for it to be imposed on persons below the age of 18 in cases of retribution or hudud. (OHCHR Universal Periodic Review – Sudan, UNICEF Sudan, October 2010) **[79h](Death penalty)** See also Child soldiers

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LEGAL RIGHTS

Legal instruments

International and regional

25.05 Sudan ratified the UN International Convention on the Rightsof the Child on 3 August 1990 **[54c]**, ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict on 26 July 2005 **[54d]** and acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on the 2 November 2004. **[54e]** Sudan also ratified the African Charter on the Rights and Welfare of the Child (ACRWC) on 30 July 2005. **[89a]** (Sudan had the following reservations to the ACRWC: Article 10 – Protection of privacy; Article 11(6) – Education of children who become pregnant

before completing their education and Article 21(2) – child marriage and betrothal of girls and boys. (African Committee of Experts on the Rights and Welfare of the Child, 'List of countries which have signed, ratified/acceded to the African Union Convention on African Charter on the Rights and Welfare of the Child', undated, circa 2011)**[89a]**)

25.06 Furthermore Sudan has ratified two "core Conventions relating to child labour", the International Labour Organisation (ILO) Convention No. 138 on minimum age (ratified on 7 March 2003) and the ILO Convention No 182 on the worst forms of child labour (also ratified on 7 March 2003). **[90a]**

See the latest Report submitted by the Government of Sudan to the UN Committee on the Rights of the Child, 'Consideration of reports submitted by States parties under article 44 of the Convention, Third and fourth periodic reports of States parties due in 2007, Sudan', dated 24 February 2010 (CRC/C/SDN/3-4). Additionally see the report from the NGO Group for the CRC, 'State party examination of Sudan's Third and Fourth Periodic Report, 55th session of the committee on the rights of the child, 13 September – 1 October 2010'

National

25.07 The Interim National Constitution provides several safeguards for protecting the rights of children:

- Article 7(2) "... guarantees that every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship. Since the first Nationality Law of 1957, nationality has been granted to an individual based on the nationality of the father. Only a child with an unknown father could claim the mother's nationality. A woman married to a foreign national could not pass on her Sudanese nationality to her child even if her spouse consented." (Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), March 2011) **[71b](p.14)**
- Article 36(2) stipulates: "(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." (INC, Article 36)**[13e]**
- Article 44 provides for the right to education. Paragraph (2) states that primary education is compulsory and provided by the State free of charge. (INC, Article 44)**[13e]**

25.08 The Child Act 2010 additionally deals with a wide range of child protection issues including:

- Vagrancy (i.e. street children) no longer deemed an offence.
- Banning recruitment of children to the armed forces/military groups, with demobilised children receiving appropriate support ("The Armed Forces Act of 2007 [also]... provides unequivocally for the protection of children affected by armed conflict in the Sudan and sets the age of recruitment at 18 years, in accordance with the Optional Protocol" (Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), March 2011) **[71b](p.13)**)
- The establishment of a specialised police unit – the 'Family and Child Protection Unit' (FCPU) – to prevent and protect children from all forms of violence.

- Establishment of social services offices within the FCPU
- Establishment of children's prosecutors and children's courts, with special training given to prosecutors and judges. (The Save the Children, Resource Center on Child Protection and Child Rights Goveranance, 'Sudan Legal frameworks', undated (accessed 23 July 2012) **[85b]**

25.09 The Foreign and Commonwealth Office report, 'Human Rights and Democracy: The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', observed with regard to the Child Act:

"Sudan enacted the Child Act in 2010, which represents a major step towards providing a legal framework for the protection of children's rights. It raises the age of criminal responsibility, criminalises child exploitation and abuse, establishes a comprehensive juvenile justice system, prohibits recruitment of children to armed groups and guarantees demobilisation, reintegration and rehabilitation for children associated with armed groups and forces." **[16c](p.332-333)**

For further information on the international, regional and national laws related to Children in Sudan, together with access to UN committee sessions on Sudan mandated under the Convention on the Rights of the Child, refer to the Child Rights International Network, Sudan page.

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Juvenile justice system

25.10 The Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011 observed:

"A welcome development is that the Child Act 2010 (section 23) in contradiction with the Public Order Act (1996) of Khartoum State does not deem vagrancy an offence punishable by law. Street children are often in conflict with the law. According to the Criminal Act from 1991, children who have reached the age of 10 and have been charged with committing an offence can be punished with whipping up to 20 lashes. The Child Act (2010), however, orders the establishment of a children prosecution attorney's bureau and a child court. The child court should follow the UN minimum rules on juvenile courts. It is stipulated that the sentence of whipping and the death sentence should not be imposed on a child. This is a welcome development but the implementation is slow ..." **[71b](p.14)**

25.11 Additionally the report highlighted with regard to the establishment of child courts: "The courts for minors are not found in all states; they are found in Khartoum (Khartoum north reformatory, the reformatory of Giraif west), Darfur (Shala reformatory), and the South (Meridi reformatory) and in Sinnar (Abu-Jabal reformatory) (Alternative Report 2010)." **[71b](p.14)**

25.12 A earlier report compiled by UNICEF for Sudan's 2011 Universal Periodic Review by the UN Human Rights Council entitled 'OHCHR Universal Periodic Review – Sudan', dated October 2010 however noted that: "Some Sudanese courts still use apparent physical maturity (puberty and facies) to assess the age of criminal responsibility, which results

in some children under 18 treated as adults by the justice system. Children continue to be prosecuted by adult courts and detained with adults." **[79h](Juvenile Justice)**

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VIOLENCE AGAINST CHILDREN

25.13 The following section outlines some of the main human rights violations perpetrated against children in Sudan. In considering violence against girls in addition to material found in this section, reference should also be given to material included under the section on Women, Types of violence and societal context and the relevant subheadings that follow.

Impact of regional conflicts on children

25.14 The 2011 Foreign and Commonwealth Office Report, dated April 2012, in the section 'Countries of Concern, Sudan and South Sudan', observed: "Violations of children's rights linked to armed conflict are still widespread [in Sudan]." **[16c](p.333)** The Save the Children, Resource Center on Child Protection and Child Rights Governance, 'Sudan Country Profile', undated (accessed 23 July 2012) further explained:

"Children have by far been one of the main victims of the prolonged periods of conflict and unrest in Sudan. The long history of conflicts in Sudan has resulted in wider forms of child rights violations besides inadequate livelihood systems, insufficient adult support, limited access to education, health care, and inadequate physical environment. Moreover, although the north-south conflict has ended, the scars remain, having a negative impact on a wide spectrum of children's rights. Family support to children is insufficient and government policies do not adequately address the country's socio-economic problems, and the issues of poverty and displacement." **[85a]**

For further information on Sudan's regional conflicts see: Security situation and; humanitarian situation in regional conflict areas. See also: Child soldiers and Sexual exploitation

Child soldiers

25.15 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed: "The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators [NB: The Child Act 2010 also bans the recruitment of children, for further information refer to paragraph 25.08]. However, eyewitness reports indicated child soldiers remained with most of the armed groups, including the SAF [Sudan Armed Forces] and Public Defense Forces, engaged in conflict; the problem was especially serious in Darfur and Southern Kordofan. ..." **[2b](1g. Use of Excessive Force and Other Abuses in Internal Conflicts)**

25.16 However a paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, observed that despite the work of UNICEF who had successfully contributed to demobilising 1,300 child soldiers, there were "... a significant number ... [remaining] in the North (6,000) [i.e. present day Sudan]

and in the South (1,200)." **[71b](p.39)** Whilst the Save the Children, Resource Center on Child Protection and Child Rights Goveranance, 'Sudan Country Profile', undated (accessed 23 July 2012) instead noted that "[a]n estimated 10,000 children remain associated with armed forces and groups." **[85a]**

25.17 The 'Annual Report of the Special Representative of the Secretary-General for children and armed conflict, Radhika Coomaeaswamy', dated 21 July 2011 (A/HRC/18/38) explained that despite noting some progress being made in addressing the grave violations against children in armed conflict in several countries including Sudan, problems remained. **[1k](para 13-18)** In Sudan these included access constraints for security reasons hampering the systematic monitoring and reporting of grave violations **[1k](para 16)**; difficulties in establishing an effective dialogue with non-state armed groups **[1k](para 17)**; a lack of funding which had caused delays in the implementation of action plans aimed to stop child recruitment **[1k](para 18)** and complications due to the fact that the armed groups which children are associated with, also have close links to the local community from where the child is from. **[1k](para 18)**

25.18 According to Annex I of the 'Report of the Secretary-General on Children and armed conflict', dated 26 April 2012, the following armed groups in Sudan were listed as recruiting child soldiers: the Justice and Equality Movement (JEM); Justice and Equality Movement/Peace Wing (JEM/Peace Wing); Popular Defence Forces (PDF); pro-government militias; Sudanese Armed Forces (SAF); Sudan Liberation Army (SLA)/Abdul Wahid; Sudan Liberation Army/Free Will; Sudan Liberation Movement (SLA)/Historical Leadership; Sudan Liberation Movement (SLA)/Mimmi Minawi; Sudan Liberation Movement/Mother Wing (Abu Gasim); Sudan Liberation Movement (SLA)/Peace Wing; Sudan Liberation Movement (SLA)/Unity; Sudan People's Liberation Movement North (SPLM-N) and Sudan police forces, including the Border Intelligence Forces (BIF) and the Central Reserve Police (CRP). **[18s](p.4)** From the groups listed, all were designated as being a "persistent perpretrator" in regard to child recruitment, with the exception of the Popular Defense Forces (PDF); Sudan Liberation Army (SLA)/Historical Leadership; Sudan Liberation Army (SLA)/Peace Wing; Sudan Liberation Army (SLA)/Unity and Sudan People's Liberation Movement – North. **[18s](p.4)**

Child soldiers in Darfur

25.19 The 'Report of the Secretary-General on Children and armed conflict', 26 April 2012 (A/66/782 – S/2012/261), covering events in 2011 explained:

"In 2011, the country task forces on monitoring and reporting documented 45 cases of recruitment and use of children [in Darfur], representing a significant decrease from the 115 recorded in 2010. Of the 45 cases, 7 were perpetrated by the Sudanese police forces; 5 by the Border Intelligence Forces; 5 by Central Reserve Police; 14 by pro-Government militias; 5 by the Sudan Liberation Army (SLA)/Abdul Wahid; 3 by the Popular Defense Forces (PDF); 1 by the Sudanese Armed Forces; 1 by SLA/Minni Minawi; 1 by JEM; and 3 by unidentified armed groups. The majority of recorded incidents of recruitment and use of children took place in Government-controlled areas. Collection of information in areas that were not fully under the control of Government forces, such as parts of Jebel Mara and the border areas with South and North Kordofan, remained a challenge owing to restrictions and denial of access by both Government and armed groups." **[18r](para 109)**

25.20 The US State Department, 2011 Human Reports on Human Rights Practices, Sudan, dated 24 May 2012 further noted:

"SLA/MM [Sudan Liberation Movement/Minni Minawi faction] fighters reportedly raided Zam Zam IDP camp from time to time to capture youth allegedly involved in criminality and forcibly recruit them into the armed movement. JEM [Justice and Equality Movement] also reportedly used child soldiers during the year. ... In June the general commander of the Sudan Liberation Movement--Abdel Wahid (SLM/AW), Mohammed Adam Abdel Salam Tarada, again issued a command prohibiting the use and recruitment of child soldiers. ... From February through April, 574 children were released by JEM-Peace Wing, SLA-Peace Wing, and the Movement for Popular Forces for Rights and Democracy. In June 2010 JEM signed an action plan with UNICEF to end the use of child soldiers. ... On September 13, the Sudan Disarmament, Demobilization, and Reintegration (DDR) Program, in collaboration with the West Darfur DDR Commission, UNICEF, and UNAMID launched a demobilization campaign in El Geneina, West Darfur, with approximately 350 minor excombatants participating. The former child soldiers come from the Justice and Equality Movement/Peace Wing, Sudan Liberation Army/Mustafa Terab, and the Liberation and Reform Movement." **[1b](1g. Use of Excessive Force and Other Abuses in Internal Conflicts)**

25.21 The most recent 'UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)' (S/2011/111), dated 20 September 2010, published 8 March 2011 observed with regard to the recruitment of child soliders in Darfur:

"The Panel continued to receive reports of the recruitment of child soldiers by parties to the conflict in Darfur. Despite efforts on the part of the international community to eliminate the practice and despite the denial by some rebel groups of the recruitment of children and the declaration by others of their commitment to action plans to end this practice, credible information received by the Panel indicates that the practice continues unabated. ... While the Panel has not been able to verify the information it has received owing to limited access to areas controlled by armed rebel groups, the Government of the Sudan for its part has not been transparent concerning the disarmament of the Janjaweed militias, as demanded by the Security Council in resolution 1556 (2004), and their subsequent reintegration. Therefore, the Panel cannot confirm whether child soldiers formerly serving with those militias may have been integrated into CRP, the Border Guards and the Popular Defence Forces ... ...In response to queries by the Panel on the subject, JEM, SLA/AW and SLA/MM all denied recruiting child soldiers."**[18h](para 136-138)**

25.22 The 'Annual Report of the Special Representative of the Secretary-General for children and armed conflict, Radhika Coomaeaswamy', dated 21 July 2011 (A/HRC/18/38), explained that "[n]ew action plans to cease recruitment and use of children as well as to secure their release were signed by the United Nations and the Sudan Liberation Army/SLA-Free Will on 14 June 2010 ...[and] the Sudan Liberation army/SLA-Mother Wing (Abu Gasim) on 15 August 2010 ... [two non-state armed groups operating in Darfur] ... [Additionally i]n the Sudan, a memorandum of understanding was signed by the Justice and Equality Movement [JEM] and the United Nations on 21 July 2010, paving the way towards the signing of an action plan. On 22 December 2010, JEM/Peace Wing submitted a draft action plan to the United Nations, to be implemented in West Darfur." **[1k](para 13 – 14** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 also noted that UNICEF had signed an action plan with the Sudan People's Liberation Movement/Minni Minawi (SLA-

MM) in 2007 and with the JEM in June 2010. **[2b](1g. Use of Excessive Force and Other Abuses in Internal Conflicts)** However it is unclear whether such action plans were in place and it was noted in Annex I of the 'Report of the Secretary-General on Children and armed conflict', dated 26 April 2012, the SLA – MM; SLA – Free Will; SLA – Mother Wing; JEM and JEM/Peace Wing were not listed as having action plans in place. **[18s](p.4)** Whilst the 'UN Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005)' (S/2011/111), dated 20 September 2010, published 8 March 2011observed:

"The Panel notes that on 21 July 2010 JEM signed a memorandum of understanding with the United Nations regarding the protection of children in Darfur. Similarly, SLA/Free Will committed itself on 14 June 2010 to an action plan with the United Nations to end the recruitment and use of child soldiers. The Panel has not been able to verify whether those two armed rebel groups have honoured their commitments in the field. Nearly 6,000 child soldiers remain in association with SLA/MM. An action plan signed in 2007 between SLA/MM and UNICEF regarding children associated with the movement was never implemented." **[18h](para 138)**

25.23 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 explained with regard to the detention of child soldiers following the attack by the Justice and Equality Movement on Omdurman in 2008: "There were no new developments in the 2008 case of children detained ... As of December 2009, 119 children received pardons and were released, but some children were sentenced to death and remained detained at year's end." **[2b](1g. Use of Excessive Force and Other Abuses in Internal Conflicts)**

Child soldiers in Abyei, Blue Nile and South Kordofan

25.24 The 'Report of the Secretary-General on Children and armed conflict', 26 April 2012 (A/66/782 – S/2012/261), covering events in 2011 explained:

"Cases of recruitment and use of children significantly increased in Abyei, Blue Nile and South Kordofan in 2011, with 52 verified cases compared with 8 in 2010. In South Kordofan and Abyei, 41 cases of recruitment of boys aged between 14 and 17 years were verified. Perpetrators included SPLA (12); the Sudan People's Liberation Movement-North (SPLM-N) (5); the Sudanese Armed Forces (2); PDF (5); and unidentified armed groups (17). In Blue Nile, 11 cases of recruitment of boys between 14 and 17 years were verified and attributed to SPLA (10) and the SPLM-N (1). The country task force received a number of credible allegations of abductions of children by SPLM-N with the aim of forcefully recruiting them." **[18r](para 114)**

25.25 A report from Amnesty International, 'We can run away from bombs, but not from hunger: Sudan's refugees in South Sudan', June 2012 observed:

"Amnesty International received reports of the forced recruitment of refugees by the SPLA-N [Sudan People's Liberation Army – North] in refugee camps in Upper Nile State [South Sudan]. Amnesty International was not able to confirm the systematic practice of forced recruitment of refugees from camps in Upper Nile State, however incidents of recruitment were relayed to Amnesty International by individuals who had either been recruited or had family members who were recruited. Amnesty International recalls that conscripting or enlisting children under the age of eighteen years into the national armed forces or using them to participate actively in hostilities is a war crime." **[8l](p.27)**

Child soldiers from the Sudan – South Sudan civil war

25.26 A report from the Brookings Institute entitled 'Child Soldiers: The New Faces of War', dated 2005 by P.W. Singer explained with regard to the past conflict between Sudan and South which ended in 2005:

"Sudan has seen the largest use of child soldiers in the region, with estimates reaching as high as 100,000 children who have served on both sides of the two decades-old civil war. Since 1995, the Islamic government in the north has conscripted boys as young as 12 into the army and the paramilitary Popular Defense Forces. Homeless and street children have been a particular target. Poor and refugee children who work or live on the streets have been rounded up into special closed camps. Ostensibly orphanages, these camps have often acted as reservoirs for army conscripts. The government has also targeted children in the towns it holds in the south to use against their kinsmen in the rebel Sudan People's Liberation Army (SPLA). One report found that 22 percent of the total primary school population in Wahda province had been recruited into the Sudanese army or pro-government militias, the youngest being 9 years old." **[84a]**

25.27 With regard to the use of child soldiers in South Sudan by the authorities during the same conflict, the internationally acclaimed film 'War Child: A Child Soldier's Story', released February 2009, tells the story of Emmanuel Jal, born circa 1980 and a former child soldier in Sudan – "Emmanuel was taken from his family home in 1987, at the age of seven, and sent to fight with the SPLA [Sudan People's Liberation Army of South Sudan] ... in Sudan's bloody civil war. For nearly five years, Emmanuel carried and slept next to an AK-47 that was taller than him. He was sent to Ethiopa and Southern Sudan to fight with thousands of other children that were uprooted from their villages." (War Child, About) **[84a]** To see the trailer to the film, refer to the link above. (NB: Refugees International's Young Humanitarian Circle (described as "... a network of over 300 eclectic and sophisticated young professionals interested in humanitarian issues"**[82b]**) hosted an event in November 2010 promoting the screening of Emmanuel Jal's documentary film "War Child". (Refugees International, Young Humanitarian Circle, 22 November 2010) **[82b]**)

25.28 The final report on the UN Mission in Sudan (UNMIS), the 'Special report of the Secretary-General on the Sudan', (S/2011/314) dated 17 May 2011 explained that under the mandate of the new UN peace keeping mission in South Sudan (UNMISS) in the regard to child protection issues, UNMISS' objectives included "... supporting the implementation of the SPLA [Sudan People's Liberation Army] action plan to end the recruitment and use of children, in collaboration with partners in the United Nations country team." **[18q](para 69)**

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Sexual exploitation

25.29 The SOS Children's Villages International, on a webpage entitled 'General information on Sudan', undated (accessed 23 July 2012) recognised that: "The trafficking of children for prostitution or sexual abuse remains a problem." **[86a]** Similarly the US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 noted: "Child prostitution and trafficking of children also remained problems. Penalties for offenses related to child prostitution and trafficking varied and could include imprisonment and/or fines." **[2b](6. Children)**

25.30 The Report of the Committee on the Rights of the Child (CRC), 'Consideration of reports submitted by states parties under article 33 of the convention, Concluding Observations: Sudan', dated 1 October 2010, remarked that although the Committee had commended the Sudanese government for "... its efforts to address and criminalise child sexual abuse through the Child Act (2010)." **[87a](para 83)** The report highlighted that: "[the Committee is] ... concerned, however, that the sexual abuse of children remains widespread and that, within the context of the family, it is largely unacknowledged. The Committee also expresses concern that girls are particularly vulnerable to sexual abuse." **[87a](para 83)** The same report also raised concerns over the abduction of girls by armed groups, notably the Lord's Resistance Army, who "... are frequently abducted for the purpose of sexual slavery." **[87a](para 85)** as well as the vulnerability of street children in major cities, including Khartoum, who were at risk from "... sexual abuse and various forms of exploitation, as well as violence." **[87a](para 80)**

25.31 With regard to combating the sale of children, child prostitution and child pornography, the CRC's, 'Consideration of reports submitted by states parties under article 33 of the convention, Concluding Observations: Sudan', dated 1 October 2010 highlighted: "The Committee is concerned that the State party [i.e. the Sudanese government] has not provided information on its follow-up of the Committee's concluding observations on the State party's initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SDN/CO/1)." **[87a](para 87)**

See also: the initial Report of the Committee on the Rights of the Child, 'Consideration of reports submitted by states parties under article 12(1) of the optional protocol to the convention on the rights of the child on the sale of children, child prostitution and child pornography, Concluding observations: Sudan', dated 21 June 2007 (CRC/C/OPSC/SDN/CO/1)

Street children

25.32 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, observed:

"There is an increasing number of street children. Within the state of Khartoum the number reached 15,000 in 1991 and 34,000 in 2000. The majority of street children are boys, only about 15 per cent are girls (SCS 2001). ... Most of the street children are located in urban areas. These children are vulnerable to sexual abuse, violence, exploitation, etc. Sudanese laws are weak when it comes to sexual abuse of children. In addition, there is neither a clear national strategy to combat sexual abuse of children nor an acknowledgement that it exists as a problem (Alternative Report 2010)." **[71b](p.13)**

25.33 The same source further noted:

"... [P]olice violence against and rape of street children is a tremendously touch [sic – tough] challenge. It is important to establish accountability mechanisms and to continuously monitor progress in respect of reduced police violence. There is an awareness challenge among the police which needs to be addressed with the mainstreaming of the CRC and the Child Acts into the police academies. Although major improvements have been made, the future challenge is to institutionalise best practices, ensure transparency of, for example, court records in order to monitor

progress and replicate successful developments from Khartoum in other areas of the country." **[71b](p.39)**

Abandoned babies

25.34 The UNICEF Sudan website, on an undated page (accessed 23 July 2012) entitled 'The early years' noted that: "Infants ... face societal threats in parts of Sudan. Based on research undertaken in 2003, evidence indicated that an average of 110 new born babies were being abandoned in Khartoum every month, with half estimated to die before receiving any assistance. Economic pressure on families, and the stigma associated with children born out of wedlock are major factors leading to abandonment." **[79f]** An article in the Guardian by Lubna Hussein, entitled 'This year let's celebrate ... the women of Sudan's Nuba mountains', dated 8 March 2012 similarly observed that "Unmarried women whose partners disappear have no rights, and their babies are abandoned in the streets of Khartoum to be eaten by stray dogs." **[47b]**

See also: Corporal punishment under the 1991 Criminal Act and Public Order Laws; Violence against women, corporal punishment and Death penalty

Early marriage

25.35 Early marriage remains a problem in Sudan, for further information refer to the Women section and see Forced/early marriages.

Female Genital Mutilation (FGM)

25.36 FGM is commonly practiced in Sudan affecting both women and girls. For further information refer to the Women section and Female Genital Mutilation (FGM)

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CHILDCARE AND PROTECTION

25.37 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, observed:

"[Despite the enactment of the National Child Act 2010]... government institutions, in particular the NCCW [National Council for Child Welfare], have not developed the necessary strategy to monitor the implementation of the Act ... However, national strategies have been developed in cooperation with international organisations like the SCS and Sudanese civil society organisations. This is a welcome development and addresses a recommendation by the CRC [Convention on the Rights of the Child] committee. But it is a source of concern that the NCCW which is tasked to monitor the implementation of the CRC and the Child Act 2010 is shifting towards implementation and raising funds from international and multinational organisations. The mandate of the institution is to monitor, not to implement. ... The NCCW's lack of human and financial resources provided by the government continues to be a concern." **[71b](p.38)**

25.38 The Save the Children, Resource Center on Child Protection and Child Rights Goveranance, 'Sudan Country Profile', undated (accessed 23 July 2012) additionally observed:

"Due to inadequate budgetary allocations to Child- protection or Child related ministries, there are massive gaps in basic social services provision for children. In addition to this, inadequate access to basic services as well as poor living conditions for both IDPs and refugee children is a common feature even in the capital Khartoum. Further, other child protection issues for children living in IDP sites in Khartoum include: unlawful detention, arbitrary arrest and harassment by Law Enforcing Agencies, exposure to violent/ inappropriate films, drug/substance abuse and sexual exploitation... However, the establishment and expansion of the Family and Child Protection Units under the Police forces and the final endorsement of the Child Act 2010 brings a lot of hope for child protection." **[85a]**

See also: UNICEF Sudan, 'Technical briefing paper 3: Family and Child Protection Units', December 2008 and Save the Children Sweden, Khartoum Office, 'A Study on Children's Protection Mechanisms', dated 2011

25.39 The Report of the Committee on the Rights of the Child, 'Consideration of reports submitted by states parties under article 33 of the convention, Concluding Observations: Sudan', dated 1 October 2010, under the 'Main areas of concern and recommendations' observed:

"The Committee is seriously concerned over the limitations placed on certain civil society organizations and regrets, in particular, the severe restrictions imposed on the operations of international and national non-governmental organisations (NGOs), especially those working in the area of human rights and humanitarian assistance for children. The Committee is also concerned that civil society organisations were not involved in the follow-up to the Committee's previous concluding observations or afforded adequate opportunities to present their views during the preparation of the State party's third and fourth periodic report." **[87a](para 25)**

For information on NGOs operating in Sudan which support children, refer to the website Child Rights International Network, Sudan country page, and the section entitled 'Organisations based in Sudan'.

See also: Women, Protection available to women

Children's homes/institutions and orphanges

25.40 According to the Sudan Household Health Survey (SHHS) – 2006 (produced by the Government of National Unity and Government of Southern Sudan): "6.9 per cent of children did not live with a biological parent, whilst 15.2 per cent lived with only their mother. The prevalence of orphans (percentage of children under age 18 with at least one dead parent) was 9.7 per cent, the highest (16.7 per cent) being among those aged 15-17 years and lowest (5 per cent) among those aged 0-4 years. The prevalence of orphans ranged from 5.5 per cent in White Nile State to 20.5 per cent in Upper Nile State. The school attendance of children aged 10-14 years who were orphans was found to be 60.3per cent as compared to 64.8 per cent for children in the same age group who were not orphans. The difference in school attendance rate between children who were orphans and not orphans was quite high in Kassala State (16.3 percentage points) and Blue Nile State (15.5 percentage points)." **[79d](p.22)**

25.41 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, explained that "[h]omes/institutions for housing street

children are found only in Khartoum." **[71b](p.14)** The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 further noted:

"The government operated reformatory 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, schooling, and living conditions at the camps generally were very basic. All children in the camps, including non-Muslims, must study the Qur'an, and there was pressure on non-Muslims to convert to Islam. War Child and other international and domestic humanitarian NGOs were permitted to monitor the camps and sometimes assisted the government with certain aspects of camp operations." **[2b](6. Children)**

25.42 The SAGE publication, 'Making Families Through Adoption' by Nancy E Riley and Krista E Van Vleet, dated 2012, citing Polgreen 2008, observed with regard to the care of orphans in Sudan:

"In Sudan, Islamic law has ... influenced attitudes about adoption. Because formal adoption is not a widely accepted practice among Muslims in that country, the orphanages, full of orphaned and abandoned children, have in the past been dismal places where children's lives were cut short through neglect and disease. Recently, at least one orphanage in Khartoum has been working to change the fate of children who end up there. With contributions from UNICEF and local aid agencies, the orphanage itself has seen vast improvement. Children are now well taken care of, with much better medical care and daily care by the caregivers. In addition, more children are being adopted from the orphanage. Drawing from the Islamic tenets about the responsibility of Muslims to take care of orphans, officials in the country have promoted the fosterage of these children. In 2004, the government ruled that whenever possible, children should be raised not in institutions but in families. A 2006 fatwa declared that these institutionalized children are the responsibility of all society. While some families are still reluctant to adopt children, these new national and religious laws have begun to influence the lives of orphaned and abandoned children, giving them some hope of living normal family lives. ..." **[88a](p.26)**

25.43 The website SOS Children's Villages International, in an undated article (accessed 24 July 2012) explained with regard to their activities in Khartoum:

"SOS Children's Village Khartoum was officially inaugurated on 26 May 1978 by Mr Numeri, President of Sudan. It consists of 15 family houses for up to 140 children, the village director's house, co-worker accommodation, and an administration and service area with two rooms for tutoring lessons. There is also an SOS Youth Facility for girls, which consists of three bedrooms, a dining and a living room, a kitchen and a bathroom. ... SOS Children's Village Khartoum has included an SOS Kindergarten from the very beginning. This kindergarten consists of four classrooms and additional rooms for up to 60 children. In 1984, an SOS Youth Facility for boys was set up at Arkaweet near SOS Children's Village Khartoum. In three SOS Youth Houses (each consisting of three bedrooms, a dining and living room, a kitchen and a bathroom), up to 20 boys from the SOS Children's Village can be accommodated. With only one educator to take care of them, the youngsters are quite independent and have to start taking responsibility for their lives." **[86b]**

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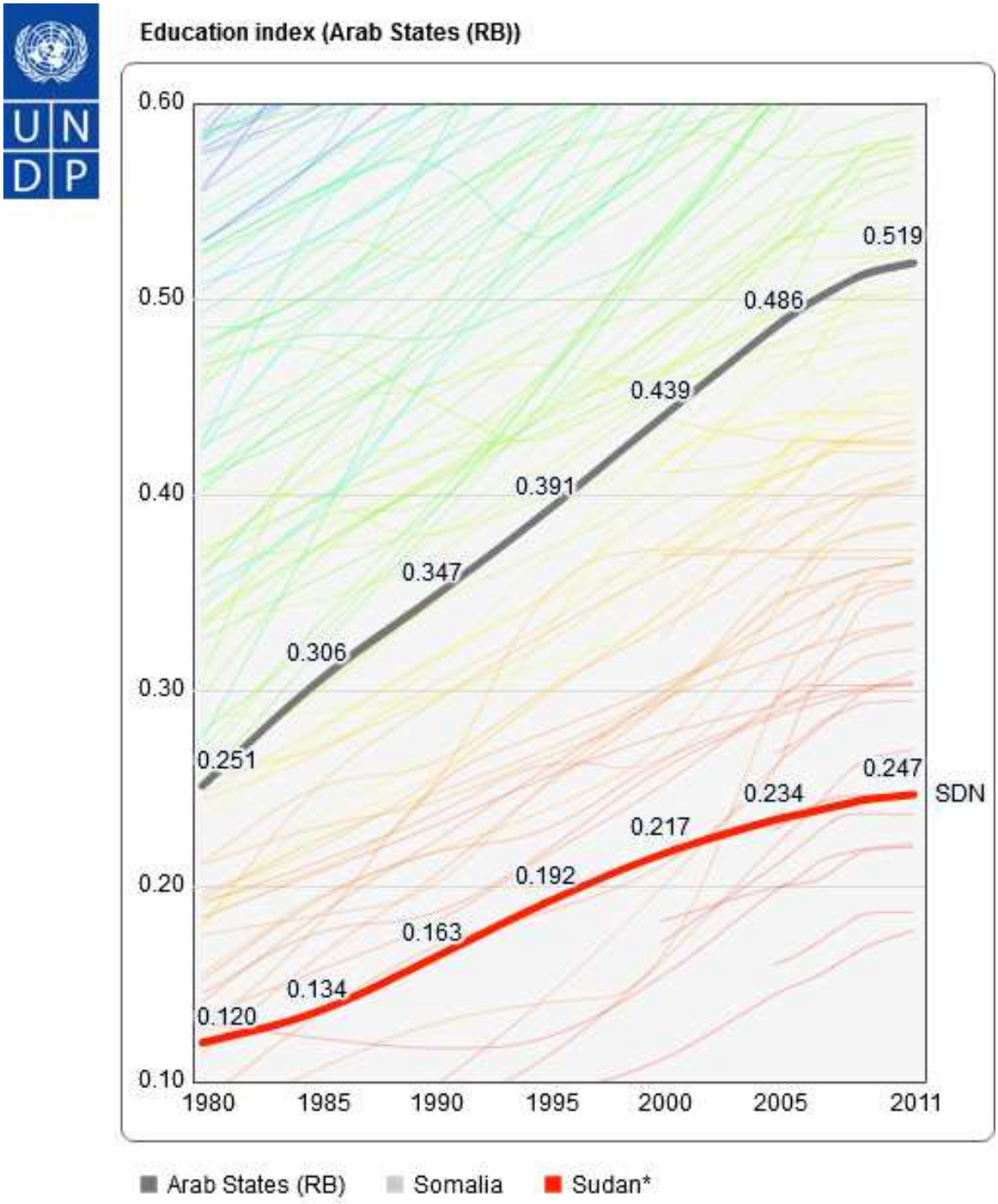
EDUCATION

25.44 The UN Development Programme's International Human Development Index, 2011, ranked Sudan on the education index 19th out of the 19 Arab States listed **[64a]** and 182nd out of the 188 countries globally ranked (with an education index score of 0.247). **[64d]** The mean years of schooling (of adults) in Sudan was 3.1 years, this compared to Bahrain which was top of the Arab States listed and had mean of 9.3 years. **[64a]** The following table illustrates regional and national trends in the education index between 1980 and 2011:



[64a]

25.45 The Save the Children, Resource Center on Child Protection and Child Rights Goveranance, 'Sudan Country Profile', undated (accessed 23 July 2012) noted that: "... [T]here is about 54% net, attendance ratio in education but [the] rapid deterioration of the qualitative and quantitative aspects of education has resulted in about 50% school dropouts for children of school-going age." **[85a]** The SIGI Report 2011 observed with regard to gender bias in accessing education in Sudan: "According to UNICEF, female enrolment in primary education, as a percentage of male enrolment is 83%." **[69b]**

25.46 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, observed:

"The net primary school enrolment rate in Sudan 2003–2008 is estimated at 53.7 per cent. In the interim constitution of 2005 Article 13(1a) states that children have the right to free education. In spite of that right, school fees are charged. A survey of children in Khartoum state in 2004, undertaken by the National Council for Child Welfare (NCCW), showed that 34.9 per cent of the children stated inability to pay school fees as the main cause for not being enrolled. In 2005, the public expenditure on education was reported to be merely 2.9 per cent (Alternative CRC Report, 2010). ... Besides the problems of low school enrolment and retention, the educational system in Sudan is hampered by lack of trained teachers, corporal punishment, poor school premises and equipment, as well as considerable gender and regional enrolment disparities. ... There are great gaps between urban and rural areas, and the enrolment of girls is low in regions with high poverty. This disparity is related to the girls' family duties at home. In some areas it is the girl child's responsibility to fetch water, which is a time consuming and at times a dangerous activity (landmines, rape, etc.). Also, early marriages among some groups in Sudan cause girls to drop out of school." **[71b](p.11)**

25.47 The following table shows Sudan Household Health Survey (SHHS) and Millennium Development Goals (MDG) indicators in Sudan for 2006 and 2010 (NB: data relates to both Sudan and South Sudan):

Indicator	2006 **[79d](p.3-4)** (Value %)	2010 **[79i](p.3)** (Value %)
Literacy rate (women age 15-24 years)	Not listed	45.2
Net intake rate in primary education	29.5	46.0
Net attendance rate of primary school-age children	53.7	71.8 [The 2010 summary lists this indicator as "net attendance rate of primary school-age children (adjusted)" **[79i](p.3)]**
Gender parity index (primary school)	0.93	0.94

Gender parity index (secondary school)	Not listed	1.08
Secondary school net attendance rate	18.9	34.3 [The 2010 summary lists this indicator as "Secondary school net attendance ratio" **[79i](p.3)**]
Primary school attendance rate of children of secondary school age	35.5	Not listed
Chidren reaching grade five	90.3	82.2 [The 2010 summary lists this indicator as "Children reaching last grade of primary school" **[79i](p.3)**]
Primary completion rate	19.4	62.7 [The 2010 summary lists this indicator as "Primary school completion rate" **[79i](p.3)**]
Transition rate to secondary school	64.5	77.8

[79d](p.3-4)

25.48 The Sudan Household Health Survey (SHHS) – 2006, produced by the Government of National Unity and Government of Southern Sudan (data includes both Sudan and South Sudan) observed with regard to education in Sudan:

"The SHHS results indicated that nationwide, only 53.7 per cent of children of primary-school age were attending school, implying that a significant proportion (46.3 per cent) of them remained out of school. The net intake rate in grade 1 was only 29.5 per cent. The net attendance rate (NAR) was highest (67.7 per cent) among children aged 11 years implying that the enrolment peaks at this age. The NAR ranged from 91.1 per cent in River Nile State and 4.3 per cent in Unity State. Nationally the Gender Parity Index (GPI) in regard to primary school net attendance ratio was 0.93, the highest being 1.06 in Red Sea State. The GPI was over 0.90 in 12 states. However, the GPI was low in sex [sic] states, namely South Kordofan States (0.79), West Darfur States (0.74), Warap States (0.66), Northern Bahr El Ghazal States (0.43), Western Bahr El Ghazal States (0.61) and Lakes States (0.60). The data also showed a positive trend in terms of the survival rate to grade 5 in a majority of the states. Of all children starting grade one, about 90.3 per cent of them (91.3 per cent of boys and 89.1 per cent of girls) eventually reach grade five. The survival rate to grade 5 was over 90 per cent in 13 states and quite low in two states, namely Unity (13.2) and Northern Bahr El Ghazal (14). While about nine out of ten of those enrolled in grade 1 eventually reach grade 5, the overall primary school completion rate remained very low at only 19.4 per cent. The primary school completion rate ranged from 50.1 per cent in Khartoum State to 0.4 per cent in Unity, Warap and Lakes States."**[79d](p.21)**

For a further statistical breakdown on different educational standards in Sudan see Annex I: Secondary school net attendance rate – percentage of children of secondary school age attending school or higher-level institutions, Sudan, 2006. For additionally data on gender equality at primary level education, see Annex J: Gender parity in primary education: Ratio of girls to boys in primary school-age attending primary schooll, Sudan, 2006.

25.49 The summary report of the 'Sudan Household Health Survey Second Round 2010', dated August 2011, produced by the National Ministry of Health and Central Bureau of Statistics (SHHS2) noted:

"About 72 percent of children of primary school age in Sudan are attending primary school and only 34 percent of children of secondary school are attending secondary school. More boys are attending primary school than girls: the Gender Parity Index (GPI) is 0.94. In secondary school the GPI increases further to 1.08, indicating more girls than boys attend secondary school.

"... In Sudan, few children of ages five and six are attending any form of school. Around 62 percent of 6 year olds are attending school; age 6 is the official school starting age in Sudan. School attendance increases significantly for children age 7-11 and starts to decrease for children of age 12-14 years. For children between 15 – 17 years the school attendance drops quite dramatically the older the child gets. Fifteen to seventeen years is the official age range for upper-secondary school. Few household members above 20 years of age attend school. Gender differentials are generally small showing more boys than girls appear to attend school." **[79i](p.10)**

25.50 According to the summary report: "The methodology and content of SHHS2 is based on the Multiple Indicator Cluster Survey (MICS) 4th round with the objective of providing up-to-date information on the situation of children and women and measuring the key indicators that allow the country to monitor progress towards the Millennium Devlopment Goals and other internationally agreed upon commitments." **[79i](p.1)** The introduction to the summary noted that the sample covered 25 states which would indicate it included both Sudan and South Sudan. **[79i](p.1)**

Reader should note that only the summary report was accessible via the UNICEF's Childinfo website, surveys, MICS4, last updated July 2012 **[79j]** For further details refer to the source directly: http://www.childinfo.org/files/MICS4_Sudan_2010.pdf

To access additional sources which provide statistical data on education in Sudan, refer to UNICEF's, Sudan Statistics. Additionally to access previous Multiple Indicator Cluster Surveys (MICS) refer to the UNICEF's Childinfo website, MICS. Alternatively refer to Sudan's Demographic and Health Surveys (DHS), the last listing for which is the Department of Statistics, Ministry of Economic and National Planning, Khartoum, Sudan and Institute for Resource Development/Macro International Inc. Columbia, Maryland, USA, Sudan: DHS, 1989-90 – Final Report, Chapter 2, Background characteristics of households and respondents, May 1991

Entry requirements

25.51 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, observed:

"A birth certificate is a requirement for school admission (SCS, 2006). This requirement means that refugee children in effect are denied education. The registration of births is generally low, according to the Secretary General of the NCCW [National Council for Child Welfare]. The registration rate is about 40 per cent despite its statutory requirement in terms of the Registration of Births and Deaths Act 1992. One of the main reasons for the low birth registration is the fee being charged (ibid)." **[71b](p.11)**

See also: Children, documentation

25.52 The IOM's Information on Return and Reintegration in the countries of Origin, (IRRICO) II, Sudan, 3 December 2009 explained:

"At primary level, students need the following documentation:... birth certificate; ... certificate of finishing kindergarten successfully; ... the highest level of grade certificate achieved so far, which should be provided to the Ministry of Education (MoE) for further evaluation; ... where schooling has been in a foreign country, the highest level of certificate achieved so far should be stamped and ratified by the Sudanese embassy in the country of departure; ... The same procedure is applicable for attending private school, except that fees will need to be paid annually in private schools.

"At high secondary school level, students need to: ... successfully pass the exams at the basic level; ... provide the authorities with the highest grade certificate so far achieved; ... provide the highest level of grade certificate, carrying the stamp of the relevant embassy of Sudan in the country of departure, where the student comes from abroad and wishes to continue his or her education; ... pay school fees annually in case of private schools;

"To go to university students need to: ... finish high school, sit and pass the Sudan Certificate examinations, and apply for the desired university and faculty (there is a target percentage specified by each faculty); ... obtain an ID or nationality card; ... students of Sudanese origin, who have passed high school examinations in the Arab countries, can be admitted as soon as their certificates have been evaluated by the MoE; ... complete compulsory national service; ... pay annual fees before registering for either public or private universities (fees are always cheaper in the public universities); ... note that scholarships are available to refugees and foreigners from neighboring countries, such as Eritrea, Ethiopia and Somalia." **[66a](p.7-8)**

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HEALTH AND WELFARE

25.53 The UNICEF Sudan Statistics website (accessed 24 July 2012) noted that the under 5 mortality rate in Sudan had dropped from 125 deaths per 1,000 live births in 1990 to 103 deaths per 1,000 live births in 2010. The infant mortality rate (under 1) had also fallen from 78 deaths per 1,000 live births in 1990 to 66 in 2010 (Data based on UNICEF, United Nations Population Division and United Nations Statistics Division.

(UNICEF, Definitions and sources, Basic indicators, undated)**[79g]**) **[79a]** The UN Development Programme's International Human Development Index, 2011, based on data available as of 15 May 2011 also provided data on the under-five mortality rate (per 1,000 live births) and was also based on UNICEF figures (2011). **[64e]** The latest data referred to was that from 2009, which noted the under-5 mortality rate in Sudan to be 108 deaths per 1,000 live births – slightly higher than the 2010 figure quoted by UNICEF above. **[64e]** Comparing Sudan's under-5 mortality rate with those of other countries, it was noted that Sudan was listed just above the 'low human development' rate of 117 deaths and ahead of countries such as Malawi (110); Rwanda (111) and Liberia (112). The country listed with the worst under-5 mortality rate was Chad with 209 deaths per 1,000 live births. **[64e]**

For further statistical data related to health issues of children and maternity health care refer to UNICEF's Children in an Urban World, the State of the World's Children 2012, 'Statistical tables', dated February 2012.

25.54 A paper from the Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, further explained:

"Forty per cent of under-five deaths are caused by diarrhoea, owing to lack of access to clean water. The infant mortality rate (under 1 years of age) in 2006 was 81 per 1000 live births. The under-five mortality rate is 112 per 1000 live births (ibid). Mortality rates for infants and children under five are among the highest in the world. The national maternal mortality rates are also very high at 1107 per 100,000 live births. According to the 2006 Sudan Household Health Survey, the maternal mortality rate for Western Equatoria, a province in Southern Sudan, stood at 2,327 deaths per 100,000 live births. One of the main reasons is that only 20 per cent of Sudanese women deliver in a health facility (in southern Sudan only 13.6 per cent of women deliver in health facilities)." **[71d](p.11-12)**

See also: UNFPA, 'Maternal and Neonatal Health Services in Sudan: Results of a Situation Analysis' 2010

25.55 The International Federation of Red Cross and Red Crescent Societies, 'World Disasters Report 2011', published 22 September 2011, citing data provided from a paper by Robet E Black et al. entitled 'Maternal and child undernutrition: global and regional exposures and health consequences' published in The Lancet, Vol. 371, dated 19 January 2008, noted that 47.6 per cent of children in Sudan under the age of five suffered from stunted growth rates (Stunting may be defined as: "being short for one's age – reflects the cumulative effects of undernutrition (often referred to as 'chronic' malnutrition)." (The International Federation of Red Cross and Red Crescent Societies, 'World Disasters Report 2011', 22 September 2011) **[94a](p.39)**). The country with the highest recorded rate was Burundi with 63.1 per cent. **[94a](p.38)**. The original study published in the Lancet observed more generally: "Of the 40 countries with a child stunting prevalence of 40% or more, 23 are in Africa, 16 in Asia, and one in Latin America; and of the 52 countries with prevalence of less than 20%, 17 are in Latin America and the Caribbean, 16 in Asia, 11 in Europe, and four each in Africa and Oceania … Including only countries with a stunting prevalence of 20% or more, 36 countries account for 90% of all stunted children worldwide." [**93a](p.7-8)**

See also: Humanitarian issues

25.56 The Chr. Michelsen Institute, 'UTV Working Paper, Sudan Country Case Study: Child Rights', by Samia al-Nagar and Liv Tonnesen (commissioned by Norad and Sida), dated March 2011, more generally observed with regard to child-related healthcare in Sudan:

"Generally, the accessibility and quality of health care is poor (SCS 2006). ... Due to many years of war, displacement and famine, malnutrition is a serious problem, particularly in the peripheries of Darfur, eastern Sudan and southern Sudan. The Child Act (2010) stipulates that the child shall have the right to primary health care free of charge (Article 14), but the Sudanese government has a long way to go in order to fulfil this right. ... Sudan is in the early stages of an HIV and AIDS epidemic which has an almost exclusively heterosexual transmission pattern but with indications of higher infection rates in the South than in the North. Years of civil war and limited epidemiological data make it difficult to generalise about HIV and AIDS in Sudan. The estimated HIV prevalence rate is 1.6 per cent among the adult population in northern Sudan and 3.1 per cent in southern Sudan (UNAIDS Reports 2008). In southern Sudan children below five years constitute 21 per cent of the population while 53 per cent is under the age of 18. The epidemic is more marked in the 20–34 age group, which is similar to data in other countries. The number of children aged 0–14 living with HIV is estimated to be between 18,000 and 33,000 (ibid). Considerably more children die because of malaria, malnutrition and diarrhoea, according to UNICEF statistics 2008." **[71d](p.12)**

To access additional sources which provide statistical data on children in Sudan, refer to UNICEF's, Sudan Statistics. Additionally to access previous Multiple Indicator Cluster Surveys (MICS) refer to the UNICEF's Childinfo website, MICS. Alternatively refer to Sudan's Demographic and Health Surveys (DHS), the last listing for which is the Department of Statistics, Ministry of Economic and National Planning, Khartoum, Sudan and Institute for Resource Development/Macro International Inc. Columbia, Maryland, USA, Sudan: DHS, 1989-90 – Final Report, May 1991 (and refer to relevant chapters listed)

See also: Medical issues

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DOCUMENTATION

Readers should note that the following information is dated before Sudan and South Sudan separated.

25.57 The United Nations Children's Fund (UNICEF) website, Sudan country statistics, undated, accessed 19 July 2012 listed 'birth registration 2000 – 2010, total' as 33 (per cent). **[79a](Child Protection)** The UNICEF website's 'Definition and sources' page for Child Protection noted that the main data sources for birth registration was MICS (Multiple Cluster Indicator Surveys) and DHS (Demographic Health Surveys) and defined birth registration as the "[p]ercentage of children less than five years of age that were registered at the moment of the survey. The numerator of this indicator includes children whose birth certificate was seen by the interviewer or whose mother or caretaker says the birth has been registered." **[79b]** The same page also noted that "[d]ata refer[s] to the most recent year available during the period specified in the column heading." **[79b]** The UNICEF, Sudan country statistics, undated, accessed 19

July 2012, also listed urban birth registration (2000-2010) as being 53 per cent and rural registration at 22 per cent. **[79a](Equity – Residence)** Again it was noted that the "[d]ata refer[s] to the most recent year available during the period specified in the column heading." **[79b]**

25.58 However the summary report of the 'Sudan Household Health Survey Second Round 2010', dated August 2011 (for Sudan and South Sudan), produced by the National Ministry of Health and Central Bureau of Statistics (SHHS2) listed birth registration at 59.3 per cent. **[79i](p.3)** Whilst the earlier Sudan Household Health Survey (SHHS) – 2006, produced by the Government of National Unity and Government of Southern Sudan (data includes both Sudan and South Sudan) instead noted:

"The SHHS data showed that only about 32.6 per cent of children under-five years in Sudan had their births registered, with the registration rates ranging from 70.2 per cent in Khartoum State to 1.1 per cent in Lakes State. Among children whose births were not registered, the main reasons given for not registering were those related to cost (21.3 per cent), long distance to the birth registration office (17.1 per cent), the lack of awareness among parents of the need to get the birth of their children registered (21.3 per cent), and the lack of information regarding the place of birth registration (13.1 per cent)." **[79d](p.21)**

See Annex K: Birth registration: Percentage distribution of children aged 0-59 months by whether birth is registered and reasons for non-registration, Sudan (2006), for a breakdown of birth registrations by state.

25.59 A report from Landinfo entitled 'Documents in Somalia and Sudan', dated 5 January 2009 observed:

"According to Sudanese law all births should be registered with the public authorities. UNICEF has focused on a child's fundamental right to be registered (Unicef 2007), and reports that 63.8% of Sudanese children between 0-4 years of age are registered. In urban areas the percentage is considerably higher at 82.2%. This is because most births in urban areas take place in hospitals where births are automatically registered. In rural areas, children are born at home, often attended by a midwife or other public sector obstetrician who will register the birth. Where no midwife is in attendance, the duty to register is only met to a limited extent and the number of children registered is much lower. In general, however, the percentage of registered births is high in Sudan compared to many other African countries (Unicef 2007)." **[127b](p.12)**

25.60 The same source noted:

"The certificate of nationality is an essential document for Sudanese citizens. Without a certificate of nationality, a person will not be able to sit exams at school or university, or obtain a passport. The certificate is issued by the Ministry of Interior Affairs upon application. It has a green cover and contains a photo, personal data, father's name, fingerprints and details of the applicant's tribe. Where no birth certificate is submitted to document or verify the personal data, a witness must be called to confirm the information (Embassy of the Republic of the Sudan, Oslo, 3 January 2008)." **[127b](p.15)**

See also: Children, education, entry requirements.

25.61 The Internal Displacement Monitoring Centre, briefing on Khartoum, 'Family Life, Participation, Access to Justice, Documentation and other Civil and Political Rights', dated 26 May 2010, citing various sources circa 2006 – 2009 noted that: "Lack of access to governmental registration and documentation remains a grave concern for all urban poor ...but particularly for IDPs who tend to be more affected by weaknesses in the legal system." **[145a]** A report from the Open Society Initiative for Eastern Africa, entitled 'The right to a nationality and the secession of South Sudan: A commentary on the impact of the new laws', by Bronwen Mandy, dated 18 June 2012 (OSIEA Report 2012) highlighted: "Lack of civil documentation, such as birth certificates or identity papers, is commonplace in both Sudan and South Sudan."**[132a](p.4-5)**

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26. TRAFFICKING

26.01 The US State Department, Trafficking in Persons Report 2012, Sudan, dated 19 June 2012, designated Sudan a 'Tier 3' country **[2f](p.323)**, which was the worst ranking, meaning "Countries whose governments do not fully comply with the TVPA's [minimum standards and are not making significant efforts to do so....." **[2e](p.43)** The report further observed with regard to trafficking in Sudan:

"Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudanese territory both within and outside of the government's control. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to forced labor as domestic workers in homes throughout the country; most are believed to be working without contracts or government-enforced labor protections. Some of these women and girls are subsequently sexually abused by male occupants of the household or forced to engage in commercial sex acts. Sudanese girls engage in prostitution within the country – including in restaurants and brothels – at times with the assistance of third parties. Khartoum, Nyala, and Port Sudan have reportedly seen a rise in child prostitution in recent years, as well as in numbers of street children and child laborers – two groups which are highly vulnerable to labor and sexual exploitation. There are reports of organized child street begging in Khartoum and other large cities.

" ... The Government of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government took some initial steps during the reporting period to acknowledge the existence of trafficking, draft anti-trafficking legislation, prosecute suspected traffickers, demobilize and reintegrate child soldiers, and waive overstay fines for foreign domestic workers, its efforts to combat human trafficking through law enforcement, protection, or prevention measures were undertaken in an ad hoc fashion, rather than as the result of strategic planning. The government convicted three traffickers, but did not officially identify trafficking victims or make public data regarding its efforts to combat human trafficking. Its proxy militias reportedly unlawfully recruited and used child soldiers during the reporting period, and it did not take action to conclude a proposed action plan with the UN to address the problem." **[2f](Sudan, p.323)**

See also: Women, Children and Internally displaced persons and refugees

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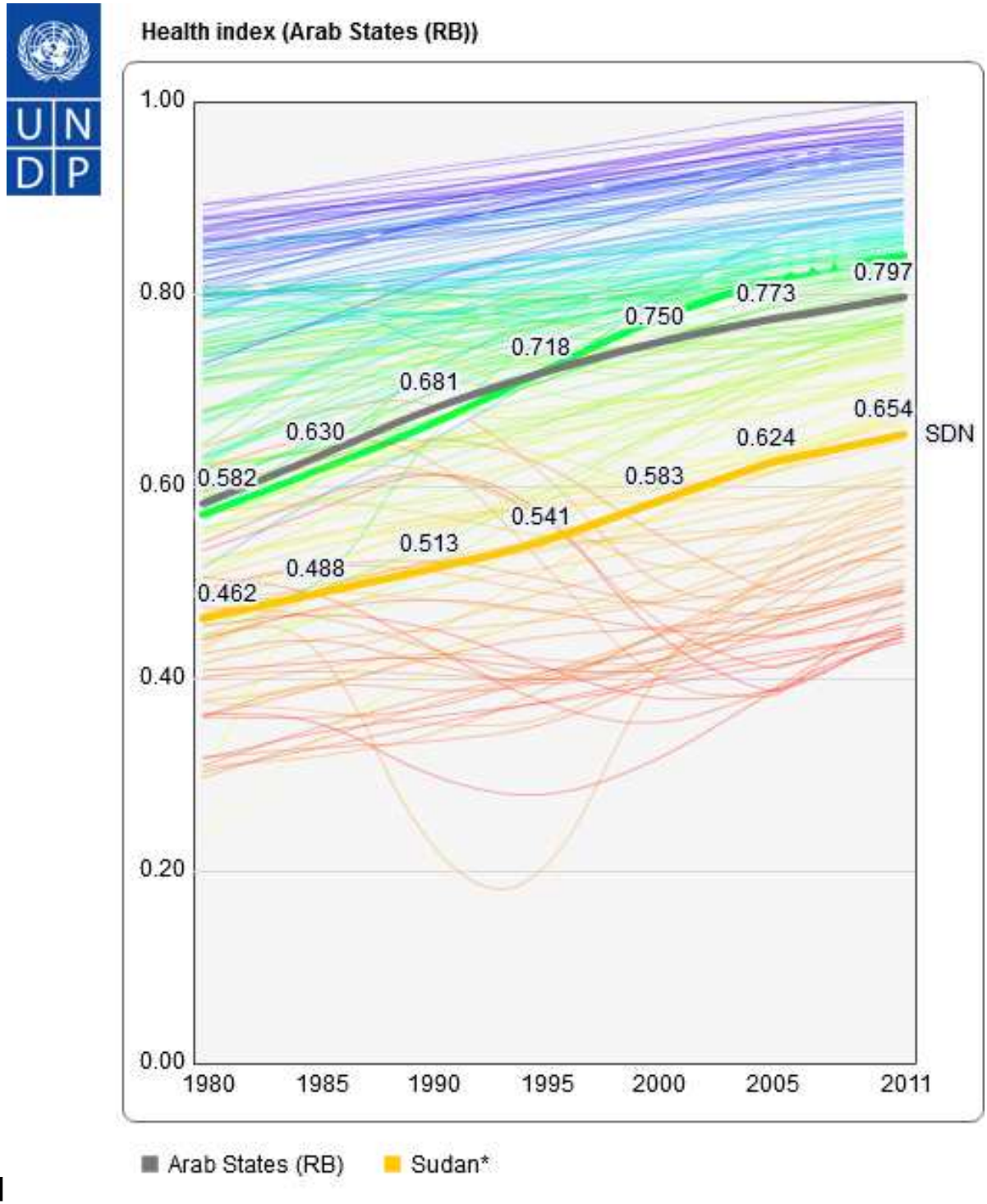
27. MEDICAL ISSUES

27.01 The UN Development Programme's International Human Development Index, 2011, ranked Sudan on the health index 18th out of the 20 Arab States listed and 155th out of the 194 countries globally ranked (with an health index score of 0.654). Against the regional Arab states ranked, Sudan came ahead of Djibouti (19th and 162nd globally) and Somalia (20th and 181st globally). **[68a]** The following table illustrates regional and national trends in the health index between 1980 and 2011:



[68a]

27.02 The UNDP, International Human Development Index, 2011, Country Profile Sudan, listed the following key indicators for health:

- Expenditure on health, public (% of GDP) – 1.3 per cent
- Under-five mortality rate (per 1,000 live births) – 108
- Life expectancy at birth (years) – 61.5
- Health index (life expectancy) – 0.654

For further information on health care related to women see Women, Health and welfare; for information on children see: Children, Health and Welfare

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OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

Healthcare

27.03 The International Organisation for Migration (IOM) publication 'Returning to Sudan: Country Information', dated 3 December 2009 explained that there are three levels of health care in Sudan: primary health care, secondary health care and tertiary health care. **[66a](p.3)** The IOM report outlined the services provided at each of the three levels of health care as follows: "Primary health care includes: provision of essential drugs; provision of safe water; child health care; Antenatal care; Health education; Vaccination; Mental health care; Maternal health care ... Secondary health care includes: Specialized hospitals and teaching hospital which are scattered all over Sudan ... [Whilst t]ertiary heath care includes: More advanced specialized hospitals mainly found in the Capital." **[66a] (p3)** The same source additionally noted that: "Medical treatments are available through the government hospitals which are almost free of charge for vulnerable and emergency cases. ... In governmental hospitals emergency admission patients are required to pay the following fees: ... Entry fees: 2 SDG (0.54 Euro)[;] ... Consultation with a General Practitioner is free of charge [;] ... Samples analysis are free of charge." **[66a](p.3-4)**

27.04 The World Health Organisation (WHO) report, 'Country Cooperation Strategy for WHO and Sudan 2008 – 2013' dated 2009 explained:

"The modern health care system in Sudan goes back to 1899, when health care was being delivered by the army. In 1924, the Sudan Medical Services was established and it became the Ministry of Health in 1949. Sudan has 25 states, and each state has a ministry of health (Readers should note this source pre-dates the separation of Sudan and South Sudan. Sudan currently is made up of 17 states. (Sudan Embassy and Mission in Geneva, Switzerland) **[9a](Basic facts)**). Within each state there are number of localities ... managed through a district health system approach according to the local government.

"...The Interim Constitution (2005), which went into effect after the signing of CPA [Comprehensive Peace Agreement] on 5 January 2005, gives special emphasis to health. The Constitution requires the state to promote public health and guarantee equal access and free primary health care to all people of Sudan. ... The national government has developed a 25-year long term and a 5-year medium term strategic plan. The 25-

year plan (2003–2027) gives priority to reforming and rebuilding the health system based on fair financing, and aims to reduce the burden of diseases, promote healthy lifestyles, develop and retain human resources, and introduce advanced technology, while assuring equity, quality and accessibility of health services.

" ... The Federal Ministry of Health works in collaboration with the 25 state ministries of health and is responsible for formulating national health policies, human resources planning and development, strategic planning, health legislation, response to epidemics, international health, in addition to monitoring and evaluation of all health activities and interventions in the country (Readers should note this source pre-dates the separation of Sudan and South Sudan. Sudan currently is made up of 17 states. (Sudan Embassy and Mission in Geneva, Switzerland) **[9a](Basic facts)**). ... The state ministry of health is responsible for implementing policy, detailed health planning, and programming and project formulation. This level organizes health services in state and supports the local health authorities. At the third level, based on district health system, a local health authority delivers health care through the primary health care approach." **[65a](p.19-20)**

27.05 The same source went on to explain with regard to health care delivery and resources:

"Health care is delivered at three levels. At the apex are teaching, general and specialist hospitals, having a varying number of specialties and beds providing secondary and tertiary care. In the second level are the rural hospitals providing secondary care and diagnostic facilities. Primary care is provided through a variety of outlets: primary health care units, dressing stations, dispensaries and health centres. ... Generally, the health care network has a curative bias. The number of hospitals increased from 253 in 1995 to 357 in 2004, i.e. the hospital/population ratio is 1:100 000. The number of hospital beds also increased from 22 444 in 1995 to 24 785 in 2004, or 72 beds per 100 000 population. However, there has been little investment in primary care facilities. ... [Findings from a health infrastructure survey conducted in 2004] ... showed that overall, 36% of primary health care facilities are not fully functional in the northern states [i.e. current Sudan]. ... Furthermore, the various types of health facilities are unevenly distributed in ... different states." **[65a](p.21-22)**

27.06 The WHO publication went onto to provide the following table:

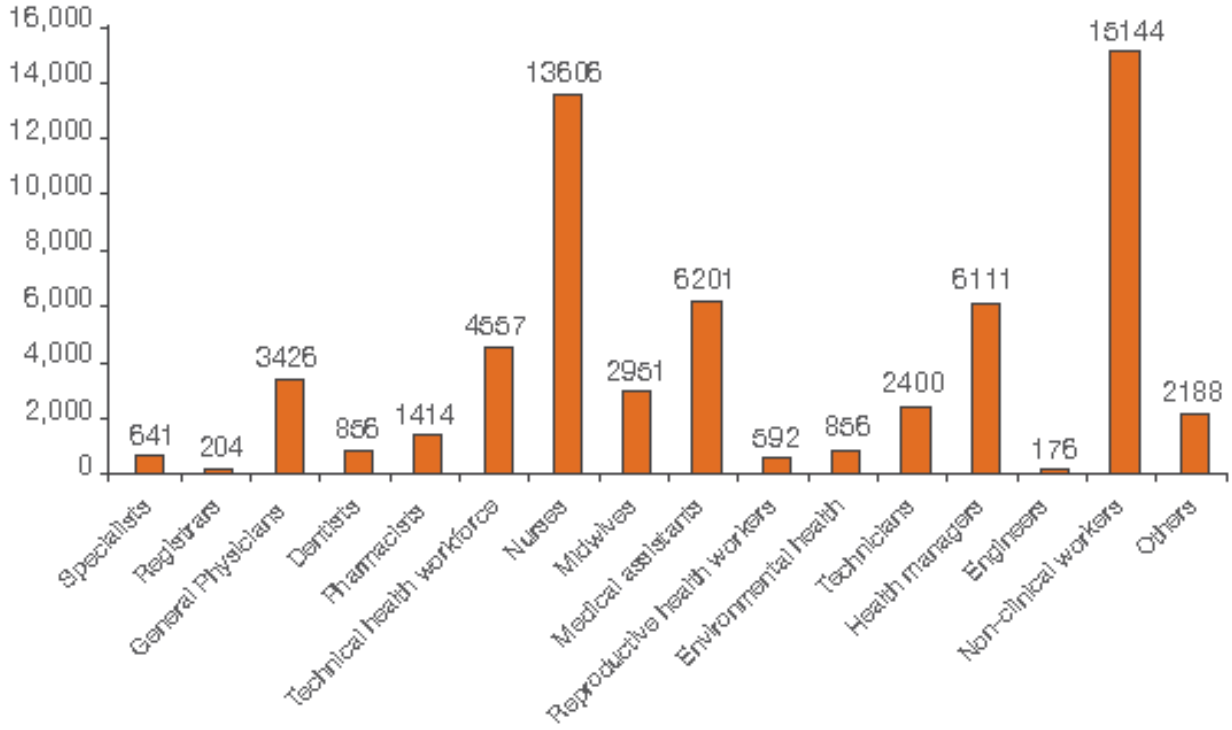
Type of facility	Total	Functional	Non-functional
Hospitals including rural hospital	357	357	
Urban health centres	558	558	
Rural health centres	485	485	
Dispensaries	1226	1060	166
Dressing stations	762	601	161
Primary health care units	3044	2404	640

Source: Federal Ministry of Health. Sudan health system survey, 2004

[65a citing the Federal Ministry of Health. Sudan health system survey, 2004](p.21)

See also Annex G: Distribution of various health facilities in the different states. For further information on healthcare in Darfur see: WHO, Annual Report, Health Resources Availability Mapping System, Greater Darfur, 2011.

27.07 The WHO report additionally provided the following figure showing distribution of various categories of health workforce in northern Sudan:



[65a, citing the Federal Ministry of Health. Sudan health system survey, 2005](p.27)

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Private sector healthcare and health insurance

27.08 The World Health Organisation (WHO) report, 'Country Cooperation Strategy for WHO and Sudan 2008 – 2013' dated 2009 explained:

"The health sector is under-funded: public health expenditure is 1.5% of the GDP and around 4.8% of government budget. Public health expenditure was approximately US$ 11 per capita in 2005. Out-of-pocket expenditure is estimated at US$ 19–21 per capita and constitutes 70% of total expenditure. Health spending is skewed towards hospital care, and primary and first-referral care are underfunded and lack resources, particularly in the poorer states. For example, in 2005 public expenditure on health in Blue Nile State was US$ 3 per capita, allocated mostly to salaries and secondary hospitals in the capital. ...

"... In Sudan, three types of health insurance scheme coexist. The National Health Insurance Fund (NHIF) covers approximately 25% of the target population and is distributed in 21 states (Readers should note this source pre-dates the separation of Sudan and South Sudan. Sudan currently is made up of 17 states. (Sudan Embassy and Mission in Geneva, Switzerland) **[9a](Basic facts)**). NHIF expenditure in 2005 was estimated at US$ 1 per capita per year. The benefit package includes all medical consultations, admissions, diagnosis procedures and therapies including surgical operations. The insured person has to pay 25% of medicine costs as a co-payment. The NHIF provides services through 779 health centres, directly owned by the NHIF or contracted. The other two types of scheme are the military health insurance system and the employee-based schemes of some large companies (e.g. Sudanese Airways). ... A crucial policy challenge for health financing is to increase government investment in health, reduce financial burden on households and remove social inequalities in access, utilization and health outcomes." **[65a](p.22-25)**

27.09 The IOM publication 'Returning to Sudan: Country Information', dated 3 December 2009, explained that:

"There are many insurance companies in Sudan that cover government employees. ... The majority of the insurance companies do not insure individuals. Sheikan company have these sort of individual health insurance, however they consider a family as an individual. There is no health insurance for single persons. ... Procedures for a family to have a health insurance under concerned company are to provide certificate of marriage and birth certificates of the children. The company has several conditions apart from the annual subscription which is of 920 SDG the equivalent to 300 Euro, and they are: ... The health insurance covers the customer 100% [and] ... [t]he company will start compensating the surgical operations after 10 months from the subscription of the insurance." **[66a](p.3)**

27.10 The same source also explained with regard to private medical facilities in Sudan:

"In private clinic medical examination or consultation fees may vary according to the person that will visit the patient, if he is a GP or consultant/Specialist doctor, and according to the hospital. ... Investigation is more expensive in private rather than governmental hospital e.g. blood glucose test is 5 SDG (1.35 Euro) in public hospital and 20 SDG (5.40 Euros) in private clinics. ... Hospitalization in governmental hospital is almost free, while in private clinic is very expensive e.g. ICC/ICU cost is 1200 SDG (324 Euro)." **[66a](p.4)**

27.11 The US Embassy Khartoum, 'Sudan medical Information' provides listing of private hospitals in Khartoum, together with information on local physicians and their areas of speciality and listings for opticians and dentists. To access the site refer to the following link: http://sudan.usembassy.gov/medical_information.html

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Pharmaceuticals

27.12 The IOM publication 'Returning to Sudan: Country Information', dated 3 December 2009, explained that: "Nearly all types of medication are available but there are some

types of drugs that are not registered in Sudan but an alternative will be usually available. The cost varies according to the manufacturing company." **[66a](p.4)** The World Health Organisation (WHO) report, 'Country Cooperation Strategy for WHO and Sudan 2008 – 2013' dated 2009 further observed:

"The Federal Ministry of Health has a national essential medicines programme with a national drug policy (updated in 2005). The national essential medicines list and national drug formulary are reviewed and updated on a regular basis. There are no specific programmes for the rational use of drugs and no standard treatment guidelines. Currently 19 national pharmaceutical manufacturing groups with sufficient capacity are producing a narrow range of essential medicines, but not in injectable dosage form. A unit for information management is working at the federal level only. The national policy for traditional medicines is not yet fully developed. ... A good drug registration system is in place using WHO's electronic drug registration system. However, the national drug quality control laboratory is weak." **[65a](p.28)**

27.13 The Republic of Sudan, Federal Ministry of Health report 'Sudan: Pharmaceutical country profile', 2010, stated:

"Sudan is not a member of the World Trade Organization; therefore information on patenting laws is not applicable or available ... There are 19 licensed pharmaceutical manufacturers in Sudan. Sudan does not have the capacity for the Research and Development for discovering new active substances and the production of pharmaceutical starting materials. On the other hand, there is capacity for production of formulations from pharmaceutical starting materials and for repackaging of finished dosage forms. In 2008 the percentage of market share by value of goods produced by domestic manufacturers was 20.6%." **[65e](p.10)**

For further information refer direct to the source via the link: http://www.who.int/medicines/areas/coordination/sudan_pharmaceuticalprofile_december2010.pdf

27.14 The Federal Ministry of Health, National List of Essential Medicines (fifth list 2006), forms part of the Ministry's national drug policy (NDP) and provides a list of drugs selected by the Ministry of Health for a variety of clinical needs. The list also gave details of the 'levels of use' of each medicine, and through what sector of care the medicine would be available. **[67a] (Introduction)** To access the document refer to the link: http://apps.who.int/medicinedocs/documents/s17747en/s17747en.pdf

27.15 The website of the Republic of Sudan, National Medicines and Poisons Board, additionally provides a searchable database of 'Registered medicines in Sudan 2009'. Although the home page of the database is in Arabic, search results are produced in English.

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HIV/AIDS – ANTI-RETROVIRAL TREATMENT

27.16 The World Health Organisation, Sudan country website, explained with regard to 'HIV/AIDS prevention and control', in a webpage article, undated, circa 2011 (accessed 9 July 2012):

"Sudan has been combating HIV/AIDS since 1987, after the country's first AIDS case was reported in 1986. WHO has been a key partner in this. Since July 2011, there has been a change in the classification of the national HIV epidemiological situation from being a generalized epidemic to a low epidemic. ... This has presented new challenges for the Sudan National AIDS Control Programme. Focusing on prevention and the adoption of new strategies targeting priority populations and specific geographical areas requires efficient re-planning, robust capacity-building and continuous monitoring and evaluation. ...

"Sudan's national policy on HIV/AIDS and the national strategic plan highlight treatment, care and support as priority interventions in the national response to the epidemic. ... HIV/AIDS treatment, care and support services have been introduced in all 15 states of Sudan and efforts made to scale-up services within each state. The country adopted a policy for provision of free HIV/AIDS-related services, which has significantly improved the lives of people living with HIV (Readers should note Sudan currently is made up of 17 states. (Sudan Embassy and Mission in Geneva, Switzerland) **[9a](Basic facts)**). ... With WHO's support, the national programme has established 30 treatment sites and has managed to start antiretroviral treatment for 5159 patients since the beginning of the treatment programme until the end of 2011. ... In the same period, a cumulative total of 157 716 people have been tested and counselled for HIV/AIDS and 9667 have received treatment and prophylaxis for opportunistic infections." **[65b]**

27.17 The Sudan Report NCPI (National Composite Policy Index), 2012, overseen by Dr Elsheikh Abdallah Elsheikh Ali, National AIDS Committee Officer in charge of NCPI submissions, provides a series of answers to questions related to AIDS/HIV in Sudan, including information on treatment, care and support. This document can be accessed via the UNAIDS, Sudan country page and by accessing the link 'National Commitments and Policies Instrument (NCPI) – 2012'. Additionally see: World Health Organisation, Regional Office for the Eastern Mediterranean, 'HIV/AIDS prevention and control'.

27.18 The website of the Republic of Sudan, Federal Ministry of Health, provided an English version of the National Policy on HIV/AIDS. To access the document refer to: http://www.fmoh.gov.sd/English/Health-policy/doc/National%20Policy%20HIV.pdf

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OTHER COMMUNICABLE DISEASES

27.19 The website of the World Health Organisation, Regional Office for the Eastern Mediterranean, on a webpage entited 'Communicable disease surveillance and response', undated circa 2011 explained:

"Sudan continues to suffer from avoidable morbidity and mortality due to multiple outbreaks of communicable diseases. From 2006 to 2011, main disease outbreaks were measles, diphtheria, yellow fever, watery diarrhoea, bacterial meningitis, Rift Valley fever, Crimean Congo Haemorrhagic Fever, gastroenteritis due to E. coli, dengue fever and viral hepatitis. … All aspects of outbreak control (surveillance, case

management, health education, vector control, vaccination and inter-cluster coordination) continue to remain challenges mainly due to limited financial support and trained human resources. Inadequate water and sanitation systems, and weak hygiene practices remain major challenges in the prevention of waterborne diseases.

"There are two surveillance systems in Sudan: the national sentinel surveillance system that covers all Sudan's population; and the Early Warning and Alert Response Surveillance (EWARS) that covers the internally-displaced population in Darfur. The reporting flow is well-organized from health facilities to locality, state and federal level. … In 2011, more than 1500 health facilities reported on 22 communicable diseases and on weekly basis, in a standard form. By end of 2011, the average reporting rate recorded in EWARS was 86.5%, slightly higher than 83.5% in 2010. WHO has been supporting the system through training, updating guidelines and forms, providing telecommunication support and with supervisory visits in the field.

"Major activities of the communicable disease surveillance and response programme in 2012 include: … expansion of digitized communicable diseases surveillance system [;] … introduction of biosafety level 3 at the Central Public Health Laboratory [and the] … implementation of International Health Regulations (IHR) 2005 plans for Sudan mobilization of funds." **[65d]**

27.20 The United Nations and Partners', 'Sudan Work Plan 2012', undated circa late 2011 further noted with regard to incidence of communicable diseases in 2011:

"Recurrent outbreaks of communicable diseases have been observed in some States due to increased population movements, inadequate access to water and sanitation and limited access to preventive and curative health services. From January to October 2011, four different disease outbreaks were detected, with responses being initiated within 24 hours. Over 600 cases of meningitis were registered during the year throughout Sudan, with 200 cases reported in Darfur. In addition, 674 suspected cases of measles have also been reported across the Darfur region. In Kassala State, more than 80 cases of acute jaundice syndrome and 82 suspected cases of Hepatitis E were reported, including 17 deaths." **[24g](p.57-58)**

27.21 For the latest information on the prevalence and treatment of communicable diseases in Sudan, notably in conflict-related areas such as Darfur or South Kordofan, refer to the latest editions of the Sudan Federal Ministry of Health (SMoH) and World Health Organisation (WHO), 'Communicable Diseases: Weekly morbidity and Mortality Bulletin' and the SMoH and WHO, 'Weekly AFP surveillance Report' which provides data on the incidence of polio in Sudan. Additionally see the: WHO, 'Sudan Health Highlights' publication. Reports can be accessed via the WHO, Regional Office for the Eastern Mediterranean, Sudan, Information Resources, Country office programme reports (2012)

See also: Humanitarian issues

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MENTAL HEALTH

27.22 The World Health Organisation, 'A report of the assessment of the mental health system in Sudan using the World Health Organization - Assessment Instrument for Mental Health Systems (WHO-AIMS)', dated 2009, (WHO-AIMS Report 2009) explained that:

"Sudan's mental health policy was reformulated in 2006-2008. The last version of mental health legislation dates back to 1998 and requires updating. No national human rights review body exists. Review/inspection of human rights protection of patients in mental hospitals is sporadic and inconsistent. None of the mental health staff working in mental hospitals received any training on human rights. ... Everyone has free access (at least 80%) to essential psychotropic medicines in psychiatric emergencies only. For those that pay out of pocket, the cost of antipsychotic medication is 27% and of antidepressant medication is 18% of the minimum daily wage (approximately 1 US$ per day for antipsychotic medication and 0.41 US$ per day for antidepressant medication) . ... In Sudan, the mental health system has most types of mental health facilities; however most of them need to be strengthened and developed further in terms of staff, treatment facilities and living facilities. There is an imbalance in favor of mental hospital inpatient care. The vast majority of financial resources and a substantial part of human resources are directed towards mental hospitals. Few facilities are devoted to children and adolescents." **[65c](p.5)**

27.23 The same WHO report further explained with regard to healthcare professionals working in the field of mental health:

"The total number of human resources working in mental health facilities or private practice per 100,000 population is 0.92. The breakdown according to profession is as follows: 0.06 psychiatrists, 0.09 other medical doctors, 0.12 nurses, 0.13 psychologists, .08 social workers, and 0.45 other health workers. Twenty-four psychiatrists work for the Ministry of Health in mental health facilities, while 42 work in other sectors such as higher education. Fifty Percent of the psychologists, social workers, nurses and medical assistants work only in the government administered mental health facility, 21% work in the non government or private setting and 29 percent work in the both. Private practice is largely unregulated, especially in the case of psychologists and social workers. Figures provided are best estimates based on official registration and data from professional associations & Annual health statistical report 2007." **[65c](p.19)**

Mental health services

27.24 The WHO-AIMS Report 2009 observed:

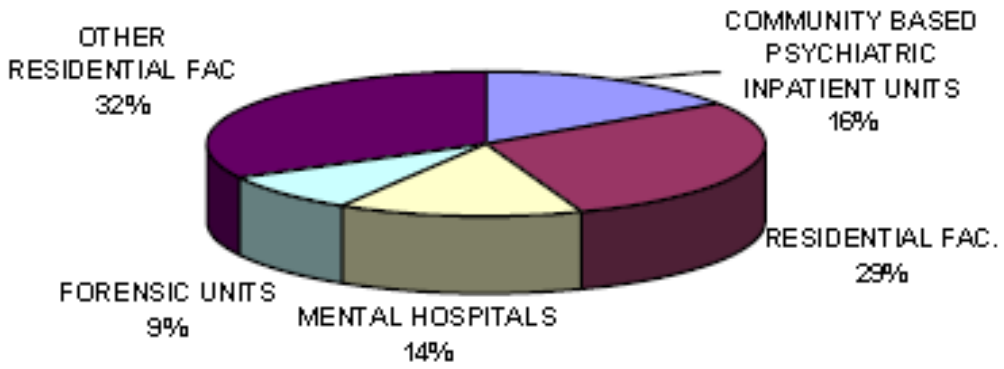
"A national mental health authority exists under the umbrella of preventive medicine and primary health care at the federal level. However, it needs strengthening. It provides advice to the government on mental health policies and legislation. It is also involved in service planning, management and co-ordination. Mental health services are not available at the primary level, or organized in primary health care service packages. The main strategic goal is to introduce care for mental health at the general service level, especially at the primarily level. None of the mental hospitals are organizationally integrated with mental health outpatient facilities." **[65c](p.10)**

27.25 The same source explained:

"All mental hospitals and the majority of inpatient and outpatient facilities in the country are located in Khartoum City, the largest city in Sudan. Such a distribution of facilities

prevents access to mental health services for rural users. Inequity of access to mental health services for other minority users (e.g., linguistic, ethnic, religious minorities) is unknown. ... The majority of beds in the country are provided by other residential facilities (facilities outside the mental health system), followed by community residential facilities" **[65c](p.12)**

27.26 The WHO report additionally provided the following graph illustrating beds in mental health facilities and other residential facilities:



[65c](p.12)

Mental health facilities

27.27 The World Health Organisation, 'A report of the assessment of the mental health system in Sudan using the World Health Organization - Assessment Instrument for Mental Health Systems (WHO-AIMS report 2009)', dated 2009 stated:

"There are 17 outpatient facilities of which 6% are exclusively for children (Gazera & Khartoum state). These facilities treat 110 users per 100,000 population. Of all of the users treated in mental outpatient facilities 48% are female. The proportion of children and adolescents among users is 8%. ... The users treated in outpatient facilities are primarily diagnosed with schizophrenia (16%), mood (affective) disorders (47%) and neurotic, stress and somatoform disorders (10%). None of the outpatient facilities provide follow-up care in the community, nor do any have mental health mobile teams. There is a lack of information regarding the patients' records in the health facilities. Also, the information available often does not reflect the real situation of the current problems. Moreover, there still is a great cultural barrier in seeking medical advice - most of patients go to traditional healers, especially in the rural areas. ... The average number of contacts per user is 1.47. None of the mental health outpatient facilities provide routine follow-up or community care. There are no mobile clinic teams that provide regular mental health care outside of the mental health facility. ... All mental health outpatient facilities have at least one psychotropic medicine of each therapeutic class (anti-psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic medicines) available in the facility." (**[65c](p.10)**

Day treatment and community facilities

27.28 The WHO-AIMS report 2009 noted: "There are no day treatment facilities available in the country." **[65c](p.10)** The same source also stated:

"There are 9 community based inpatient units available in the country for a total of 0.9 beds per 100, 0000 population. None of these beds are reserved for children and female and 2% are children / adolescent. ... The primary diagnoses of admissions to community–based psychiatric inpatient units include schizophrenia (32%), mood disorders (17%), personality and behaviour disorders (15%) and neurotic, stress and somatoform disorder (11%). ... On average, patients spend 10 days in community-based psychiatric inpatient units per discharge. The proportion of involuntary admissions to community-based psychiatric inpatient units is 17% while 11-20% of the patients were restrained or secluded at least once in the past year. ... Community based psychiatric inpatient units had at least one psychotropic medicine of each therapeutic class (anti-psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic medicines) available in the facilities or near by pharmacy." **[65c](p.10-11)**

27.29 "There are 7 community residential facilities available in the country for a total of 1.75 beds/places per 100,000 population. These facilities treat 1.79 patients per 100,000 population. 43% of the patients are female and 37% are children. No beds are reserved for children and adolescents. On an average, patients spend 39 days in community residential facilities." (The World Health Organisation, 'A report of the assessment of the mental health system in Sudan using the World Health Organization - Assessment Instrument for Mental Health Systems', dated 2009) **[65c](p.11)**

Mental hospitals

27.30 The WHO-AIMS report 2009 observed:

"There are two mental hospitals available in the country for a total of 0.86 beds per 100,000 population. These facilities are organizationally integrated with mental health outpatient facilities. None of these beds in mental hospitals are reserved for children and adolescents only. Thirty percent of patients treated are female and 13% are children and adolescents. The patients admitted to mental hospitals primarily belong to the following diagnostic group: mental and behavioral disorders due to psychoactive substance use (10%), schizophrenia and related illnesses diagnostic group (15%), mood disorders (22%), neurotic stress-related and somatoform disorders (18%), disorders of adult personality and behaviour (11%) and others, such as mental retardation, epilepsy (24%). 24% of the patients were admitted involuntarily and 11-20% of the patients were restrained or secluded. The occupancy rate of these hospitals is 20%. ... The average number of days spent in mental hospitals is 35 days. All patients spend less than one year in mental hospitals. Some (21-50%) patients in mental hospitals received one or more psychosocial interventions in the last year. All mental hospitals have at least one psychotropic medicine of each therapeutic class (anti-psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic medicines) available in the facility. However, such medications are not provided free of charge except in the case of psychiatric emergencies. The number of beds has increased by 62 % in the last five years." **[65c](p.11)**

Mental healthcare in the primary healthcare system

27.31 The WHO AIMS Report 2009 explained:

"Both physician based primary health care (PHC) and non-physician-based PHC clinics are present in the country. However, data collected are not sorted as such. A few (<20%) primary health care clinics have assessment and treatment protocols for key

mental health conditions available. In comparison, none of the clinics in non-physician-based primary health care have these protocols. ... The majority (51-80%) of the primary health care clinics make at least one monthly referral to a mental health professional. The percentage of referrals from non-physician based primary health care clinics to a higher level of care (e.g., mental health professional or physician-based primary health clinic) is the majority (51-80% of clinics). ... As for professional interaction between primary health care staff and mental care staff, a few (<20%) of the physician PHC facilities have had interaction with a complementary/alternative/ traditional practitioner, in comparison to some (21-50%) of the nonphysician based primary health care clinics.

"...Nurses are not allowed to prescribe psychotropic medications in any circumstance, but psychiatric medical assistants are allowed to prescribe medications in some situations. Primary health care doctor are allowed to prescribe only essential psychotropic medications. As for availability of psychotropic medicines, none of the PHC clinics have at least one psychotropic medicine of each therapeutic category (anti-psychotic, antidepressant, mood stabilizer, anxiolytic, and antiepileptic) on a continuous basis in comparison to a few (1-20%) clinics of the non-physician-based clinics." **[65c](p.17-18)**

Traditional healers

27.32 The WHO AIMS Report 2009 oberved:

"In Sudan the traditional healing methods are shaped by the religious, spiritual and cultural factors of different ethnic population groups. The practice is common in urban as well as rural populations. Traditional healers may require long stay of patients and this may prevent early detection of disease and early medical intervention by modern psychiatry. However, attempts have been made to promote reciprocal communication and intervention with traditional healers; there are many traditional healing centers." **[65c](p.12)**

27.33 However a transcript of a radio broadcast by PRI's 'The World' programme, entitled 'Treating mental illness in Sudan', dated 24 May 2010, referring to an interview with Dr Abdalla Abdelrahman, head of the Sudanese Psychiatric Association, explained:

"Psychiatry has traditionally been a stigmatized medical specialty in Sudan, but a growing number of western-style mental health clinics are popping up around Khartoum. [According to Dr. Abdalla Abdelrahman] ... the vast majority of patients who see psychiatrists go to spiritual healers first. 'Unfortunately this behavior is not good because they will delay the consultation with a psychiatrist and so they will delay the start of treatment and the outcomes will be less'" **[68a]**

27.34 The same source, citing the PRI's interviewer, Hana Bana, explained: 'At a crowded mental health clinic in Khartoum, Dr. Abdelrahman sees low income patients. Mohamed Osman is carrying his eight year old son who suffers fro[m] epilepsy and other developmental disabilities. Osman says his wife regularly takes their son to an exorcist, but the boy hasn't been getting better, so Osman brought his child to this clinic.'" **[68a]** An interpreter speaking on behalf of Mr Mohamed Osman noted: "'I know only a doctor's medicine can treat him, so I didn't want to spend another penny on an exorcist.'" **[68a]** According to the transcript, Dr Abdelrahman explained:

"'Some of these healers who are educated enough will tell them this is not a spiritual thing, this is a medical thing, go to the psychiatrist, go to the medics.' ... [Baba further noted:] ...'The exorcist, Sheikh Jamal Kashif agrees that the two kinds of practitioners should work together. Although he believes his sessions do heal his patients, he promotes psychiatry in addition to exorcism. In fact, he plans to expand his spiritual healing clinic by bringing on a psychologist for consultation. He says there's no reason patients should give either up. I believe there's no better medicine than the words of God but, he adds, doctors can help God's will to be. For The World, I'm Hana Baba, Khartoum.'" **[68a]**

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AVAILABILITY OF TREATMENT FOR SPECIFIC MEDICAL CONDITIONS

27.35 Requests by officials for information on the availability of treatment for specific medical conditions should be made to COI Service for consideration for referral to project MedCOI 2. The UK, with 10 other European Union member states plus Norway and Switzerland, now makes use of the services of the 'MedCOI' team in the Netherlands and Belgium. This team obtains its information from qualified medical doctors and other experts working in countries of origin; any information received in response to a new enquiry - on case specific medical availability - is reviewed by a medical doctor before it is forwarded to COI Service.

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28. HUMANITARIAN ISSUES

In order to consider more broadly the humanitarian issues in Sudan, officials are also recommended to read the following information in conjunction with material listed under Security situation and Internally displaced persons and refugees

OVERVIEW

28.01 The EU Commission's Humanitarian Aid and Civil Protection, Sudan Country website, undated, circa 2011, accessed on 1 July 2012, explained:

"Sudan remains a humanitarian and development challenge. The problems are chronic and those addressing them are few, largely due to the expulsions of many Non Governmental Organizations (NGOs) in 2009. Malnutrition rates are beyond emergency levels and disease outbreaks are common. The number of refugees and internally displaced persons remain high, while access to food for the most vulnerable parts of the population is a concern. … The humanitarian needs in Darfur remain huge and are a priority for the international humanitarian community. There are now between 1.9 million internally displaced persons (IDPs) living in camps in the Darfur region, in addition to 40,000 refugees from Chad. A renewed wave of violence in 2010 and 2011 has caused large scale displacement of parts of the population. Over 2.5 million people are affected by the conflict and are in need of some form of assistance. Incidents targeting humanitarian workers in Darfur occur frequently and have steadily contributed to a reduced humanitarian space. … Abyei, Blue Nile and South Kordofan are known as the Transitional Areas. In both Blue Nile and South Kordofan, fighting between the Sudan Armed Forces and the SPLM erupted in the course of 2011. It is estimated that 60,000

people have been severely affected by the outbreak of conflict in Blue Nile State. Tens of thousands have sought refuge in Ethiopia and South Sudan. The European Commission is scaling up its response to assist the displaced and is advocating for greater humanitarian access." **[97b]**

28.02 The UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Sudan Common Humanitarian Fund Annual Report 2011', dated 5 June 2012, noted that: "In 2011, Sudan faced significant socio-economic, political and security challenges that generated and perpetuated humanitarian needs." **[24f](p.3)** In addition to regional conflicts in Abyei, South Kordofan, Blue Nile and Darfur, which required specific humanitarian responses, the report noted that the succession of South Sudan from Sudan had "placed significant strain on the Sudanese economy; the Government reduced the budget by 36.5 percent resulting in decreased spending in the social sectors and lower fiscal transfers to the states for basic service delivery. At the same time, high inflation rates drove food prices upwards, increasing vulnerability among rural people and the urban poor." **[24f](p.3)**

28.03 The United Nations and Partners' 'Sudan Work Plan 2012' (UN Work Plan 2012), undated circa late 2011, identified the humanitarian needs of Sudan to be primarily "…concentrated in Darfur, the three Protocol Areas [Abyei; South Kordofan and Blue Nile], for Sudan-South Sudan returns and in eastern Sudan." **[24g](p.28)** The same source went on to observe the underlying factors driving protracted vulnerability and need among the population as poverty and socio-economic conditions; insecurity; demographic changes and population movements; governance issues and environmental concerns. **[24g](p.28-29)** The UN Work Plan 2012 additionally identified the main drivers or causes of humanitarian needs in Sudan to be:

- Conflict and displacement – "Recurrent conflict in several regions of Sudan continues to affecton people's lives through displacement or livelihood disruption. In 2011, conflict continued in Darfur with over 70,000 verified new displacements. Conflict also flared up in the three Protocol Areas at the height of the agricultural season, severely affecting most of the population and resulting in large-scale displacement, disrupting livelihoods and rendering it difficult to access already minimal basic services." **[24g](p.29)**

- Natural and climatic disasters – "Parts of Sudan are at risk from the effects of natural and climatic conditions, with seasonal drought and flooding being the most common. While normally quite localized, these conditions can have a significant impact on the life and livelihoods of affected people, often exacerbated by their vulnerability, and low levels of preparedness and capacity to undertake mitigation measures. This is particularly the case during the hunger season, which typically runs from May to September. Large amounts of rainfall during this period also affects infrastructure, making it more difficult to reach commercial markets or other essential services." **[24g](p.29)**

- Return and repatriation of IDPs and refugees – "A large number of IDPs have experienced protracted displacement, limiting their ability to become self-sufficient and exercise choices that will determine their future. At the same time, at least 46,000 IDPs and 15,000 refugees from border areas with Chad have returned to their area of origin in Darfur during 2011.The majority of these returnees returned to areas where the Government is unable to ensure access to basic services and livelihood opportunities. … In addition, a large number of individuals of South Sudanese origin are still living in Sudan. The large-scale movement of these

people back to South Sudan has been ongoing for some time and is likely to continue in 2012. …" **[24g](p.29-30)**

- Chronic vulnerability and durable solutions – "Despite generous short-term aid, which has been successful in addressing short-term needs, vulnerability in some parts of Sudan remains acute, as underlying conditions continue to be unaddressed. As a result, large segments of IDPs residing in camps have to various degrees, become dependent on external aid. The comparative lack of parallel support for durable solutions within a humanitarian framework in Sudan is one of the key contributors to persistent vulnerability in the country, which needs to be addressed through long term programming and engagement." **[24g](p.30)**

28.04 The following map details "[a]ccess constraints due to insecurity or government-imposed restrictions" in different parts of Sudan, dated 30 June 2012. (OCHA, Sudan: Humanitarian Dashboard, 30 June 2012 **[24i]** For further information on the security situation and issues related to access see: Security situation and human rights monitoring in regional conflict areas:

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FOOD INSECURITY

28.05 The US Aid funded Famine Early Warning Systems Network (FEWSNET), 'Food Security Framework: Key populations', undated circa 2011, observed with regard to areas of food insecurity in Sudan:

"Over the past 10 years, most food insecure populations in Sudan have been concentrated in the agro-pastoral and pastoral livelihood zones of the west (Darfur and Kordofan states) and east (Kassala and Gedaref states). There is also growing concern about the high prevalence of food insecurity in the urban areas of Sudan. Since 2003, the conflict in Darfur region has displaced over 2 million people who to a greater extent have been relying on humanitarian assistance. … During the last five years (2004 - 2010), around 20 percent of the population in Sudan is food insecure annually. In 2010, an estimated 5.5 million people are food insecure, with moderate to high levels of food insecurity. The majority of this population is concentrated in Darfur due to insecurity and the drought that affected crop production during the 2009/10 agricultural season. Of the four million food insecure people in Darfur, about half are directly affected by conflict, and half are affected by drought. Food insecurity in other parts of Sudan is mainly due to environmental degradation, declining patterns of rainfall and the growing poverty among low-income groups in urban areas." **[92b]**

28.06 The FEWSNET, 'Food Security Framework: Key populations', undated circa 2011, identified broadly the main livelihood zones of Sudan as follows (bold added): "… Agro-pastoral livelihood: This group represents most rural areas of Sudan, mainly the western region (Darfur, Kordofan), and some areas in the east, north and central states. Agriculture (rainfed and irrigated) and livestock herding are the main livelihood strategies along with the collection of firewood/grass, seasonal labour, remittances from within Sudan and abroad, and petty trade. … Pastoral livelihoods: This group represents traditional pastoral and nomadic areas mainly in the western, eastern, central, and some northern states. … Urban livelihoods: This group represents most of the main towns of Sudan." **[92b]**

28.07 A second FEWSNET paper entitled 'Food Security Framework: Natural and other hazards', undated (accessed 27 July 2012) identified drought; floods; seasonal pest infestation and disease outbreak; cattle raids (and more generally dispute over land by pastoralists and farmers, which is particularly prevelant in Darfur); armed attacks and emerging urban vulnerability due to urban migration as some of the main hazards to food security in Sudan. **[92c]**

28.08 The World Food Programme's (WFP) report, 'The Market Monitor', dated July 2012, which monitors trends and impacts of staple food prices in vulnerable countries, observed with regard to the situation in Sudan:

"Despite attempts by the Government to stabilize prices, overall inflation remains very high (37% from June 2011) and staple food prices increased significantly from Q1-2012 (millet, 27.4%, sorghum, 36.5%, and sorghum food aid, 31%). The main drivers of food inflation are high demand in view of the Ramadan celebrations and the recent cut in fuel subsidies. Livestock price increased in almost all the country, resulting in an improvement in the terms of trade of pastoralists in areas where early rains triggered a decline in sorghum prices (i.e. South Darfur, South Kordofan, and West Darfur). In contrast, the purchasing power has dwindled in other states where the rainy season is yet to arrive (Blue Nile and North Darfur) while the gains in livestock prices increases have been undermined by staple food inflation." **[95a](p.13)**

For further information on humanitarian issues in Sudan see: OCHA's, Sudan reports; OCHA, 'Sudan Humanitarian Work Plan Quarterly Monitoring Report, 1st Quarter 2012'; FEWSNET's Sudan country page, Seasonal Calendar and Critical Events Timeline and the Food and Agricultural Organisation of the UN (FAO), Global Information and Early Warning System (GIEWS) 'Country Brief, Sudan', dated 9 July 2012

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INTERNATIONAL NON-GOVERNMENT ORGANISATIONS

The following information should be considered together with Human rights institutions, organisations and activists

28.09 The Humanitarian Outcomes report entitled, 'Aid Worker Security Report 2011', undated circa 2011 explained:

"In Sudan, since 2008, the international aid presence has significantly diminished in Darfur, where the majority of attacks have taken place. The Sudanese government's expulsion of 13 major international NGOs in March 2009 (10 of which were working in Darfur and were estimated to account for a large percentage of assistance), as well as increasing risks following a spate of high-profile international-staff kidnappings in 2009–10 and a resurgence of international-staff expulsions in 2010 were partially responsible for this reduction. While still among the largest humanitarian efforts in the world, the now-smaller humanitarian footprint in Sudan is reflected in lower funding and fewer project activities. This is due in part to government restrictions on foreign humanitarian activity across the Darfur region and increased targeting of aid workers in remote locations. Increasingly international staffers are kept concentrated in state capitals and their movement out to the field is restricted." **[96a]**

28.10 The United Nations and Partners', 'Sudan Work Plan 2012', December 2011 noted: "… [In 2011] there were some expulsions of humanitarian actors and suspension of activities affecting humanitarian operations. For example, Médecins du Monde (MDM) was expelled from Sudan, and the head of the Fellowship for African Relief (FAR) was also expelled from the country. In several other cases, local decisions to expel staff were eventually overturned following the intervention of the Humanitarian Coordinator and the Ministry of Humanitarian Affairs." **[24g](p.14)**

28.11 A report from US Agency for International Development (USAID), 'Sudan – Complex Emergency Fact Sheet #4, Fiscal Year (FY) 2012', dated 8 June 2012 additionally observed:

"On May 31 [2012], the Government of Sudan (GoS) Humanitarian Aid Commission (HAC) formally instructed seven international non-governmental organizations (NGOs) to close projects in Red Sea, Kassala, and Gedaref states in eastern Sudan by June 30, according to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA). The directive followed an April HAC assessment of 14 international NGOs working in eastern Sudan. The seven international NGOs ordered to terminate operations work across multiple sectors—including health, livelihoods, protection, emergency response, mine action, nutrition, and water sanitation and hygiene (WASH)—and serve more than 600,000 people. " **[98a]**

See also: Human rights violations committed in areas of armed conflict; Human rights monitoring in regional conflict areas and Humanitarian situation in regional conflict areas.

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HUMANITARIAN SITUATION IN REGIONAL CONFLICT AREAS

Blue Nile and South Kordofan

The following information should be considered together with information on Freedom of movement; Security situation – Blue Nile and South Kordofan; Human rights monitoring in regional conflict areas, Blue Nile and South Kordofan and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Abyei, Blue Nile and South Kordofan. Medical issues should also be considered and specifically the section: Other communicable diseases.

28.12 The latest Sudan Humanitarian Update, 2nd Quarter 2012, from the UN Office for the Coordination of Humanitarian Affairs (OCHA) dated 15 July 2012 highlighted that "Food insecurity remains a major concern in South Kordofan and Blue Nile, particularly in the SPLM-N areas which have not been accessible from within Sudan, due to ongoing fighting and increasing food shortages." **[24h](p.2)** The same source observed with regard to humanitarian access:

"By the end of June [2012], there are 320 national staff of UN agencies and international NGOs and five UN international staff in Government-controlled areas in South Kordofan. In Blue Nile, there are more than 200 national staff of UN agencies and international NGOs, with no international staff due to Government restrictions. … Humanitarian organisations in Sudan are still not able to enter SPLM-N-controlled areas as a result of the security situation and Government restrictions. However, there continue to be movements into South Kordofan from South Sudan and a report on a rapid assessment carried out in SPLM-N-controlled areas was published in May by the Juba-based South Kordofan and Blue Nile Coordination Unit.

"... Refugees interviewed in camps in South Sudan have described horrific conditions in areas that they have fled from. This includes aerial bombardment of villages by SAF, severe food shortages, people on the run for months in search of food and safety, people having to eat leaves and wild food to survive. Aid agencies in South Sudan have reported alarmingly high rates of malnutrition among newly arrived refugees." **[24h](p.2-3)**

See also: OCHA Sudan, 'Statement on Sudan, Under-secretary-general for humanitarian affairs and emergency relief coordinator', dated 28 June 2012

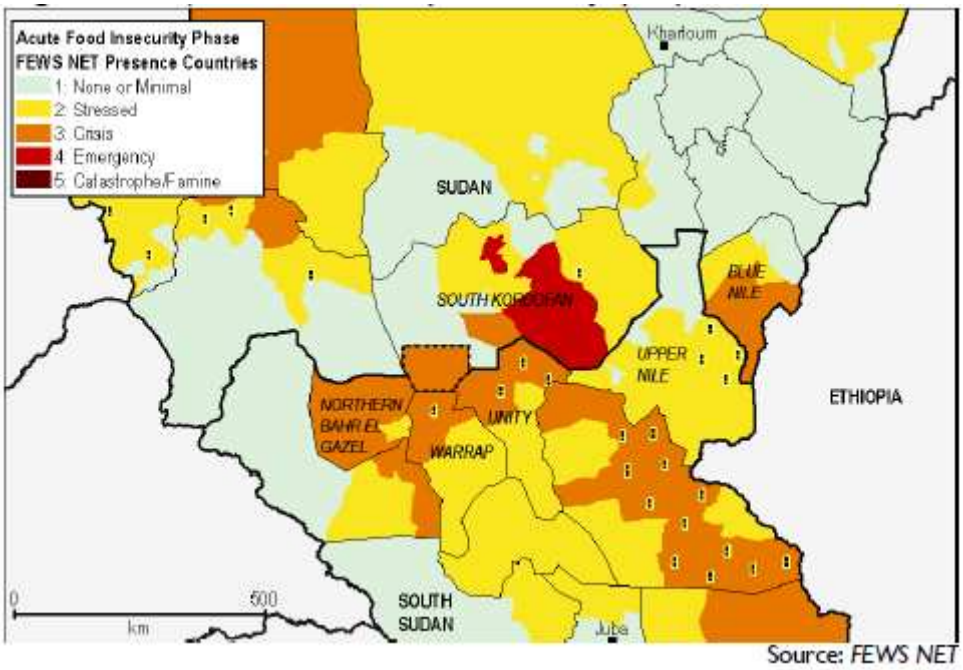
28.13 The Overseas Development Institute's (ODI), Humanitarian Policy Group paper 'Humanitarian crisis in South Kordofan: the need for a political solution', dated May 2012 similarly highlighted: "Information available indicates that there are serious concerns regarding the protection of the civilian population, severe restrictions on access for humanitarian organisations to affected populations and an increasingly urgent need for food, water, shelter, health care and other life-saving assistance." **[91a](p.1)** With regard to livelihoods and food security the ODI report noted:

"The conflict is having a significant impact on livelihoods and food security. Refugees fleeing to South Sudan have told humanitarian organisations that they are 'relying on wild food because they could not plant because of the fighting and limited commercial supplies of food'. Agricultural assets have been lost during displacement and income from trade and small businesses has dried up in SPLM/A-N areas because of the limited movement of people and goods. Actors on the ground report that markets are emptying, with fewer goods available at ever-increasing prices. Staples such as sorghum are becoming scarce and prices have risen by up to 60% compared to the last quarter of 2011. FEWSNET [Famine Early Warning Systems Network] reports that food insecurity has reached emergency levels in SPLM/A-N areas. With bleak projections of a poor harvest in October, food security is unlikely to improve in the near future." **[91a](p.2)**

28.14 The Famine Early Warning Systems Network (FEWSNET), in an alert notice entitled, 'Sudan and South Sudan Food Security Alert', dated 5 July 2012, observed:

"In Sudan, areas of most concern include those controlled by the Sudan People's Liberation Movement-North (SPLM-N) in South Kordofan and Blue Nile. … In areas of Blue Nile and South Kordofan that are controlled by the SPLM-N, poor crop production has been exacerbated by ongoing limitations on trade, movement, and humanitarian access, which severely hinder access to other sources of food (wild foods, market purchases) and income (agricultural labor opportunities, sales of wild foods) as well as limit market supplies, pushing food prices well above average. As a result, the host population in SPLM-N areas of South Kordofan (about 50,000 people) faces food consumption gaps with high or above usual levels of acute malnutrition. IDPs in SPLM-N controlled areas of South Kordofan (150,000 – 200,000 people) are worse off. They face heavy asset losses, large food consumption gaps, very high levels of acute malnutrition, and excess mortality. Therefore, these areas of South Kordofan are classified as Emergency (IPC Phase 4). Those in SPLM-N-controlled areas of Blue Nile have less limitation on movement and better access to food than in South Kordofan and face Crisis levels of food insecurity. In both states, displaced households in Government of Sudan (GoS) controlled areas have better access to markets, labor opportunities, and humanitarian assistance and therefore these areas are classified as Stressed (IPC Phase 2). **[92a](p.1)**

28.15 The FEWSNET alert additionally provided the following assessment of food security in the South Kordofan and Blue Nile area:



[92a](p.1)

Abyei

The following information should be considered together with information on Security situation, Abyei; information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Abyei, Blue Nile and South Kordofan and International Non Governmental Organisations

28.16 The Report of the Secretary-General on the situation in Abyei (S/2012/358), dated 24 May 2012 explained that the majority of the Ngok Dinka persons who had fled Abyei remained displaced and were reluctant to return back owing to concerns over the security situation " … and the lack of food assistance and work opportunities." **[18n](para 18)** The report further observed:

"… UNISFA observed returnees preparing their lands for farming during the rainy season in a number of areas. United Nations agencies were unable to verify returns in most parts of the Abyei Area. However … access is gradually improving owing to demining efforts. Humanitarian assistance to displaced Ngok Dinka continued, focusing mainly on the Agok area and neighbouring Warrap State in South Sudan. … In April [2012], 112,000 displaced persons were provided with a monthly food ration by the World Food Programme (WFP) and its partners in the Abyei Area and Warrap State. Through its partners, WFP carried out exercises for the verification of displaced persons in the areas around Agok from 16 to 20 April and in Warrap State, South Sudan, from 23 to 26 April. Stocks to support the population during the months of July to September [2012] were being pre-positioned at three locations in the Abyei Area and at five others in Warrap State.

"Meanwhile, humanitarian partners provided tents to the communities during the reporting period, while UNISFA provided water. Water, sanitation and hygiene partners carried out needs assessments in Abyei town and distributed soap as part of their hygiene promotion activities. Health partners continued to provide services and nutrition support through mobile clinics to villages north of the Kiir/Bahr el-Arab River. Food security and livelihood partners distributed seeds and agricultural tools to approximately

15,000 people in villages surrounding Agok. In Abyei town and the northern part of the Abyei Area, water, sanitation and hygiene partners such as the International Organization for Migration rehabilitated boreholes and water yards to secure a water supply for the Misseriya nomads and their cattle. Humanitarian agencies also assisted persons in Rumamier displaced from Unity State, South Sudan, by providing health services and non-food items. United Nations Children's Fund partners in the area continued to register separated children and to conduct family tracing." **[18n](para 18 – 20)**

28.17 The OCHA Sudan Humanitarian Update, 2nd Quarter 2012, dated 15 July 2012 reported that displaced persons who fled Abyei in May 2011 (following conflict) were reluctant to return before the end of the rainy season, citing "… the lack of shelter, food assistance and livelihood opportunities as a reason to delay their return." **[24h](p.4)** The OCHA report further noted:

"… [R]eturnees in Abyei town are repairing houses/shelters destroyed during the fighting last year, those outside of Abyei town are working on their farms. Humanitarian organisations on the ground report, however, that some of these returns may be temporary in order for people to assess the situation in areas of origin. According to humanitarian organisations, people are moving between Abyei town and Agok, with the majority of current returnees preferring to wait until the end of the rainy season to bring all their family members back to Abyei town. … A significant proportion of the displaced people are expected to have had their entire livelihoods and properties destroyed and will need emergency return support and extended support to re-establish livelihoods.

"Humanitarian organisations based in South Sudan continue to provide assistance to the displaced people in and around Agok and neighbouring counties of South Sudan. Those displaced persons who remain south of the River will continue to receive the humanitarian support though some of them may go to assess the situation in Abeyi before deciding if and when to return."

"… [However i]n late June 2012, heavy rains began in the Abyei area resulting in the flooding of most roads. This has restricted movements of humanitarian organisations to and from Abyei town, as well as to surrounding villages. Due to heavy rains, UNHCR has not been able to access many return areas." **[24h](p.4)**

28.18 An OCHA news brief entitled 'Abyei: Scaling up aid as displaced people return' dated 3 July 2012 explained however that the improved security situation in Abyei had led to an increased likelihood of return for displaced persons: "'Security has improved,' said Alorbeny Ajak, a mother of seven who had just returned to Abyei from nearby Agok. 'We are no longer afraid to return home. My husband and children are still in Agok, and I have returned to rebuild our home. My family will follow when the schools reopen in Abyei.' … Aid organizations estimate that up to 30,000 people could return by August [2012], and are scaling up their operations to provide food, water, shelter, healthcare and education to people like Alorbeny and her family. Tracking and monitoring teams have been deployed to Abyei to ensure the returns are voluntary." **[24j]**

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Darfur

The following information should be considered together with information on Security situation: Darfur; Human rights monitoring in regional conflict areas, Darfur and information on 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Darfur. Medical issues should also be considered and specifically the section: Other communicable diseases.

Returns

28.19 The OCHA Sudan Humanitarian Update, 2nd Quarter 2012, dated 15 July 2012 (OCHA 2nd Quarter Update 2012) reported that in some parts of Darfur return of persons displaced by violence had occurred. However humanitarian assessments indicated that returnees faced significant challenges including: "… a lack of functioning and sustainable basic services, livelihoods opportunities, food insecurity, as well as issues relating to land tenure. Inter-agency assessments indicated that the lack of security, such as a police presence, was also a concern. Increased Government support and investment in these areas is critical to ensure the sustainability of returns." **[24h](p.6)**

See also: 'Internally displaced persons and refugees', including IDPs and Sudanese refugees in neighbouring countries from Darfur

Food Security

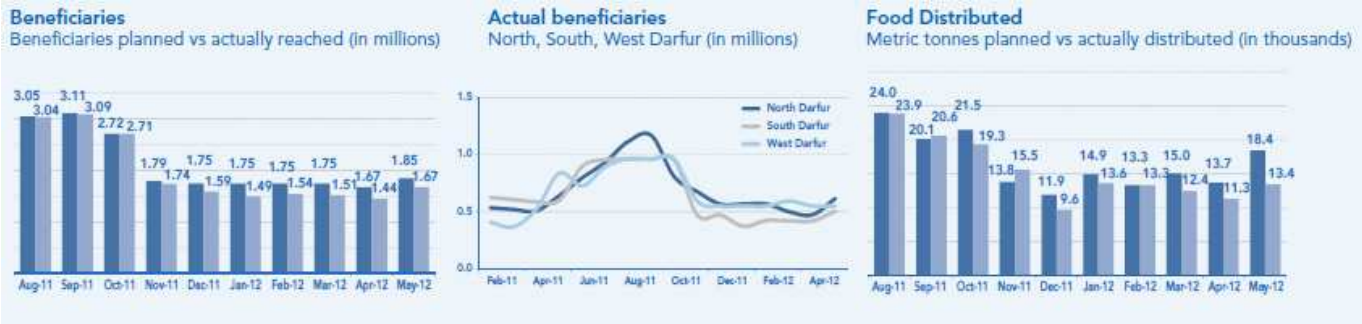
28.20 The OCHA 2nd Quarter Update 2012 highlighted that "…[f]ood security in parts of Darfur is a major concern following rising food prices and a poor harvest season. A large proportion of the population of Darfur continues to rely on humanitarian assistance." **[24h](p.6)** The World Food Programme, 'Sudan Food Security Update', dated June 2012 highlighted significant rises in food prices across Darfur over the last 12 months – in North Darfur "[s]orghum prices in June 2012 … [were] 12% higher compared to May 2012, and 72% higher compared to May 2011 …" **[95c]**; in West Darfur although sorghum prices remained stable compared to May 2012, prices were double those of June 2011; similarly in South Darfur, sorghum prices remained stable compared to May 2012 but were "… 70% higher compared to June 2011." **[95c]** The World Food Programme (WFP) continues to provide assistance to persons in Darfur. According to the website of the WFP, 'Sudan: Activities', undated (accessed 27 June 2012): "[the] WFP has been providing food assistance to the conflict-affected people of Darfur since 2006. Over the last two years, WFP has adapted its emergency programme in order to respond to the evolving needs of the displaced and other vulnerable people in Darfur. In 2011 WFP plans to reach 4.1 million people in Darfur with food assistance." **[95b]**

28.21 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur', dated 16 July 2012 (S/2012/548) further explained:

"Food insecurity was of increasing concern in parts of Darfur owing to a relatively poor harvest in 2011. A post-harvest assessment conducted by WFP in April identified a food deficit of approximately 140,000 tons of cereal in both Northern and Southern Darfur and a 25 per cent increase in the prices of agricultural produce and livestock in those states since the beginning of the year. In Central Darfur, an assessment by the State Ministry of Agriculture concluded in December 2011 that available food resources were only sufficient to cover 64 per cent of the population's food requirements for the year. Interventions from WFP, including the increased distribution of food and pre-positioning of supplies before the onset of the rainy season; the release from its strategic reserves

of 50 tons of cereals by the Central Darfur State government in May; and increased food production by the commercial sector are expected to cover the deficit." **[18t](para 37)**

28.22 The OCHA 2nd Quarter Update 2012 provided the following graphs illustrating WFP food distribution in Darfur:



[24h](p.6)

See also: FEWSNET, 'Darfur Crisis Rain Timeline', 26 July 2012

Humanitarian access

28.23 The United Nations and Partners', 'Sudan Work Plan 2012', undated (circa December 2011) noted with regard to the operating environment in Darfur:

"Humanitarian actors continue to face varying constraints on humanitarian access in Darfur. In particular, areas under the control of armed opposition movements, such as eastern and west Jebel Marra, have remained largely inaccessible during 2011 due to ongoing fighting or Governmental access restrictions. Humanitarian actors have faced specific restrictions on the movement of humanitarian personnel and assets, including medical supplies, fuel, and other items necessary to sustain humanitarian activities. … Humanitarian access is also constrained by humanitarian actors' internal security policies and impassable road infrastructure during the rainy season. … Several humanitarian organizations have either reduced or closed operations in particular locations in Darfur due to insecurity." **[24g](p.14)**

28.24 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur', dated 16 July 2012 (S/2012/548) similarly noted:

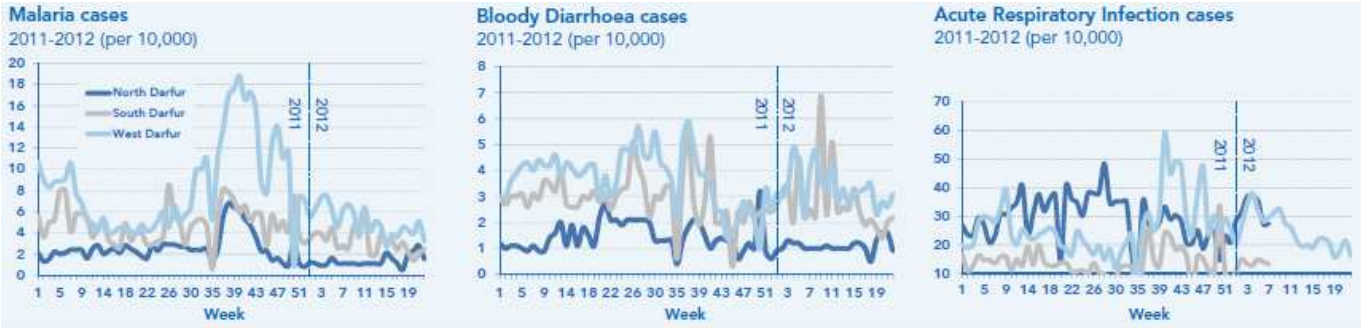
"Humanitarian aid workers continued to experience access restrictions and bureaucratic impediments during the reporting period. United Nations Humanitarian Air Services flights between El Fasher and deep field locations in Northern Darfur were suspended from 3 to 10 April by Sudanese military authorities, who cited insecurity. In mid-April, the Government, citing insecurity, introduced a requirement for humanitarian organizations to submit requests for permits to the Sudanese Humanitarian Aid Commission 72 hours prior to travelling in Southern Darfur. On 16 and 17 May, local government authorities prevented United Nations agencies from entering the Zam Zam camp, citing a lack of written authorization. Furthermore, local government authorities restricted access for all aid agencies to the Radom locality on the Southern Darfur-Western Bahr Al Ghazal border throughout June. … On 22 April, National Intelligence and Security Services

agents entered the offices of two national non-governmental organizations to enforce an order issued by the Sudanese Humanitarian Aid Commission to suspend the agencies' operations. Authorities confiscated vehicles and equipment. One of the organizations was allowed to resume operations on 30 April, whereas the other's operations remain suspended. No reason was provided for the closures. The suspended organization was involved in distributing food for an international non-governmental organization to approximately 100,000 internally displaced persons in camps in Eastern Darfur." **[18t](para 38-39)**

See also: Human rights monitoring in regional conflict areas, Darfur

Health

28.25 The OCHA 2nd Quarter Update 2012 provided the following graph illustrating current health indicators in Darfur:



[24h](p.7)

28.26 The United Nations and Partners', 'Sudan Work Plan 2012', undated circa late 2011 explained:

"All 18 Darfur hospitals continue to receive essential life-saving medical supplies. However, hospital care forIDPs in Darfur is no longer provided free of charge. Meanwhile, only 46 percent of health facilities are providing basic emergency obstetric care. Moreover, there continues to be a lack of adequate access to health facilities, rapid turn-over of health staff and insufficient capacity at state level. … Health sector activities are further constrained by the departure of partners covering important areas such as MDM [Médecins du Monde] in eastern Jebel Marra, Malteser in North Darfur and CordAid in South Darfur. In West Darfur, the departure of CAM [Comité d'Aide Médicale] resulted in the closure of eight health facilities. In addition, the INGO [International Non Governmental Organisation] Medair announced their plans to cease operations by the end of 2011 in Darfur. Medair supported 27 health centres across West Darfur State, and their withdrawal will create a significant gap in PHC [primary health care] coverage." **[24g](p.58)**

28.27 The 'Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur', dated 16 July 2012 (S/2012/548) additionally updated:

"… [H]ealth-care assistance decreased in Northern Darfur following the suspension by Médecins Sans Frontières of most of its medical activities in the Jebel Si area. That decision was attributed to difficulties obtaining travel and work permits for staff and to long-standing restrictions on the movement of medical supplies. Authorization to transport medical supplies to the area was last received in September 2011. The

organization was the sole health-care provider in an area with a population of approximately 100,000, plus 10,000 seasonal nomads." **[18t](para 40)**

28.28 For further information on health provisions in Darfur see: World Health Organisation Sudan, 'Annual Report 2011: Health Resources Availability Mapping System, Greater Darfur', December 2011 and the section on Health and medical issues (and specifically the subsection entitled 'Other Communicable Diseases').

See also: Non-governmental organisations and human rights activists

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Eastern Sudan

The following information should be considered together with information on International Non Governmental Organisations; Internally displaced persons and refugees and Security situation: East Sudan

28.29 The European Commission's Humanitarian Aid and Civil Protection section, in a report entitled 'Humanitarian Implementation Plan (HIP), Sudan and South Sudan', dated 31 October 2011, explained that: "[t]he East [of Sudan] is characterized by some of the worst malnutrition indicators in Sudan and there is increasing ground for humanitarian attention linked with development activities." **[97a](p. 1)** The same source additionally observed:

"The East is a largely underdeveloped area where the government allows only very limited access to humanitarians. The recent prolonged under average rainfall has had a severe impact on food insecurity and on economic growth. Levels of malnutrition among children are alarming. The region hosts more than 88,000 Eritrean refugees. Mid 2011 there have been signs of rising political tensions after two deaths in clashes with police." **[97a](p.3)**

The UN Office for the Coordination of Humanitarian Affairs (OCHA), 'Sudan Common Humanitarian Fund Annual Report 2011', dated 5 June 2012, although recognising that eastern Sudan "has been relatively calm …" **[24f](p.4)**, similarly noted:

"… [H]umanitarian needs continue as the region has some of the lowest human developments indicators in Sudan, including the highest levels of malnutrition, as well as the presence and steady influx of refugees from Eritrea. In total, there were some 67,000 registered refugees in 12 camps, with a further 21,000 residing in urban areas. During 2011, an estimated 2,000 people seeking refugee or asylum status arrived each month. Many of these people transit onwards to Khartoum and neighboring states. Eastern Sudan, moreover, persists as a hub for human trafficking and smuggling networks." **[24f](p.4)**

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29. FREEDOM OF MOVEMENT

29.01 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

"The interim national constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice. ... The government's encampment policy requires asylum seekers and refugees to stay in 12 designated camps. The government did not allow IDP camps to be established in Southern Kordofan and Blue Nile states. ... The government impeded the work of the UNHCR and delayed full approval of UNHCR activities, particularly in North and South Darfur, the Three Areas [Abyei, Blue Nile and South Kordofan], and eastern Sudan. While in some cases it cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers, the government restricted and harassed such organizations. The UNHCR confirmed the government continued to disregard international agreements and targeted refugees and asylum seekers for abuse. Although the government permitted most refugees from Eritrea and Ethiopia to remain in the country, there were reports during the year that NISS agents forced some Eritrean refugees back across the border before the HAC could process them. ... In October the government reportedly handed over more than 300 Eritreans to the Eritrean military without screening them for refugee status." **[2b](2d.Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)**

29.02 The same source, commenting on in-country movement explained: "While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside Khartoum, which was often difficult to obtain. Foreigners must register with the police on entering the country, obtain permission from the police to move more than 15.5 miles outside Khartoum or from one city to another, and reregister at each new location within three days of arrival." **[2b](2d.Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)** Additionally the report noted: "In Darfur the government and rebels restricted the movement of citizens and UN and humanitarian organization personnel." **[2b](2d.Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)**

29.03 Referring to the conflict in South Kordofan and restrictions on movement into South Sudan, a report from the Satellite Sentinel Project entited 'Chokepoint: Evidence of SAF control of refugee route to South Sudan', dated 27 January 2012, explained:

"Satellite Sentinel Project (SSP), through the Harvard Humanitarian Initiative's analysis of DigitalGlobe satellite imagery, has confirmed that at least a battalion sized unit of Sudan Armed Forces (SAF) appear to control the main route civilians reportedly use to flee South Kordofan for Yida refugee camp. The interior of the apparent base, which is located in the town of Toroge, contains objects consistent with 80 to 90 tent-like structures, infantry fighting vehicles (IFVs), artillery, and heavy armor vehicles, which appear to be main battle tanks." **[28d](p.1)**

29.04 The report further highlighted that satellite imagery "...specifically identifies a new fortified chokepoint along [a] ... road under apparent SAF control, which was established sometime after 23 November 2011." **[28d](p.1)** An earlier report from the SSP, entitled 'In Siege: Evidence of SAF Encirclement of the Kauda Valley' released 25 January 2012 explained:

"SSP, based on Harvard Humanitarian Initiative's analysis of DigitalGlobe satellite imagery, has concluded that SAF forces are encircling the Sudan People's Liberation Army-North (SPLA-N) controlled areas in the Nuba Mountains, including the Kauda Valley, with a network of newly elevated roads. Meanwhile, the Buram region has been

isolated from the interior of South Kordofan, potentially closing the main route civilians have used to flee the area, including flight to refugee camps in South Sudan. The road construction appears to be heading towards the Kauda Valley from SAF controlled locations. With only two months left until the expected start of the rainy season, SAF forces in South Kordofan have a limited window of time to launch a full scale assault on the Kauda Valley and its surrounding region. These SPLA-N controlled areas are where the majority of the Nuba civilians still remaining in South Kordofan are currently located." **[28e](p.1)**

For further details on restrictions on freedom of movement in Sudan's South Kordofan/Blue Nile conflict area see Security situation – Blue Nile and South Kordofan; Human rights monitoring in regional conflict areas, Blue Nile and South Kordofan and Humanitarian situation in Blue Nile and South Kordofan More generally see Security situation and Internally displaced persons and refugees

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30. INTERNALLY DISPLACED PERSONS (IDPS) AND REFUGEES

In order to consider more broadly issues related to internally displaced persons (IDPs), officials are recommended to read the following information in conjunction with material listed under Security situation and Humanitarian issues.

30.01 The following table is based on data provided by the UN's Office for the Coordination of Humanitarian Affairs (OCHA), Monthly Humanitarian Bulletin, Issue 5, 1 – 30 June 2012 and illustrates the number of internally displaced persons (IDPs)/severely affected persons living in Sudan, as well as recently reported return figures:

Location	OCHA figures 30 June 2012	Returns
Darfur	1,700,000 people in IDPs camps in Darfur, (1,850,000 others assisted in Darfur **[24k](p.5**). [In Darfur, approximately 3.2 million people currently receive food aid. This includes some 1.7 million IDPs registered in camps." (OCHA, Monthly Humanitarian Bulletin, Sudan, Issue 05, 1 – 30 June 2012) **[24k](p.5)]**	146,000 verified IDP returnees in Darfur since January 2011; 32,000 verified refugee returns to Darfur since January 2011. **[24h](p.6)** ["According to HAC, most of the 3,000 people displaced by fighting between SAF and the Sudan Liberation Army – Abdul Wahid (SLA-AW) in March have returned to Rokero village in the Jebel Marra region. HAC reports that returns have occurred due to the start of the planting season.

		The Return and Reintegration Working Groups (RRWG) confirmed the voluntary return of 37,444 IDPs and 1,145 refugees during the first quarter of 2012 including 29,654 IDP and 1,145 refugee returns in West Darfur and 7,790 IDP returns in North Darfur. The statistics for the 2nd quarter of 2012 are not yet available. The RRWGs also released cumulative figures for 2011 that indicated that 140,000 displaced people returned in 2011 (109,000 IDPs and 31,000 refugees from Chad). This makes a total of 178,000 returnees between January 2011 and March 2012. All of these returns have been verified to have been voluntary. Current returnees cited the improved security environment and access to farm land as the primary reasons for their return." (Sudan Humanitarian Update, 2nd Quarter 2012, 15 July 2012) **[24h](p.6)** See also para 30.07 onwards.]
Blue Nile state	145,000 people displaced or severely affected, including some 70,000 in SPLM-N areas(according to the Juba based Blue Nile Coordination Team). 37,000 refugees registered in Ethiopia by UNHCR and 107,000 in South Sudan's Upper Nile state.	

South Kordofan state	520,000 people displaced or severely affected, including 350,000 in SPLM-N areas (according to the South Kordofan Relief and Rehabilitation Commission). More than 61,000 Sudanese have been registered by UNHCR in camps in South Sudan.	
Abyei	100,000 displaced people from Abyei remain in Agok/South Sudan. [110,000 people fled Abyei in May 2011 following conflict in the region. (Sudan Humanitarian Update, 2nd Quarter 2012, 15 July 2012) **[24h](p.4)**]	9,000 people have returned to Abyei according to UNISFA.

[24k](p.4)

See: OCHA's, Sudan Monthly Humanitarian Bulletin reports for the latest IDP figures. For further information on IDPs in Sudan refer to the Internal Displacement Monitoring Centre, Sudan country page. For information on IDPs in Khartom, refer to the following reports:

- Overseas Development Institute, Humanitarian Policy Group, 'City limits: urbanisation and vulnerability in Sudan', Synethsis report, January 2011
- Alex de Waal, 'Do Darfur's IDPs Have an Urban Future?', 31 March 2009
- Feinstein International Center, 'Internal Displacement in Urban Areas: Khartoum, Sudan (The Tufts-IDMC Profiling Study, Case 1), September 2008
- Landinfo, thematic report entitled 'Sudan – Internally displaced persons in Khartoum', 3 November 2008.
- Republic of Sudan, HAC 'Latest update of IDPs in Khartoum', undated circa 2009

Sudanese refugees and asylum seekers abroad

30.02 The statistical snapshot provided in UNHCR's '2012 country operations profile – Sudan', noted as at January 2012 there were 500,014 refugees (persons recognized as refugees under the 1951 UN Convention/1967 Protocol, the 1969 OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection) originating from Sudan. It also includes persons in a refugee-like situation whose status has not yet been verified) and 31,206 asylum seekers (persons whose application for asylum or refugee status is pending at any stage in the procedure). **[99b]**

30.03 The IOM report 'Migration in Sudan: A Country Profile 2011', reflecting the situation as of December 2010 (IOM Migration Report 2011), stated:

"According to COR [Ministry of Interior, Commission of Refugees], the number of Sudanese refugees in neighbouring countries decreased significantly in the last years from around 635,000 in 2006 to around 389,000 in 2009 ... More than half of these refugees are in Chad, while the others are mainly in Uganda and Ethiopia, with some small discrepancies between COR and UNHCR data ... While it is neighbouring countries that host the majority of Sudanese refugees, some Western countries such as United Kingdom, the United States, Italy and the Netherlands also host small numbers of Sudanese refugees." **[66c](p.53-54)**

30.04 The same source went on to provide the following table of 'Sudanese refugees and asylum seekers abroad, around 1 January 2009':

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	Refugees (COR)	Persons with recognized refugee status and persons granted complementary or temporary protection (UNHCR)		Sudanese abroad with recognized refugee status or protection, refugee-like and pending asylum applications (UNHCR)		
	Beg. 2009	End 2008	End 2009		End 2008	End 2009
Egypt	22,454	10,146	9,818	Persons with recognized refugee status and persons granted complementary or temporary protection	397,013	348,500
Libya	-	372	919			
Chad	209,000	250,052	248,001			
Central African Rep.	16,696	4,411	4,488			
D.R. Congo	33,168	2,511	2,509			
Uganda	47,401	56,883	20,836			
Kenya	37,865	28,496	20,315	Persons in refugee-like situations	22,235	19,695
Ethiopia	40,141	25,913	23,516			
Eritrea	215	111	117	Asylum-seekers (pending cases)	18,080	16,922
United Kingdom	-	3,205	3,204			
USA	-	3,327	2,915			
Italy	-	2,041	2,159			
Netherlands	-	2,324	2,057			
Canada	-	1,739	1,615			
France	-	1,151	1,368			
Other countries	-	4,331	4,663			
TOTAL	**406,940**	**397,013**	**348,500**	**TOTAL**	**437,328**	**385,117**

Sources: COR (GoNU Ministry of Interior, data provided for this profile), UNHCR (2009, 2010a, 2010b).

30.05 Figures published by the UK's Home Office, 'Migration and Asylum – research statistics tables, Asylum applications and initial decisions for main applicants by country and nationality' provided the following figures for Sudan asylum appplications between 2001 and 2011:

Year (data from Q1 2010 onwards are provisional figures **[142a](**Notes tab)	**Total applications**
2001	389

2002	655
2003	929
2004	1,305
2005	885
2006	672
2007	328
2008	266
2009	217
2010	573
2011	689

[142a](table as.01: Asylum applications and inital decisions for main applicants, by country and nationality)

30.06 For additional statistical data on refugees from Sudan refer to the following:

- UNHCR, Sudanese Refugees in Ethiopia, Information Sharing Portal
- UNHCR, Sudanese Refugees in South Sudan, Information Sharing Portal

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IDPS AND SUDANESE REFUGEES IN NEIGHBOURING COUNTRIES FROM DARFUR

The following information should be considered together with information on Security situation: Darfur; Human rights monitoring in regional conflict areas, Darfur and information on Humanitarian situation in regional conflict areas, Darfur.

30.07 A blog report from the Enough Project, 'Enough 101: Displaced from Darfur - Refugees in Chad and IDPs in Sudan' dated 24 July 2012 noted:

"... [T]here are approximately 1.9 million Darfuri IDPs living in over 150 camps scattered across Darfur's three states. ... The government of Sudan targeted civilians in Darfur because it believed they were supporting rebel soldiers. Now those civilians have moved from villages to IDP camps. The government fears that the IDPs are providing shelter and support for rebels, and is therefore pressing to dismantle the camps. ... 4.5 percent of the population of Sudan's capital Khartoum is Darfuri refugees, most of whom live in the massive urban slum 'black belt' around the outside of the city. ... Since the camps are located in a region where small arms are prevalent and attacks still occur, IDP camp security poses an ongoing problem. In 2007 the international community created the African Union/United Nations hybrid operation in Darfur, or UNAMID. UNAMID is currently the largest peacekeeping mission in the world and is charged with the daunting task of providing civilian protection in Darfur, while facing the

challenge of limited cooperation from the Sudanese government, who routinely denies humanitarian access across Darfur. UNAMID is currently mandated through July 31, 2012 and is expected to be extended." **[51c]**

30.08 An article from Eric Reeves entitled 'Obduracy at New York Times: Refusal to Acknowledge Errors or Problems in the Representation of Realities in West Darfur', dated 15 April 2012 highlighted several dispatches from Radio Dabanga in April 2012 which reported "…terrifyingly high levels of violence [against civilians in Darfur] that persist in most of West Darfur, as well as in the other Darfur states." The article further noted that: "Rape continues in epidemic proportions. Residents of displaced persons camps are constantly brutalized, subject to extortion, and killed." **[36h]** To access the Radio Dabanga reports, refer to the link below (articles are listed at the end of the blog): http://www.sudanreeves.org/2012/04/15/obduracy-at-the-new-york-times-refusal-to-acknowledge-errors-or-problems-in-the-representation-of-realities-in-west-darfur/

30.09 The Enough Project report, 'Enough 101: Displaced from Darfur - Refugees in Chad and IDPs in Sudan' dated 24 July 2012 additionally explained with regard to Darfurian refugees residing in Chad:

"According to the United Nations, as of January 2012 there were 288,000 Sudanese refugees in 12 refugee camps in Chad, many of whom have been living in the camps for close to a decade. Chad is one of the poorest countries in the world and is inundated by refugees from Central African Republic, Sudan, and South Sudan, in addition to its own IDPs. The international community struggles to provide food, water, health services, and sanitation for the refugees and IDPs, and competition with local communities over access to resources—including water, firewood, and grass for thatching roofs—breeds resentment. ... As in Darfur itself, security for the refugee camps is an ongoing problem. From September 2007-December 2010 the U.N, Mission in the Central African Republic and Chad, or MINURCAT, provided forces to assist local authorities in protecting the refugee camps. MINURCAT left at the request of the Chadian government, and was replaced by a United Nations-supported Chadian security force, the Détachement Intégré de Sécurité, or DIS, in 2011. DIS is tasked with ensuring security in and around the camps, as well as protecting convoys of IDPs. ... Early marriage and gender-based violence is an additional issue in the camps. Family planning is a 'taboo subject,' rape and other forms of sexual violence are common, and access to services for the victims is minimal. ... Due to these security issues, most refugees are forced to depend almost entirely on humanitarian assistance because they are unable to legally access farmlands to cultivate their own crops for food." **[51c]**

30.10 The above referenced article by Eric Reeves dated 15 April 2012 also challenged claims made by the New York Times (NYT) in a report dated 26 February 2012 by Jeffrey Gettleman, (entitled 'A Taste of Hope Sends Refugees Back to Darfur') which alleged large scale returns to Darfur had taken place, citing figures provided by the United Nations of more than 100,000 returnees. **[26c]** The report from Eric Reeves challenged the "errors [and] … problems in the reporting from Nyuru [West Darfur, by the NYT]"; the failure of the NYT to recognise "… how deeply problematic it is to use self-interested UNAMID sources…" and the implication that "… massive returns of refugees from eastern Chad [had taken place]" **[36h]**, on which point, the article continued:

"This is simply not the case, as Radio Dabanga has conclusively demonstrated on the basis of interviews with the leaders of all twelve Darfuri refugee camps in eastern Chad

and with the Chad representative of the UN High Commission for Refugees. Moreover, the NYT seems unaware that the total Darfuri refugee population living in eastern Chad outside the camps is unlikely to exceed 20,000. UNHCR reports a total registration in the twelve camps as a highly stable 282,000.

"… The February 26 dispatch from the NYT declares, on the basis of what is seen at this single location, that we have 'a sign that one of the world's most infamous conflicts may have decisively cooled' … The global implications of this adverb 'decisively' are in fact disturbingly presumptuous, given the high levels of ongoing violence being reported near Nyuru. Many will have cringed when the NYT correspondent then goes on to quote an ecstatic UNAMID official, Dysane Dorani, speaking about a Darfur recognized by no Darfuris with whom I have communicated: 'It's amazing. The people are coming together. It reminds me of Lebanon after the civil war.'" … Such self-serving rapture, let us be clear, comes from a senior official in an operation that has failed miserably by any reasonable peacekeeping standards, certainly in fulfilling its primary mandate of civilian protection." **[36h]**

30.11 A news report from the Aegis Trust entitled 'Chad blocks former UN Sudan chief from visiting its Darfur refugee camps', dated 16 January 2012, additionally noted with regard to Darfurian refugees in Chad:

"Dr Mukesh Kapila, Special Advisor to the Aegis Trust and former UN Resident Coordinator in Sudan, was blocked from visiting refugee camps in eastern Chad last week and then expelled by the Chadian authorities before he could get the chance to meet even one of the nearly 300,000 Darfuri refugees still languishing in desert camps ten years after the start of the Darfur crisis. ... Having learned that Dr Kapila would not make it to the refugee camps and was in fact being expelled, a widow in Gaga refugee camp – Noreshem Hasaballah Osher – made the 1,000-kilometre journey to the capital in the hopes of being able to speak with him for a few minutes before he had to board a plane out on Saturday night. She missed him by a few hours, but they were able to speak on the phone shortly before Kapila's departure.

"'If Dr Kapila had managed to come to us, he would have recognised the problems we are experiencing,' says Noreshem. 'The Darfur problem is far from finished. If it was, then we wouldn't be in the camps, or at least some of us would have returned to our homeland. But we haven't seen the perpetrators brought to justice and we keep hearing from back home that the killing and the rape is still going on. We were living peacefully in our country, but then we were driven out for no reason and now we are left in a prison. If I want to get firewood, I'll be raped. If I want to get grass to sell it, I'll be kidnapped. If I want to say something, I'll be beaten up. What is a prison, if not this? I want the world to stand up and find a solution to our crisis, because now I and all my people feel imprisoned.'" **[109a]**

See also the short film from the Aegis Trust, 'Dr Mukesh Kapila in Chad', January 2012.

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IDPS AND SUDANESE REFUGEES FROM ABYEI, SOUTH KORDOFAN AND BLUE NILE

The following information should be considered together with information on Freedom of movement; Security situation – Blue Nile and South Kordofan; Security situation, Abyei; Human rights monitoring in regional conflict areas, Blue Nile and South Kordofan and Humanitarian situation in regional conflict areas, Blue Nile and South Kordofan

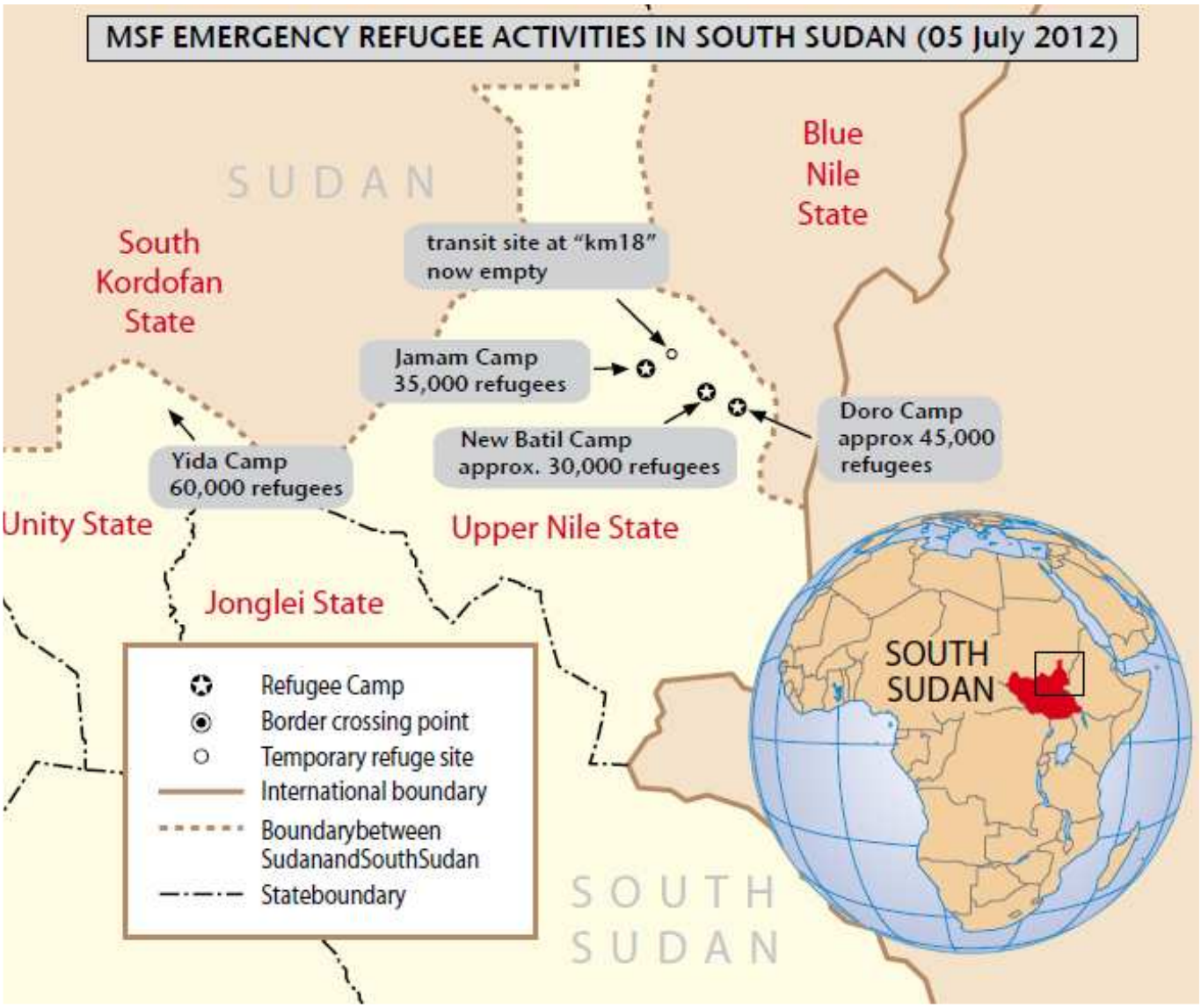
30.12 The OCHA Sudan Humanitarian Update, 2nd Quarter 2012, dated 15 July 2012 explained:

"…Armed clashes between the SAF and SPLM-N continued in the second quarter of 2012 mainly in and around the Nuba Mountains region of South Kordofan and several localities of Blue Nile, forcing yet more people to flee their homes. HAC reported in late June that in Kadugli, the provincial capital of South Kordofan, there were some 35,400 internally displaced people. According to latest estimates, there are a total of 665,000 people who have either been displaced or severely affected by the fighting in South Kordofan and Blue Nile. …" **[24h](p.2)**

30.13 The same source explained with regard to refugees from Blue Nile and South Kordofan:

"Overall, more than 205,000 refugees from Blue Nile and South Kordofan have sought shelter in camps in South Sudan and Ethiopia since June 2011. This is more than a 50 per cent increase in the number of refugees in just three months. In Ethiopia, the number of Sudanese refugees, mainly from Blue Nile, has reached 37,000 people, according to the UN Refugee Agency (UNHCR). … UNHCR reported that by the end of June [2012] there were 168,000 Sudanese refugees from Blue Nile and South Kordofan in camps in South Sudan. This includes some 61,000 refugees (from South Kordofan) in Unity State's Yida, Pariang and Nyeel camps and some 107,000 Sudanese refugees, mainly from Blue Nile, in camps in Upper Nile State. In the second half of June, according to UNHCR, over 1,000 Sudanese refugees per day were arriving in South Sudan." **[24h](p.2)**

30.14 The website Medicin San Frontiere (MSF) provided the following map illustrating refugee activities in South Sudan as of 5 July 2012 (MSF, 'South Sudan Refugee Camp Under Water Alarming Mortality Rates Indicate Worsening Crisis', 5 July 2012):



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FOREIGN REFUGEES IN EAST SUDAN

The following information should be considered together with information on Security situation: East Sudan; International Non Governmental Organisations and Humanitarian issues

30.15 The UNHCR country page for Sudan entitled '2012 UNHCR country operations profile – Sudan', undated (accessed 1 August 2012) explained:

"Eastern Sudan -- which has the highest concentration of refugees in the country -- has become a transit zone for people arriving from neighbouring countries. There has been a rise in trafficking and smuggling, as people enter Sudan with the aim of travelling on to Khartoum, North Africa, Europe and the Middle East. Of most concern are the dangers

associated with irregular travel, exposing refugees and migrants to kidnapping, extortion and physical, particularly sexual, violence. For many refugees and asylum-seekers, chiefly those residing in Khartoum, the absence of documentation creates a constant risk of arrest, deportation and refoulement." **[99b]**

30.16 A report from UNHCR's Policy Development and Evaluation Service (PDES) entitled 'No turning back: A review of UNHCR's response to the protracted refugee situation in eastern Sudan', dated November 2011 additionally explained:

"Eastern Sudan has hosted refugees from neighbouring Eritrea (formerly a province of Ethiopia) since the late 1960s, making this refugee situation one of the most protracted in the world. The size of the refugee population has fluctuated considerably over the past 40 years. Peaking at around 800,000 in 19901, it currently stands in the region of 80,000. Approximately 67,000 of this number fled to Sudan before 2001. … While significant numbers of Eritrean refugees are known to have taken up residence in urban areas, primarily in eastern Sudan but also in the capital city of Khartoum, most are to be found in camps in the Gedaref, Kassala and Red Sea states. They are amongst the poorest parts of the country, characterized by low levels of rainfall, chronic food insecurity, poor development indicators and limited support from central government. … Already adversely affected by conflicts within and between the neighbouring states of Eritrea and Ethiopia, eastern Sudan experienced considerable turmoil between the mid-1990s and 2006, when rebels of the Eastern Front pursued a lowintensity campaign in protest against the region's alleged marginalization by central government, the unequal distribution of the country's oil revenues and the international community's focus on the situation in Darfur. Thus in addition to its large and longstanding Eritrean refugee population, eastern Sudan is also home to an estimated 180,000 internally displaced people." **[99a](p.5)**

30.17 The UNHCR report provided the following breakdown of refugees located in east Sudan (data from November 2010):

Nationality	Number %
Eritrean	75,572 (94.6 per cent)
Ethiopian	4,197 (5.3 per cent)
Somali	46 (0.1 per cent)
Sudanese	28 (0.0 per cent)
Other	4 (0.0 per cent)

[99a](p.5)

See also the following map: UNHCR Presence in East and Horn of Africa, July 2012

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31. CITIZENSHIP AND NATIONALITY

The following information should be considered together with material related more broadly to the treatment of 'Southerners' from South Sudan. Relevant sections include: Treatment of ethnic groups, Discrimination and racial prejudice. And Societal discrimination and attacks against Christians. For further historical background on the civil conflict between north and south Sudan, including ethno-religious conflict see: History of Sudan's regional conflicts and South Sudan (1956 – 2005).

LEGAL RIGHTS

Nationality laws in the Republic of Sudan

31.01 The Sudanese Nationality Act 1994 repealed the 1957 Sudanese Nationality Act **[39g](Article 2)** and the Sudanese Nationality Act (Amended) of 2011, dated August 2011, set out the law on nationality. The 2011 Act provided several amendments, most notably with regard to the legal status of southerners in Sudan. **[39h]** Article 10 stipulates with regard to loss of nationality:

"10(1) A Sudanese person will lose his nationality if it was proven that:

a) he has made a declaration renouncing his Sudanese nationality, provided that the President of the Republic may refuse to accept such renunciation if it is made during the time of any war which Sudan is engaged in, or

b) he has joined the service of any foreign country or continued in such service in violation of an express provision of any law criminalising such an act.

(2) A person will automatically lose his Sudanese nationality if he has acquired, de jure or de facto, the nationality of South Sudan. ...

(3) Without prejudice to Section 15, a minor will lose his Sudanese nationality where his responsible parent loses their nationality pursuant to section 10(2) of this Act." **[39h](Article 10)**

31.02 Article 16 on reinstatement of nationality was amended accordingly: "... Without prejudice to Section 10(2), the President of the Republic may reinstate nationality to any individual whose Sudanese nationality was lost or withdrawn when he applies for it." **[39h](Article 16)**

Dual Nationality

31.03 Although Article 7(4) of the 2005 Interim Nationality Constitution recognises dual nationality **[13a](Article 7)**, as highlighted above, Article 10(2) of the Sudanese Nationality Act (Amended)of 2011, makes clear that dual nationality is not possible for persons from South Sudan. **[39h](Article 10)**

31.04 A field report from Refugees International entitled 'South Sudan Nationality: Commitment now avoid conflict later', dated 29 May 2012 observed: "[I]n August 2011 the Government of Sudan (GoS) amended its nationality law to preclude 'southern' Sudanese from holding dual nationality ... [b]ecause Sudan's Nationality Act prohibits only South Sudanese from holding dual nationality, it is discriminatory on its face." **[82c](p.2)** A report from the Open Society Initiative for Eastern Africa, entitled 'The right to a nationality and the secession of South Sudan: A commentary on the impact of the new laws', by Bronwen Mandy, dated 18 June 2012 (OSIEA Report 2012) additionally highlighted:

"The provisions of the Interim National Constitution of Sudan and the Transitional Constitution of South Sudan that a person who has one parent with the nationality of that state also has the right to nationality of that state should be respected. Others with an appropriate connection to Sudan, including long-term residents, should also have the right to retain Sudanese nationality. The right to dual nationality, if permitted under

national law (as it is in general for both Sudanese states), should not be restricted in the case of one particular state (as the amendments to the Sudan Nationality Act purport to do in relation to nationals of South Sudan)." **[132a](p.11-12)**

Nationality laws in the Republic of South Sudan

31.05 The Nationality Act 2011, passed in July 2011, sets out the provisions of nationality in the new state of South Sudan. Article 8 outlines the eligibility requirements for nationality by birth as follows:

"(1) A person born before or after this Act has entered into force shall be considered a South Sudanese National by birth if such person meets any of the following requirements—
(a) any Parents, grandparents or great-grandparents of such a person, on the male or female line, were born in South Sudan; or
(b) such person belongs to one of the indigenous ethnic communities of South Sudan.

(2) A person shall be considered a South Sudanese National by birth, if at the time of the coming into force of this Act—
(a) he or she has been domiciled in South Sudan since 1.1.1956; or
(b) if any of his or her parents or grandparents have been domiciled in South Sudan since 1.1.1956.

(3) A person born after the commencement of this Act shall be a South Sudanese National by birth if his or her father or mother was a South Sudanese National by birth or naturalization at the time of the birth of such a person.

(4) A person who is or was first found in South Sudan as a deserted infant of unknown Parents shall, until the contrary is proved, be deemed to be a South Sudanese National by birth. " **[131a]**

31.06 For information on nationality by naturalisation refer to Chapter IV of the Act (using the link above).

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IMPLEMENTATION OF THE SUDANESE NATIONALITY ACT (2011)

The following information should be considered together with material listed under Recent developments (January 2011 – 1 August 2012) and Update on Sudan's regional regional conflicts, South Sudan's independence and renewed conflict (January 2011 – 1 August 2012)

31.07 The OSIEA Report 2012 explained:

"[Following the independence of South Sudan on 9 July 2011] ... As part of the process of separation of the two states, people of South Sudanese origin who are habitually resident (in some cases for many decades) in what remains the Republic of Sudan are being stripped of their Sudanese nationality and livelihoods, irrespective of the relative strength of their connections to either state, and their views on which state they would wish to belong to. ... A nine month deadline was established for 'southerners' resident in Sudan to regularise their status by 8 April 2012. The deadline has now expired and several hundred thousand people who are presumed to have acquired South Sudanese nationality are still resident in the Republic of Sudan, despite a February 2012

agreement between the two states for their 'voluntary return' ['Memorandum of Understanding onthe Return of Nationals of South Sudan']. These people now have no recognised legal status in Sudan, exposing them to risk of arrest and detention on immigration charges, and the threat of expulsion to South Sudan." **[132a](p.1)**

See also: Sudan Tribune 'Khartoum and Juba sign memo to repatriate 300 to South Sudan', 9 February 2012

31.08 The same source additionally observed:

"The loss of Sudanese nationality already carries significant practical consequences. People of South Sudanese origin who have been living in Sudan for decades, or even generations, have now lost the rights and entitlements linked to their Sudanese nationality. Many of these people are in a desperate situation, as they have lost jobs in the public and private sector, and face difficulties in asserting their rights to their homes and other property (the constitution only protects the right to property for Sudanese nationals). Children have been refused entry to schools or treatment by clinics." **[132a](p.5)**

See also: Agency France Presse, 'Khartoum cancels Sudanese nationality of southerners', 13 July 2011

Framework Ageement on the Status of Nationals of the Other State and Related Matters between The Republic of Sudan and the Republic of South Sudan, March 2012

31.09 The OSIEA Report 2012 explained:

"On 13 March 2012, the governments of Sudan and South Sudan committed in principle to a framework agreement on respect for the 'four freedoms' — of residence, movement, economic activity and property rights — for nationals of the other state living on their territory. This was a positive step which could provide a legal basis for South Sudanese to remain in Sudan and Sudanese nationals to remain in South Sudan. However, further negotiations are required between the states to ensure that the aspiration of the four freedoms becomes a reality. A signing ceremony by the presidents of the two republics, due to take place in Juba, the capital of South Sudan, on 3 April, was postponed due to ongoing tensions and the eruption of military clashes between the armed forces of the two states along the borders in late March. Until the presidents sign, the agreement is not officially in force." **[132a](p.1-2)**

31.10 According to the 'Framework Ageement on the Status of Nationals of the Other State and Related Matters between The Republic of Sudan and the Republic of South Sudan', signed on 13 March 2012 in Addis Ababa, part II of the agreement outlined the 'Freedoms of Nationals of the Other State', which were outlined (under section 4) as follows: "In accordance with the laws and regulations of each State, nationals of each state shall enjoy in the other State the following freedoms: ... (a) Freedom of residence; ... (b) Freedom of movement; ... (c) Freedom to undertake economic activity; ... [and] (d) Freedom to acquire and dispose of property." **[39i](Section 4.1)** Section 4.3 of the agreement also committed that: "The two States shall negotiate an agreement to elaborate the above freedoms. The AUHIP shall produce a draft text for consideration by the Committee." **[39i](Section 4.3)**

31.11 An article by Professor Tayeb Zein al-Abidi (professor of political science at the University of Khartoum and a former chairman of the Sudanese Inter-Religious Council) entitled 'The Oustanding Issues Between the Two Sudans: a Way to Peace or Conflict', presented at the Sudanese programme conference at Oxford University and published by the Sudan Tribune on 29 June 2012, observed with regard to nationality issues between Sudan and South Sudan, that this was a partially resolved issue. **[12n]** The source further explained:

"At the beginning, the government of the North was strict about giving its nationality or residential concession to the hundreds of thousands of southerners living in the North, while the government of the South was ready to do that to a far less number of northerners in the South. The two parties agreed to give nine months, after secession, to the nationals of the other country to leave or regularize their stay according to the laws of the country where they want to stay. The period expired on the 8th of April 2012, but besides some strong statements in the media the government of Khartoum did not attempt to enforce the decision against the over-staying southerners. The government of the South never threatened to push northerners out, they were only asked to get a residential permit which is easily given against 100 US dollars. Eventually a breakthrough was reached in the negotiations at Addis Ababa on the 13th March 2012. The parties agreed to allow the nationals of the other state to enjoy the freedoms of residence, movement, economic activity, and ownership of property. A joint high level committee would be established to oversee the adoption and implementation of the agreed measures relating to the status and treatment of the nationals of each state in the territory of the other state. The two states shall negotiate an agreement to elaborate the four freedoms mentioned above." **[12n]**

31.12 However the UN's Office for the Coordination of Humanitarian Affairs (OCHA), 'Sudan Humanitarian Update, 2nd Quarter 2012', dated 15 July 2012 clarified that "... [the] escalation of tensions and fighting in border areas in April [between Sudan and South Sudan] meant that the [framework agreement on the status of nationals] ... never materialised into a legally binding document." **[24h](p.5)** A proposal submitted by the Government of South Sudan entitled 'Agreement on Friendly Relations and Cooperation (AFRC) between The Republic of South Sudan and The Republic of Sudan', presented in Addis Ababa, Ethiopia in July 2012 (and published by the Sudan Tribune on 24 July 2012) outlined under 'Part II: Nationality and Protection of the status of nationals of the other state', a commitment to the Four Freedoms – namely freedom of residence; freedom of movement; freedom to undertake economic activity; and freedom to acquire and dispose of property (outlined under chapter II: Article 1). **[12m](p.19)** Under Article 2 of chapter II: "The two States reaffirm their commitment to elaborate and adopt a bilaterial agreement to further address these four freedoms." **[12m](Part II, Chapter II, Article 2, p.20)**

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POSSIBLE STATELESSNESS OF SOUTH SUDANESE

31.13 A blog posting on the Enough Project website entitled 'Sudanese Citizenship: Khartoum's Egregious Violations of International Law', dated 6 March 2012, observed with regard to the nationality laws of South Sudan:

"To prevent ... individuals from being left stateless upon South Sudan's independence, Juba subsequently provided in its Nationality Act that a person 'shall be considered' a

southern citizen if her 'parents, grandparents, or great-grandparents . . . were born in South Sudan,' or if she 'belongs to one of the indigenous ethnic communities of South Sudan.' South Sudan therefore bestowed citizenship on all ethnic southerners, even if they have had no contact with the South for generations.

"...Some commentators see this as a question of statelessness, arguing that Khartoum has violated the universal guarantee to a nationality. This gets the principles right but the law wrong. Southerners in the North have not been left stateless. Rather, they legally gained southern citizenship through operation of South Sudan's Nationality Act on July 9, 2011. Automatically conferring a nationality, rather than setting criteria and inviting people to apply for it, is rare, but it is not against international law. Indeed, America's first Naturalization Act did this for children born overseas to U.S. parents. Even if the child was also a citizen of another country, U.S. law made her an American from birth, not from the time she asked for citizenship. Nor does it matter that South Sudan has yet to issue identification papers. Although a passport proves citizenship, it is the law, not the paperwork that makes someone a citizen. ... But Khartoum has violated other international laws. The Universal Declaration of Human Rights states: 'no one shall be arbitrarily deprived of his nationality.' Stripping citizenship from 700,000 people without due process is utterly arbitrary. The International Law Commission, which has proposed rules for cases of secession, urges that ethnic Southerners with longstanding ties to the North should have a 'right of option' that allows them to choose which nationality they want." **[51d]**

31.14 The OSIEA Report 2012 however noted:

" ... [I]ndividuals of southern origin resident in Sudan are being deprived of their Sudanese nationality without any right to contest the decision: estimates of the number potentially affected range between 500,000 and 700,000 individuals. Although those currently affected are those who are 'obviously' South Sudanese in popular interpretation, the amendments to the Sudan Nationality Act could, if applied on the broadest interpretation, lead to loss of Sudanese nationality for a very large category of people, including those with only weak links to South Sudan (a single great grand-parent born in South Sudan) and strong links to the Republic of Sudan. This is the case even if these individuals have in fact made no effort to obtain recognition of South Sudanese nationality; and even if they would have difficulty in proving entitlement to South Sudanese nationality due to their tenuous ties to the state of South Sudan. No explicit procedures are established in the Sudanese law for individuals who wish to do so to renounce a right to South Sudanese nationality and retain Sudanese nationality.

"Lack of civil documentation, such as birth certificates or identity papers, is commonplace in both Sudan and South Sudan, making it difficult to provide proof that a parent, grandparent or great-grandparent was born in South Sudan, one condition for acquisition of the nationality of the new state. There are provisions in the South Sudanese regulations to allow witness statements from a broad range of people on behalf of an applicant where documentary evidence is not available, but the nature of displacement during the civil war may make even suitable witness testimony difficult to obtain. Although the amendments to the law do allow for restoration of Sudanese nationality, this is at the discretion of the president. If a person loses Sudanese nationality and is unable to prove South Sudanese nationality, he or she is therefore likely to be rendered stateless."**[132a](p.4-5)**

31.15 The same report additionally identified the "... people potentally adversely affected by the changes in nationality law ..." **[132a](p.6)** to include pople of southern ethnicity resident in the north; people with one parent from Sudan and one from South Sudan; people of more complex mixed ancestry; members of cross-border ethnic groups; members of pastoralist communities; residents of Abyei; members of historical migrant communities; residents of third countries without anoher (non-Sudanese) nationality and people separated from their families by the war. **[132a](p.6-10)**

31.16 The Chr. Michelsen Institute paper, 'Nationality and Citizenship Questions in Sudan after the Southern Sudan Referendum Vote', by Munzoul A.M. Assal, dated January 2011 also noted with regard to cross-border groups:

"... [T]he existence of cross-border ethnic groups also complicates the question of Sudanese nationality and citizenship. These groups include the Nuer, Annuak, and Gumuz, along the Sudan-Ethiopia border; the Azande (Sudan and Democratic Republic of Congo); the Zaghawa (Sudan and Chad); the Beni Amer (Sudan and Eritrea); and the Bishariyyn and Ababda (Sudan and Egypt). These border-straddling groups represent challenges not only for Sudan, but also for neighbouring states. A related problem has to do with population movements and shifting identities (Ahmed 1979), as groups, some of them nomadic herders, move in and out of the political and geographic space of Sudan. Cross-border groups, mobile populations, and loose ethnic boundaries will all have implications for citizenship rights in a divided Sudan."**[71c](p.3)**

RETURNS TO SOUTH SUDAN

31.17 A field report from Refugees International entitled 'South Sudan Nationality: Commitment now avoid conflict later', dated 29 May 2012 observed:

"Due to the current political and military tensions between Sudan and RoSS [Republic of South Sudan] the months-long presence of southerners at Sudanese departure points is creating security concerns. ... Citing security concerns in the Sudanese border town of Kosti, in early May 2012, the GoS agreed to the movement of 12,000 people by air with the technical assistance of the International Organization for Migration (IOM). According to IOM, thousands have already left Sudan and the remainder is expected to depart within a month. Other movement out of Sudan, however, is almost impossible because the GoS [Government of Sudan] has stopped all barges down the Nile for security reasons. Neither trains nor buses are viable options as they require movement through Southern Kordofan, where ongoing fighting between the Sudan Armed Forces and the Sudan People's Liberation Movement – North makes passage unsafe.

"Travel south has been further complicated by the arrival of the rainy season. These conditions will inevitably create new logjams for those waiting to leave Sudan. As many as 500,000 southerners still live in Sudan. Among the most vulnerable to attack and discrimination are the 127,000 in Khartoum who have registered their intent to leave. The GoS should extend its work with IOM to facilitate the mass movement of this population by flight from Khartoum to Juba." **[82c](p.2)**

31.18 The latest 'Report of the Secretary-General on South Sudan', dated 26 June 2012 (S/2012/486) additionally noted:

"The status of South Sudanese people in the Sudan is a major concern, and the United Nations continuously advocated for movement of returnees to be carried out in a safe, orderly and dignified manner. The 8 April deadline set by the Government of the Sudan

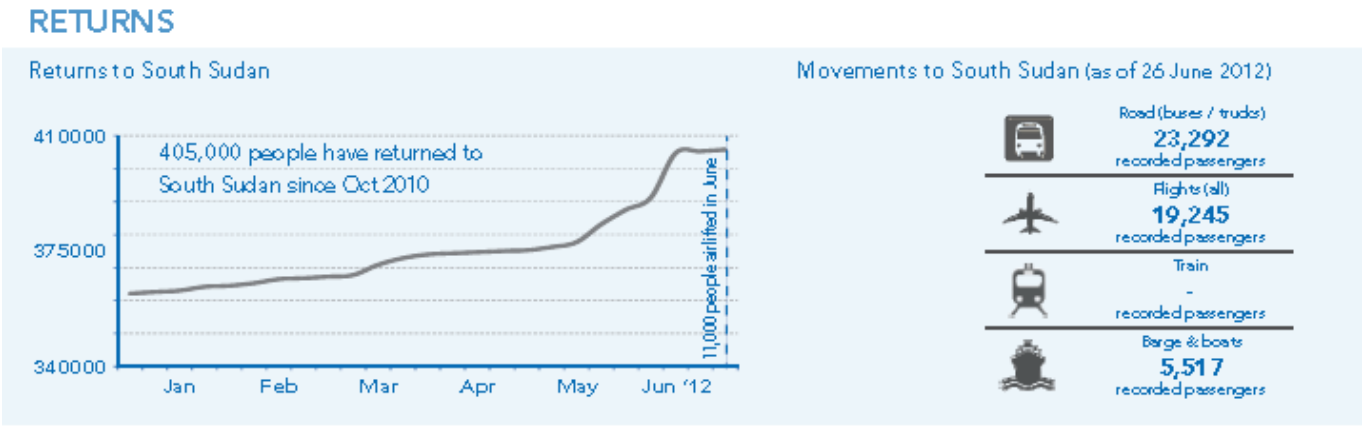
for South Sudanese in the Sudan to regularize their residency status passed without a new agreement between the two countries on modalities for return. At the end of April [2012], the Governor of White Nile State [in Sudan] announced that the estimated 12,000-15,000 South Sudanese in the Sudan's Kosti would have to leave by early May. As South Sudan's transit sites in Renk, Upper Nile, were already at full capacity, it was agreed that the group would be moved to Juba and Malakal by air from Khartoum. The airlift, organized by the International Organization for Migration and supported by the Governments of the Sudan and South Sudan, started on 14 May, carrying between 300 and 1,000 people daily. Upon arrival in Juba, returnees have been offered temporary accommodation until they are able to proceed to their final place of settlement.

"... The humanitarian airlift of returnees formerly stranded in Kosti, the Sudan, was completed on 7 June after 24 days of flights. In the course of the operation, 11,840 people were flown from Khartoum to Juba on 79 flights. Aid agencies have continued providing assistance to the newly arrived returnees at the National Teacher Training Institute transit site outside Juba, where just over 3,000 returnees continue to be located, while others have joined their relatives in Juba or have been assisted with onward transportation." **[18w](para 82-83)**

31.19 The International Organisation for Migration, 'Sudan Newsletter', Issue 6, January – June 2012 on the issue of north – south movements, highlighted the following achievements:

"312 extremely vulnerable people and their accompanying family members from Kosti way-station and Khartoum open areas were flown on 11 charter flights between 26 and 29 January with: 7 flights to Wau, 3 flights to Aweil and 1 flight to Juba. ... Between March 20 and 31, an additional 1,833 extremely vulnerable people were flown on 44 charter flights with: 27 to Wau, 11 to Aweil and 6 to Juba. ... In March, IOM was also able to organize a train convoy which left Khartoum for Wau on 1 March with 900 people on board. 546 more boarded in Kosti and it arrived in Babanusa with 1490 passengers. By the time it crossed into South Sudan, there were 2,300 people on board. It reached Wau on 18 March. ... In May – June, 11,840 people from the Kosti way-station were moved on 79 flights in 24 days from Khartoum to Juba. ... In June, 413 extremely vulnerable individuals who had been registered in March but for whom flights were unable to go ahead in April were moved on 3 flights from Khartoum to Juba." **[66b](p.3)**

31.20 According to the UN's Office for the Coordination of Humanitarian Affairs (OCHA), 'Sudan Humanitarian Update, 2nd Quarter 2012', dated 15 July 2012, between October 2010 and June 2012 405,000 people had returned to South Sudan, including 33,000 who had returned in quarter two of 2012. **[24h](p.5)** As of 26 June 2012 movements to South Sudan comprised: 23,292 recorded road (bus/truck) passengers; 19,245 recorded fight passengers and 5,517 record barge and boat passengers. The source listed no figures for recorded train passengers. **[24h](p.5)** The OCHA report additionally included the following figure:



Source: IOM -ERS Weekly Update, IOM South Sudan, June 2012

[24h](p.5)

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Redocumentation procedures for South Sudanese

31.21 The OSIEA Report 2012 stated:

> "Access to nationality documentation is likely to be a challenge for all South Sudanese nationals in the short term, since the South Sudanese authorities only introduced procedures for issuing nationality documentation in January 2012 and will require some time to reach even all citizens living in the Republic of South Sudan. Those with a right to South Sudanese nationality living outside the new country may face even greater challenges as establishment of diplomatic representations and introduction of procedures for obtaining documentation overseas may take some time to introduce. ... A significant concern is that access to South Sudanese nationality documentation may be restricted for the many South Sudanese living in the Republic of Sudan, home to the largest population of South Sudanese outside South Sudan. It is likely that consular representation may be limited to Khartoum, while the continuing tense relations between the two states mean that cooperation around issues of nationality determination is doubtful. Since South Sudanese will most likely require nationality documentation in order to obtain residence permits in the Republic of Sudan, this could also hinder their ability to legalise their stay in the Republic of Sudan. ... UNICEF estimates that only one third of children under five born within the borders of the two states had obtained birth registration as of 2009, and around one fifth of those in rural areas." **[132a](p.32-33)**

31.22 A field report from Refugees International (RI) entitled 'South Sudan Nationality: Commitment now avoid conflict later', datd 29 May 2012 also observed:

> "RoSS' [the Republic of South Sudans'] 2011 nationality law and regulations require only that a person submit a birth certificate or age assessment and present a witness from his tribe who can attest to the person's place of origin. While the burden of proof is on the applicant, they need only demonstrate that they are likely to be a national (put simply, the interviewer must be at least 51% satisfied the applicant is a national). Unfortunately, included in the definition of a national are people born in or originating from 'indigenous communities,' which is a subjective assessment without reference to a

designated list. If a question exists as to the person's place of origin, two local authorities (at Boma and Payam levels) may attest to the origin of the individual. The nationality law contains a right to judicial review, but RI was told by the Director of the Nationality, Passport and Immigration office that no one has elected the process as most of the 80–100 denied applications were fraudulent. RI was unable to review the applications or adverse decisions. The general flexibility of RoSS' Nationality Act and regulations, if implemented correctly, should result in high rates of nationality certification and the prevention of statelessness. However, if implemented incorrectly, too rigidly, or in a discriminatory or arbitrary manner, the risk of statelessness will increase exponentially. Unfortunately, early indications suggest that all three concerns are present in the adjudication of nationality applications in Juba." **[82c](p.2)**

31.23 The same source additionally noted that there were several risks to persons becoming stateless in South Sudan, these were early indications of discriminary decision making; arbitrary decision making and the incorrect implementation of the Nationality Act. **[82c](p.2-4)** For further details see: RI report 'South Sudan Nationality: Commitment now avoid conflict later', 29 May 2012

See also: Refugees International, Photo Report, 'South Sudan: Searching for Citizenship', 15 May 2012

Use of emergency travel documents by South Sudanese

31.24 The OCHA 'Sudan Humanitarian Update, 2nd Quarter 2012', dated 15 July 2012 noted "... in early April [2012], the Embassy of South Sudan began issuing emergency travel documents to people of South Sudanese origin. The embassy has issued 2,400 nationality certificates and 1,800 passports so far. A further 2,600 nationality certificates and 3,200 passports are in Juba awaiting delivery." **[24h](p.5)**

31.25 However a field report from Refugees International (RI) entitled 'South Sudan Nationality: Commitment now avoid conflict later', dated 29 May 2012 explained:

"Leaving Sudan requires an emergency travel document, which the RoSS embassy has issued to 12,000 people deemed to be South Sudanese. The travel document, however, cannot be used as proof of South Sudanese nationality, which undermines its utility. While emergency travel documents do not require as much evidence as a nationality application, not considering them as proof of presumptive nationality is a waste of administrative resources in Khartoum and Juba, and it leaves this population even more vulnerable to statelessness if they are not recognized as nationals of RoSS. If ultimately denied South Sudanese nationality, such individuals will almost surely be deprived of Sudanese nationality as well, since they were granted prima facie proof of nationality by RoSS and the Sudanese nationality law does not permit dual nationality.

"Travel documents issued by RoSS embassies around the world should be considered proof of nationality with all the rights and obligations of citizenship, until an individual is recognized as a foreigner after a formal administrative procedure with the right of review in South Sudan. To do otherwise is to put at risk the nationality of hundreds of thousands of individuals who are making the affirmative decision to reside in RoSS." **[82c](p.4)**

See also: Exit and return

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32. EXIT AND RETURN

32.01 The US State Department, 2011 Country Reports on Human Rights Practices, Sudan, dated 24 May 2012 observed:

> "The government required citizens to obtain an exit visa if they wished to depart the country. Issuance was usually pro forma, and the government did not use the visa requirement to restrict citizens' travel during the year. ... Unlike in the previous year, the government did not restrict persons from traveling outside of the country to attend conferences." Commenting on the practice of exiling citizens from Sudan, the same source explained: "The law prohibits forced exile, and the government did not use it. However, opposition leaders and NGO activists remained in self-imposed exile throughout northern Africa and Europe, and other activists fled the country during the year." **[2b](2d.Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)**

32.02 The IOM report 'Migration in Sudan: A Country Profile 2011', reflecting the situation as of December 2010 (IOM Migration Report 2011) noted: "Sudanese nationals and residing foreigners may leave the Country only upon issuance of an exit visa granted by the competent ministerial authorities, unless they are less than 18 years, Sudanese women or visitors for periods less than three months." **[66c](p.72)** The source further noted: "Sudanese intending to leave the Country for working abroad are in general subject to the following conditions: ... the endorsement of the proposed contract by the Ministry of Labour; ... finalization of exit procedures (taxes, etc…) at Secretariat of Sudanese Working Abroad (SSWA)[;] ... a valid passport and a valid exit visas issued by Ministry of Interior." **[66c](p.74)**

32.03 The somewhat dated 10th European Country of Origin Information Seminar, dated 1 – 2 December 2005, Budapest, on Sudan, republished 29 November 2006, citing contributions from Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, also noted: "Sudanese citizens need exit visa to leave the country, and these are denied to persons the government doesn't want to travel abroad, for example to attend critical meetings or conferences. While considering an application for an exit visa, the authorities keep the passport of the applicant. It's not a fact that political opponents don't get exit visa at all; it just might takes a couple of months or even years, and through all those years the passport stays with the authorities." **[113a](p.22)** The same source referring to information given by Dr Homayoun Alizadeh, Regional Representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted: "If women want to leave Sudan, they have to get a permission from their brother, father or husband, so there is no way a woman can leave the country on her own." **[113a](p.22)** See also: Women, Freedom of movement

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TREATMENT OF RETURNING FAILED ASYLUM SEEKERS

The following information should be considered together with material listed under Internally displaced persons and refugees, Sudanese refugees and asylum seekers abroad and Return programmes and other migration policy initiatives.

32.04 The IOM Migration Report 2011 observed that various departments of the National Security and Intelligence Services (NSIS) had responsibility for "[m]anagement of operations for national security such as border control." **[66c](p.76)** For further information on the practices of the security services see: National Intelligence and Security Services. Also see: Human rights violations perpetrated by NISS.

32.05 Officials should note that information related specifically to the treatment of returning failed asylum seekers is relatively dated and limited in its range and depth. A report from Waging Peace, dated 4 August 2011, citing sources from between 2006 and 2010, explained with regard to Sudan's National Intelligence Service (NISS):

"Returning Sudanese asylum seekers from the UK to Sudan in and of itself constitutes a significant threat to their safety at the hands of the NISS, and in the worst instances can result in death. Claiming asylum abroad is considered an act of regime defiance and, as such, the process of applying for documentation brings an individual to the attention of the NISS. Furthermore, the NISS uses information gathered through an advanced security service network to incriminate detainees, making the risk of imprisonment for failed UK asylum cases high. Detainees are then held without warrant, record, trial or representation, often severely tortured and their lives threatened, in prison conditions that are unacceptable. They are sometimes released only on the basis that they gather information on rebel activity and return to the NISS to be re-detained should they not provide 'satisfactory' answers. With this in mind, returning a Sudanese asylum seeker from the UK can, in the worst cases, amount to sending them to their death, and even in more favourable cases, constitutes a considerable threat to their safety and well-being." **[35a]**

See also: Waging Peace briefing 'UKBA intimidates Sudanese asylum seekers', circa 2011.

32.06 The UN's High Commissioner for Human Rights, 'Tenth Periodic report of the UN High Commissioner for Human Rights on the situation of human rights in Sudan', dated 28 November 2008, observed: "Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organizations abroad." **[1o](p.20-21)**

32.07 A report from the Telegraph dated 17 March 2009 noted: "Adam Osman Mohammed, 32, was shot dead in his home in front of his wife and four-year-old son just days after arriving in south Darfur, it is claimed. … Mr Mohammed, a non-Arab Darfuri, came to Britain seeking sanctuary from persecution in Sudan, where he said his life was in danger. … The village where he was a farmer had been raided twice by the Janjaweed, the ethnic Arab militia, forcing him and his wife and child to flee their home. … Mr Mohammed became separated from his wife during a second attack on the village a few weeks later and escaped to Chad before making his way to the UK in 2005. … He lived in Birmingham for three years but his appeal for asylum was finally turned down last year and he returned to Darfur.

"In August [2009] he was flown to Khartoum under the Home Office's assisted voluntary return programme, in which refugees are paid to go back to their country of origin. … He stayed in Khartoum for a few months and then, when he believed it was safe, he travelled to Darfur to be reunited with his family. … Mr Mohammed's cousin, Mohamed Elzaki Obubeker, who is chairman of the Darfur Union in the UK, said: 'The government security forces had followed him to another village, Calgoo, where his wife and child had

sought help. They came to the village to find him and then targeted him. They shot him in front of his wife and son.' … The case is to be used by asylum campaigners to counter Home Office attempts to lift the ban on the removal and deportation to Sudan of failed asylum-seekers." **[42b]**

32.08 An earlier report from the BBC dated 3 October 2007 noted:

"Asylum seekers from Sudan's war-torn Darfur region have been tortured after being deported back to their capital from the UK, a human rights group says. … The Aegis Trust said it had evidence that people from Darfur, in the west, had been abused while in detention in Khartoum - on the other side of Sudan. … It said it had corroborated claims by five Darfuris who had had asylum applications rejected by the UK. ... Darfuri Sadiq Adam Osman said that on 5 February [2007] he was put on a plane in handcuffs in the UK and sent back to Khartoum after being declared a failed asylum seeker. … On his return he was taken to jail, where 'the beatings and questions went on for days', he said. … 'I was blindfolded most of the time - my whole body was numb. At times I lost consciousness - I was expecting to die.' … The Aegis Trust said it helped Mr Osman to escape and had corroborated his story with photographs of his injuries as well as medical testimony." **[3c]**

32.09 A report from Inigo Gilmore published in the Guardian, dated 28 March 2007, referring again to the case of Sadiq Adam Osman who was returned to Sudan in 2007 explained:

"The end of the road for Sadiq came in January [2007], when the Home Office ruled that he was not at risk. He lost his appeal and was arrested and transferred to Oakington detention centre, near Cambridge, to await deportation. … Within days, he was at the airport and, on February 5 [2007], was flown on a Gulf Air flight to Khartoum via Bahrain. After arriving in Sudan's capital he denied he was from Darfur, because, he said, he feared they might kill him. … 'When I arrived at the airport an officer said to me, 'come here you donkey',' he remembered. 'They took me into a small office and slapped me around and kicked me.' … As he continued to deny he was Darfuri, the officers became frustrated. 'Later I was blindfolded, and taken to another location in a car,' he said. 'Then I was in a room, and I was tied to a chair. After they tied me up, they beat me.' … The officers brought some photos taken in London of Darfuris protesting. 'They said to me: "Do you know the people in these photos?" My photo was among those they were showing me, except I looked different. I was wearing a hat and had long hair at the time. He asked me "do you know the people in the photos?" and began calling out their names. I recognised one name.' … Sadiq's claim that he was presented with photos of himself taken during protests over Darfuris is not unique among Darfuri refugees, and it is something I put to the ambassador. 'Absolutely not!' Mr Siddig said. 'I have no idea of what you are talking about. No one is monitoring Darfuris, and no one took any pictures around this embassy.'

"But we have obtained video, shot outside the embassy, which clearly shows embassy officials filming Darfuri protesters and their supporters, including Glenys Kinnock and other campaigners. 'So what is wrong if that happened?' the ambassador asked when I pointed this out. … Once confronted with these photos in Khartoum airport, Sadiq felt the game was up. He was taken, blindfolded, to an interrogation room at an undisclosed building used by the security services, where he said he was severely tortured. At one moment when his blindfold was removed, he saw some electric cables. … 'My torturers were saying to each other: 'Let's just kill him'. One said: 'Please just finish him off'. But one man said: 'No, it's too early - someone might hear the gunshots.'" **[47c]** The report went on to explain that following Sadiq's escape from prison in Khartoum: "He [Sadiq]

managed to contact the Aegis Trust, which had attempted to help him during his time in the UK." **[47c]**

See also: Aegis Trust, Sudan, Asylum webpage and a short film by Inigo Gilmore, 'Escape from Khartoum', circa March 2007.

32.10 The 10th European Country of Origin Information Seminar, dated 1 – 2 December 2005, Budapest, on Sudan, republished 29 November 2006, citing contributions from Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, stated: "Of course, the Sudanese government observes activities of Sudanese nationals in Europe. Each consular or embassy has at least two security officers who deal with intelligence information.Each event that is related to Sudan is attended by people from the embassy who observe and report – not to the minister of foreign affairs, but directly to their headquarters in Khartoum. The security apparatus, consisting of both internal security and intelligence service, monitors the activities of Sudanese citizens abroad." **[113a](p.22-23)**

32.11 On the subject of returning failed asylum seekers, Hans Schodder, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representative in Khartoum, stated: "Failed asylum seekers won't face severe problems upon return, as long as they are not recognized as a threat to the state. However, if they are seen as a threat – there is no guarantee. In the beginning of the 90ies there were cases of people who just disappeared. A lot of persons who left the country after the [1989] coup returned from exile. Of course they feared that they would be arrested at the airport, but nothing happened. However, this does not mean that the situation will continue like this." **[113a](p.23)** On the same subject, Dr Homayoun Alizadeh, Regional Representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) noted:

"In the past persons who left the country after the coup and stayed away for more than one year, would be questioned upon return automatically. This is no routine policy anymore; also the practice of arrests straight at the airport is not common anymore at the moment. Returnees might get visits from security officers later and be questioned or warned not to start any 'funky business' in Sudan. I have no information that these people are particularly being targeted. Instead, some people who have been abroad for many years, maybe for political reasons, have come back to Khartoum. They are subject to close surveillance and they know that they cannot engage in political activities. They also know that they can be arrested, questioned, and detained at any time. They feel a little bit more secure if they obtained a foreign passport before their return. But if they are still Sudanese citizens, they have no protection at all.

"There have been some positive developments [recently (circa 2005)], but the security is monitoring the situation very closely and it is quite unpredictable." **[113a](p.23)**

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RETURN PROGRAMMES AND OTHER MIGRATION POLICY INITIATIVES

32.12 The IOM report 'Migration in Sudan: A Country Profile 2011', reflecting the situation as of December 2010, (IOM Migration Report 2011) noted with regard to the return of Sudanese refugees: "Return programmes are implemented by the Sudanese government in cooperation with the governments of selected neighbouring countries and

UNHCR in the frame of 'tripartite agreements' ["... tripartite agreements were signed in 2006 with Kenya, Democratic Republic of Congo, Central African Republic, Ethiopia and Uganda" **[66c](p.71, footnote 20)**] ... as well as by UNHCR and IOM separately. These programmes are based on slightly different return and reintegration packages, depending on the involved institutions as well as the situations and needs of beneficiaries and areas of return." **[66c](p.54)** The source outlined the following main features with regard to returns:

- "Fluctuating numbers of returns, from a peak of about 126,000 in 2007 to 70,000 in 2008 and about 30,000 in 2009

- "The majority of returns in the last two years were from Uganda (about 70% of total returns in 2008 and 93% in 2009), generally under the tripartite agreement." **[66c](p.55)**

See also: Annex L: Return programmes to Sudan

32.13 The same source additionally observed: "UNHCR mainly deals with refugees in Sudan and Sudanese refugees abroad assisting the involved national institutions (especially COR [Ministry of Interior, Commission of Refugees]) in establishing and implementing international agreements and introducing practical arrangements for return and reinsertion of refugees in their areas of origin. Given the instability and conflict across Sudan and beyond its borders, UNHCR deals with different challenges but focussing mostly on the protection and assistance of refugees, as well as returns." **[66c](p.79)**

32.14 Figures published by the Home Office, 'Migration and Asylum – research statistics tables, Removals and voluntary departures by country of destination and type', provided the following breakdown for asylum returns to Sudan between the period 2004 and 2011:

Year [Data from quarter 1 2010 onwards are provisional [142b](Notes tab)]	Asylum cases: Enforced removals and notified voluntary departures [Due to a reclassification of removal categories, figures include asylum removals performed by UK Border Agency Officers using in-country powers of removal and a small number of cases dealt with at juxtaposed controls. **[142b](Notes tab)]**	Asylum cases: Assisted Voluntary Returns [People leaving under Assisted Voluntary Return Programmes run by Refugee Action (prior to April 2011 run by the International Organization for Migration). May include some on-entry cases and some cases where enforcement action has been initiated. [**142b](Notes**	Asylum cases: Other voluntary departures [People who it has been established left without informing the immigration authorities. (Not applicable prior to 2005.)**[142b](Notes tab)]**	**Total number of asylum cases**

		tab)		
2004	26	3	Not applicable	**29**
2005	36	10	0	**46**
2006	27	44	4	**75**
2007	22	36	7	**65**
2008	6	21	13	**40**
2009	5	10	14	**29**
2010	12	6	5	**23**
2011	9	5	1	**15**
Total 2004 – 2011 (calculated by COI Service)	143	135	44	**322**

[142b](table rv.06: Removals and voluntary departures by country of destination and type)

See also: Internally displaced persons and refugees, Sudanese refugees and asylum seekers abroad and Treatment of returning failed asylum seekers

32.15 The IOM Migration Report 2011 stated with regard to migration policies aimed at diaspora communities:

"The SSWA [Secretariat of Sudanese Working Abroad] was established at end of 1979 as a coordination unit between different governmental entities with a mandate to formulate polices and solutions for the issues and challenges of Sudanese citizens working and living abroad. However, as a consequence of the massive emigration in the following decades the role and functions of SSWA have been enlarged. The current and future need for skilled labour force [in Sudan] to assist in the reconstruction efforts following the signing of CPA has prompted the GoNU and GOSS to look into ways to attract the Sudanese diaspora to return, providing avenues for the direct involvement of qualified nationals and associations abroad as agents of development and change. In support of this return policy, many Sudanese ministries and stakeholders frequently go abroad to establish links with various Sudanese communities abroad and promote their involvement in the development of Sudan.

"The process of attracting and facilitating the diasporas' contribution or even the definitive return of qualified Sudanese expatriates has also been recommended by the Sudanese public opinion and reinvigorated by the contribution of international institutions and NGOs, in particular UNDP and IOM through the implementation of assistance initiatives (e.g. TOKTEN [Transfer of Knowledge Through Expariate Nationals] and RCPI [Rapid Capacity Placement Initiative]) and return programmes. In terms of data collection, SSWA established a National Register for Sudanese highly qualified professionals and introduced a national network among entities involved in the transfer of knowledge and technology under the acronym SPaKTEN [Sudanese Partnership for Knowledge Transfer of Expatriates Nationals].

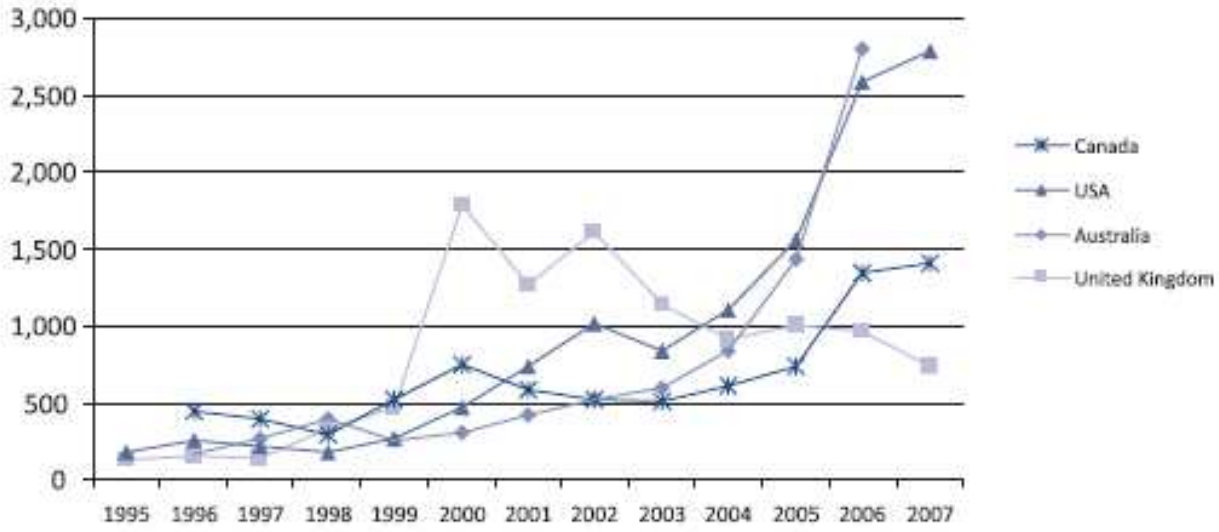
"A number of civil society organizations including many professional networks and associations of Sudanese diasporas worldwide have also applauded these efforts, including: ... The Sudanese communities in many countries [;] ... The Sudanese European Community Council [;] ... The Sudan Medical Society (SMC) [;] ... The Sudan Medical Care Foundation (SMCF) [;] ... The Sudan Medical Doctors Union in the UK and Ireland [;] ... The Sudanese Engineers Association (SEA) UK [;] ... The Sudanese

Engineers Community [;] ... The Sudan Studies Association (SSA) [;] ... The Sudan Studies Society of the United Kingdom (SSSUK) [;] ... The Sudan Civic Foundation (SCF) [;] ... The Sudan-Reach Women's Foundation (SRWF) [;] ... The Sudan Research Group (SRG) [;] ... The Forum of Qualified and Expert Sudanese in Oman [;] ... The Sudanese American Scientific, Technical and Professional Organization (SASTPO) USA [;] ... The New Sudan Professional Association (NSPA) in Canada [and] ... The New Sudan Organization Network (NSON)" **[66c](p.81-83)**

32.16 In considering the size of Sudan's diaspora community the IOM Migration Report 2011 observed:

"The size of Sudanese or Sudanese-origin population and their distribution abroad are difficult to ascertain exactly and only some broad estimates can be proposed ... Generally, it is clear that the Sudanese diasporas or expatriates are a not a negligible number, in particular in some developed countries, and tend to settle abroad permanently. ... [The figure below] shows the trends in acquisition of citizenship in United Kingdom, Australia, United States and Canada, all showing a drastic increase in the last few years (with the exception of the United Kingdom). Naturalization everywhere constitutes the most important way for acquiring the foreign citizenship (for example, 70% of total cases in the United Kingdom)." **[66c](p.62)**

32.17 The source provided the following figure on 'Acquisition of foreign citizenship in selected countries, 1995 – 2008':



Sources: EUROSTAT (2010), OECD (2010a), MPI (2010), national publications/databases.

[66c](p.63)

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ANNEX A: CHRONOLOGY OF MAJOR EVENTS

The following chronology is taken from the BBC, Sudan country page, timeline. **[3g]** For an updated version go to the link:

"...

1881 - Revolt against the Turco-Egyptian administration.

1899-1955 - Sudan is under joint British-Egyptian rule.

1956 - Sudan becomes independent.

1958 - General Abboud leads military coup against the civilian government elected earlier in the year

1962 - Civil war begins in the south, led by the Anya Nya movement.

1964 - The "October Revolution" overthrows Abbud and an Islamist-led government is established

1969 - Jaafar Numeiri leads the "May Revolution" military coup.

1971 - Sudanese Communist Party leaders executed after short-lived coup against Numeiry.

1972 - Under the Addis Ababa peace agreement between the government and the Anya Nya, the south becomes a self-governing region.

1978 - Oil discovered in Bentiu in southern Sudan.

1983 - Civil war breaks out again in the south involving government forces and the Sudan People's Liberation Movement (SPLM), led by John Garang.

Islamic law imposed

1983 - President Numeiri declares the introduction of Sharia Islamic law.

1985 - After widespread popular unrest Numayri is deposed by a group of officers and a Transitional Military Council is set up to rule the country.

1986 - Coalition government formed after general elections, with Sadiq al-Mahdi as prime minister.

1988 - Coalition partner the Democratic Unionist Party drafts cease-fire agreement with the SPLM, but it is not implemented.

1989 - National Salvation Revolution takes over in military coup.

1993 - Revolution Command Council dissolved after Omar Bashir is appointed president.

US strike

1995 - Egyptian President Mubarak accuses Sudan of being involved in attempt to assassinate him in Addis Ababa.

1998 - US launches missile attack on a pharmaceutical plant in Khartoum, alleging that it was making materials for chemical weapons.

1998 - New constitution endorsed by over 96% of voters in referendum.

1999 - President Bashir dissolves the National Assembly and declares a state of emergency following a power struggle with parliamentary speaker, Hassan al-Turabi.

Advent of oil

1999 - Sudan begins to export oil.

2000 President Bashir meets leaders of opposition National Democratic Alliance for first time in Eritrea.

Main opposition parties boycott presidential elections. Incumbent Bashir is re-elected for further five years.

2001 Islamist leader Al-Turabi's party, the Popular National Congress, signs memorandum of understanding with the southern rebel SPLM's armed wing, the Sudan People's Liberation Army (SPLA). Al-Turabi is arrested the next day, with more arrests of PNC members in the following months.

US extends unilateral sanctions against Sudan for another year, citing its record on terrorism and rights violations.

Peace deal

2002 - Government and SPLA sign landmark ceasefire agreement providing for six-month renewable ceasefire in central Nuba Mountains - a key rebel stronghold.

Talks in Kenya lead to a breakthrough agreement between the government and southern rebels on ending the 19-year civil war. The Machakos Protocol provides for the south to seek self-determination after six years.

2003 February - Rebels in western region of Darfur rise up against government, claiming the region is being neglected by Khartoum.

2003 October - PNC leader Turabi released after nearly three years in detention and ban on his party is lifted.

Uprising in west

2004 January - Army moves to quell rebel uprising in western region of Darfur; hundreds of thousands of refugees flee to neighbouring Chad.

2004 March - UN official says pro-government Arab Janjaweed militias are carrying out systematic killings of non-Arab villagers in Darfur.

Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, are detained over an alleged coup plot.

2004 September - UN says Sudan has not met targets for disarming pro-government Darfur militias and must accept outside help to protect civilians. US Secretary of State Colin Powell describes Darfur killings as genocide.

Peace agreement

2005 January - Government and southern rebels sign a peace deal. The agreement includes a permanent ceasefire and accords on wealth and power sharing.

UN report accuses the government and militias of systematic abuses in Darfur, but stops short of calling the violence genocide.

2005 March - UN Security Council authorises sanctions against those who violate ceasefire in Darfur. Council also votes to refer those accused of war crimes in Darfur to International Criminal Court.

2005 June - Government and exiled opposition grouping - National Democratic Alliance (NDA) - sign reconciliation deal allowing NDA into power-sharing administration.

President Bashir frees Islamist leader Hassan al-Turabi, detained since March 2004 over alleged coup plot.

Southern autonomy

2005 9 July - Former southern rebel leader John Garang is sworn in as first vice president. A constitution which gives a large degree of autonomy to the south is signed.

2005 1 August - Vice president and former rebel leader John Garang is killed in a plane crash. He is succeeded by Salva Kiir. Garang's death sparks deadly clashes in the capital between southern Sudanese and northern Arabs.

2005 September - Power-sharing government is formed in Khartoum.

2005 October - Autonomous government is formed in the south, in line with January 2005 peace deal. The administration is dominated by former rebels.

Darfur conflict

2006 May - Khartoum government and the main rebel faction in Darfur, the Sudan Liberation Movement, sign a peace accord. Two smaller rebel groups reject the deal. Fighting continues.

2006 August - Sudan rejects a UN resolution calling for a UN peacekeeping force in Darfur, saying it would compromise sovereignty.

2006 October - Jan Pronk, the UN's top official in Sudan, is expelled.

2006 November - African Union extends mandate of its peacekeeping force in Darfur for six months.

Hundreds are thought to have died in the heaviest fighting between northern Sudanese forces and their former southern rebel foes since they signed a peace deal last year. Fighting is centred on the southern town of Malakal.

2007 April - Sudan says it will accept a partial UN troop deployment to reinforce African Union peacekeepers in Darfur, but not a full 20,000-strong force.

War crimes charges

2007 May - International Criminal Court issues arrest warrants for a minister and a Janjaweed militia leader suspected of Darfur war crimes.

US President George W Bush announces fresh sanctions against Sudan.

2007 July - UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with the United Nations-African Union Mission in Darfur (Unamid).

2007 October - SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal. Returns to government in December.

2008 January - UN takes over Darfur peace force. Government planes bomb rebel positions in West Darfur, turning some areas into no-go zones for aid workers.

Abyei clashes

2008 March - Presidents of Sudan and Chad sign accord aimed at halting five years of hostilities between their countries.

2008 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.

2008 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.

2008 June - President Bashir and southern leader Salva Kiir agree to seek international arbitration to resolve dispute over Abyei.

Bashir accused

2008 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.

2008 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.

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.

2009 March - The International Criminal Court in The Hague issues an arrest warrant for President Bashir on charges of war crimes and crimes against humanity in Darfur.

Alliance strained

2009 June - Khartoum government denies it is supplying arms to ethnic groups in the south to destabilise the region.

2009 July - North and south Sudan say they accept ruling by arbitration court in The Hague shrinking disputed Abyei region and placing the major Heglig oil field in the north.

2009 August - Darfur war is over, says UN military commander in the region, in comments condemned by activists.

2009 December - Leaders of North and South reach deal on terms of referendum on independence due in South by 2011.

Darfur deal

2010 Feb-March - The Justice and Equality Movement (Jem) main Darfur rebel movement signs a peace accord with the government, prompting President Bashir to declare the Darfur war over. But failure to agree specifics and continuing clashes with smaller rebel groups endanger the deal.

2010 April - President Bashir gains new term in first contested presidential polls since 1986.

2010 July - International Criminal Court issues second arrest warrant for President al-Bashir - this time on charges of genocide.

2010 August - Mr Bashir tests ICC arrest warrant by visiting Kenya, an ICC signatory. The Kenyan government refuses to enforce the warrant.

2011 January - People of the South vote in favour of full independence from the north.

2011 May - Northern troops overrun town of Abyei on disputed border between north and south. South describes it as ''act of war''. Thousands flee.

South becomes independent

2011 July - South Sudan gains independence.

2011 September - State of emergency declared in Blue Nile state, elected SPLM-N Governor Malik Agar sacked. Some 100,000 said fleeing unrest.

2011 October - South Sudan and Sudan agree to set up several committees tasked with resolving their outstanding disputes.

2011 November - Sudan accused of bombing refugee camp in Yida, Unity State, South Sudan.

A Kenyan judge issues an arrest warrant for President Bashir, saying he should be detained if ever he sets foot in the country again.

2011 December - International Criminal Court's chief prosecutor requests arrest warrant for Sudan's defence minister, Abdelrahim Mohamed Hussein, for alleged war crimes in Darfur.

Sudanese government forces kill key Darfur rebel leader Khalil Ibrahim.

2012 January - South Sudan halts oil production after talks on fees for the export of oil via Sudan break down.

2012 February-April - Sudan and South Sudan sign non-aggression pact at talks on outstanding secession issues, but border fighting breaks out.

2012 May - Sudan pledges to pull its troops out of the border region of Abyei, which is also claimed by South Sudan, as bilateral peace talks resume.

2012 June - Week-long protests in Khartoum at austerity measures spread from students to general public and turn into clashes with police. The government cut fuel and other subsidies because of the drop in oil revenues after the independence of South Sudan." **[3g]**

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Annex B: Prominent people

The following section provides a brief biography of prominent people in Sudan. For information on persons not listed search via the Sudan Tribune website.

MALIK AGAR / MALIK AGGAR EYRE GANDOF

Chairman and Commander in Chief of the Sudan People's Liberation Movement – North (SPLM-N) and Chairman of the Sudan Revolutionary Front (SRF), which includes some Darfur rebels. (Sudan Tribune, 'Malik Agar / Malik Aggar Eyre Gandof', undated) **[12y]**

"Malik Agar – now one of the figureheads of both the SPLM North and Sudan Revolutionary Front – first took upon arms against the Sudanese government shortly after the outbreak of the second Sudanese civil war in 1983. It was in this period that the people of the Ingessana Hills, in what is now Blue Nile State, where Agar was born, were brought into conflict with the central state for the first time, due to the emergence of the SPLA in the region, the expansion of mechanized agriculture and the government's politicization of famine relief. ... In 1995, Agar commanded SPLA soldiers from Blue Nile as far away from their homeland as Western Equatoria in the far south-west of southern Sudan. But it was Agar who captured Kurmuk and Qaissan for the SPLA in January 1997.

"...Agar was the only non-NCP candidate to win a governorship in the 2010 elections beating the ruling party's candidate, Farah Ibrahim Mohamed Al-Aggar, by 108,119 to 99,417 votes. Unlike other high-profile opposition figures like his SPLM-North colleague Yasir Arman's Agar decided not to boycott the vote. However, he only served a year and half of his term as he was dismissed from the post 2 September 2011 by President Omar al-Bashir following skirmishes between the Sudanese military and SPLA-North. His replacement was former soldier al-Hadi Bushra. ... Agar immediately blamed the National Congress Party's lack of commitment to the CPA-mandated 'popular consultation' process for his falling out with the regime. Since his dismissal, Agar and the SPLA-North have conducted an all out insurgency against al-Bashir's regime within the province. Although he was forced out of his stronghold in Kurmuk by the Sudan Armed Forces in November 2011, he maintains that the SPLA is still well placed to threaten the state capital of Damazein. He has also made numerous requests for international aid agencies to assist populations within Blue Nile displaced by the fighting." (Sudan Tribune, 'Malik Agar / Malik Aggar Eyre Gandof', undated) **[12y]**

OMAR AL-BASHIR

Arab, Ja'alin tribe, President of the Republic of Sudan. National Congress Party. (Radio Dabanga, Profile: Ahmed Hassan Al Bashir, undated) **[58e]**

"A military officer, he seized power in 1989. After the restoration of civilian rule, he remained president and has continued to centralise power in Khartoum. The International Criminal Court (ICC) indicted Bashir for crimes against humanity, war crimes and genocide in Darfur and has issued two arrest warrants. Bashir has said he will not stand for office after his term ends in 2015 and will also step down as head of the NCP." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

See also the Enough Project blog, 'Enough 101: Who is Omar al-Bashir?', 19 June 2012

AHMED HAROUN

Bargo ethnic group. Governor of South Kordofan State. (Sudan Tribune, 'Ahmed Haroun', undated)**[12x]**

"Ahmed Haroun – now famous as the man wanted by the International Criminal Court (ICC) for his conduct of the counter insurgency in Darfur in between 2003 and 2004 – was born 'to a poor father' in Northern Kordofan in 1964. He is descended from members of the Bargo ethnic group who migrated from Nigeria to Sudan in the 19th Century.

"... [I]t was in his role as the holder of the Darfur security dossier at the Interior Ministry in 2003 that he attracted most notoriety. In between 2003 and 2004 Haroun is believed to have organized and mobilized the 'Janjaweed' militias that have been held responsible for numerous war crimes since the outbreak of conflict in the region. It was on account of his actions during this period that in April 2007 the ICC prosecutor Louis Moreno-Ocampo decided to issue an arrest warrant for Haroun, accusing him of overseeing the numerous acts of rape, murder, plunder and destruction committed by pro-government militias in the region. The warrant observed that Haroun had contributed personally to the perpetration of these abuses by exhorting the militias to commit these acts in public speeches.

"The Sudanese government's initial response to Haroun's indictment showed its contempt for the ICC. Having already been appointed State Minister in the Humanitarian Affairs ministry in 2005, in September 2007 – six months after the indictment – he was made head of a committee charged with investigating human rights violations in Darfur. Although Haroun is not a member of the 'inner circle' and it is believed that some in the NCP consider him a liability, it seems that the party does not want to risk surrendering Haroun for fear of marginalizing its supporters in western Sudan. Interviewed by The Guardian in 2008, Haroun condemned the ICC for neo-colonialism and 'only targeting African countries'.

"Referring to his deployment of armed militias in Darfur, he claimed 'The policy and tactics of the government, and other governments when things like this are happening, is to begin mobilizing. We have a security reserve force – the Popular Defence Force – to respond to those attacks, a paramilitary force. Some call the PDF by different names, some call it militia, some are calling it Janjaweed. But it is a formal force and it works under the army.' He blamed the rebels for all the massacres that had been committed and concluded 'What I have done was legal, it was my responsibility, it was my duty. I am content. I am at peace with myself'.

"... In 2009 Umar al-Bashir appointed Haroun as governor of South Kordofan, a position which he retained after beating the SPLM's Abdel-Aziz Al-Hilu in the gubernatorial elections of May 2011. It was the controversy over these elections – in which the SPLM rejected the outcome and accused Haroun and the NCP of rigging the result – that helped to provoke the re-emergence of conflict in the region later in 2011. In this period he has been accused of further war crimes. ... In early 2012, al-Jazeera broadcast a video of Haroun ordering government troops to take no prisoners when fighting the SPLM-North, declaring 'don't bring them back alive. We have no space for them'. Haroun later accused the Qatar-based channel of fabricating the video." (Sudan Tribune, 'Ahmed Haroun', undated)**[12x]**

See: Al Jazeera 'Sudan Governor to troops: 'Take no prisoners'', 31 March 2012 and 'Inside Sudan – South Kordofan: Unfinished Business', 8 April 2012

MUSA HILAL

Arab. Abbala Rizeigat. (The Sudan Handbook, edited by John Ryle, Justin Willis, Suliman Baldo, Jok Madut Jok, published 2012) **[121a](p.340-341)**

"The most prominent of the leaders of the government-supported militias in Darfur known as janjawid, appointed an adviser to the Khartoum government in 2008. He is the son of Shiekh Hilal Abdalla of the Um Jalul clan of the Mahamid section of Abbala Rizeigat in Darfur Darfur. He is accused of leading the janjawid, from his base in Mistirha, on a platform of Arab supremacism. In 2006 the UN Security Council adopted resolution 1672 that imposed travel restrictions and financial sanctions on Musa Hilal and three other Sudanese suspected of committing war crimes in Darfur." (The Sudan Handbook, edited by John Ryle, Justin Willis, Suliman Baldo, Jok Madut Jok, published 2012) **[121a](p.340-341)**

ALI OSMAN TAHA

Arab, Shaigiyya tribe, First vice president of the Republic of Sudan, National Congress Party. (Radio Dabanga, Profile: Ali Osman Taha, undated) **[58d]**

"Ali Osman Mohammed Taha was appointed to the position of the first vice president of Sudan on September 13 [2011]. Taha replaced Salva Kiir, who had to resign from his position after he took up the post of the president of newly independent South Sudan. Ali Osman Taha had been the second vice president of Sudan from 2005, and previously had served as the first vice president from 1998-2005. Prior to that, he held the finance minister's portfolio for three years." (Radio Dabanga, Profile: Ali Osman Taha, undated) **[58d]** "He negotiated and signed the CPA in 2005 and was chief NCP negotiator during the U.S.-sponsored North-South post-referendum talks in October 2010. He headed government efforts against Darfur rebels from 2003 to 2005 and has been accused of mobilising the Janjaweed militias." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

SADIQ AL-MAHDI

Leader of the National Umma Party. (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

"... [He] was its presidential candidate in 2010. He is also the imam (spiritual leader) of the Ansar. He was prime minister of Sudan from 1966 to 1967 and again from 1986 to 1989, his second term ending with the Islamists' coup. He is accused by many analysts of killing the 1986 Koka-Dam agreement, which might have ended the civil war much earlier." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

NAFIE ALI NAFIE

"Co-deputy NCP chairman and a presidential adviser, he is not a party hardliner. He was responsible for preparing the 2010 elections in which Bashir was re-elected, and the NCP won a National Assembly majority and all but one governorship but that were characterised by many as not meeting international standards. He was a rising NIF member during the 1989 coup and headed the NIF security and intelligence institutions throughout the 1990s." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

TIJANI SESE

Fur tribe; President of the Liberation and Justice Movement; President of the Darfur Regional Authority (Radio Dabanga, Profile: Tijani Sese, undated) **[58g]**

"Prior to heading the Liberation and Justice Movement (LJM), Tijani Sese was a member of the Umma Party of Sadiq Al-Mahdi. Sese has also been a professor at the Khartoum University and has lived outside of Sudan for 20 years. He has been a state minister and a Darfur governor during the democratic government of Al-Mahdi between 1986 and 1989. ... Sese spearheaded the formation of the LJM in February 2010 from various splinter groups and smaller opposition movements. Since its formation, the LJM has been instrumental in seeing through the Doha Peace Agreement. It was the only group that worked alongside the Sudanese government in the Darfur Peace Process. ... Tijani Sese was appointed as the president of the Darfur Regional Authority on September 20 [2011]. Since his return to Darfur, Sese has been met with criticism from the people of Darfur." (Radio Dabanga, Profile: Tijani Sese, undated) **[58g]**

HASSAN AL-TURABI

Leader of the Popular Congress Party (International Crisis Group,'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011)**[32a](p.34)**

"Founder of the Islamic movement, the National Islamic Front and current leader of the PCP, he has long advocated establishment of an Islamic state. As justice minister, he convinced former president Nimeri to impose Sharia in 1983 and was subsequently appointed assistant for political and external affairs. He spearheaded the planning of the Islamists' coup. One of Bashir's closest advisers, he was NCP secretary general, but in 1999 the relationship broke down, prompting Turabi to form the PCP. Representing a strong opposition to the NCP, he and members of his party have been arrested on numerous occasions ..." (International Crisis Group,'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011)**[32a](p.34)**

AL HAJ AHMED YOUSSEF

Darfuri-Arab, Beni Helba tribe, Second vice president of the Republic of Sudan, National Congress Party (Radio Dabanga, 'Who is the new vice president?, undated) **[58f]**

"On September 13, 2011 President Omar Al Bashir announced the appointment of Al Haj Ahmed Youssef as the new vice president of the country. The position had been vacant since Salva Kiir resigned to lead South Sudan after its secession from the North. ... In the wake of his appointment, Ahmed Youssef who belongs to an Arab ethnic group in Darfur said, 'There is a need to lay down arms and engage in peaceful ways ahead to end strife in the country.' Yousseff added that there was no conflict between the LJM [Liberation and Justice Movement] and the NCP about his appointment. ... The LJM, however, did express some concerns about the appointment of the new vice president, a decision the NCP seems to have reached without consultation with its ally. As per prior agreements, the post of the vice president is supposed to have been reserved for Tijani Sese, the chief of the LJM, which is the only opposition group that signed the Doha Peace Agreement (DPA) with the government of Sudan. ... Most Darfuri opposition groups have also openly criticized the decision. So the vice president's appointment does come along with a fair share of controversy." (Radio Dabanga, 'Who is the new vice president?, undated **[58f]**

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Annex C: Political parties and urban protest movements

POLITICAL PARTIES

For further details on Sudan's political parties refer to the website Sudan Electionnaire. See also the IRIN article: 'Sudan: Who's who in the opposition', 26 July 2012

The Communist Party of Sudan (CPS) / Sudan Communist Party (SCP)
http://www.midan.net/

"Sudan Communist Party. Formerly the largest and best organised communist party in the Middle East. After the failed 1971 coup, Nimeri killed most of its leaders. Led since 1972 by Mohamed Ibrahim Nugud, it remains an important opposition party." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

"[The Communist Party of Sudan] is one of the nation's oldest parties. By the 1920s, Marxist teachings already had found their way into Sudan through the Egyptian Communist Party. The CPS was formally founded as the SMNL [Sudanese Movement for National Liberation] ... in 1946, ten years before Sudan's independence, and was soon considered to be one of the most influential communist parties in both the Middle East and Africa, reaching out to Southern Sudanese as well. Its Marxist vision of shifting the center of the country's economic gravity to the peripheries had a wide influence on Sudanese political life [NB: the Anti-Imperialist Front was the political party established as the 'legal umbrella organisation' of the SMNL, "... which was banned by the British-dominated colonial regime and later renamed as the Communist Party of Sudan" **[141a](p.40)**]. In the first general elections of 1953, a CPS member won a seat under the banner of the AIF. Under Abdel Khaliq Mahjoub's leadership, the CPS played an instrumental role in the toppling of General Ibrahim Abboud's military regime (1958-1964). Hence, the transitional government's first cabinet included a number of CPS members. After the 1965 elections, the party was declared illegal again, mainly because of pressure from the Islamist ICF (see Popular Congress) but continued opposition activities from its strongholds in the universities and labor unions. In 1969, the CPS supported the May Revolution of the leftist 'Free Officers' led by Colonel Numeiri. The party remained officially dissolved, but some CPS politicians entered into the government. However, in 1971, Numeiri accused the CPS of complicity in an abortive coup d'état led by CPS member Hashim El Atta. Mahjoub, Atta and many other CPS leaders were executed, and the party was once again forced to continue its activities underground. Following Numeiri's overthrow thanks to a popular uprising in 1985, the CPS voiced strong opposition to the draconian September Laws, which Numeiri had introduced in 1983 under the label of Sharia, and advocated for a secular constitution. The party won three seats in the 1986 parliamentary elections. With other parties it entered into a dialogue with the mainly Southern rebels of the Sudan People's Liberation Movement/Army (SPLM/A) in order to find a solution for the civil war in the South that had broken out again in 1983. After the 1989 military takeover, the CPS played a prominent role in the National Democratic Alliance (NDA), an umbrella of parties and forces opposed to the 'National Salvation Revolution' [i.e. National Islamic Front led] rule of General Al Bashir. Simultaneously, it continued its activities from inside the country. CPS secretary general Mohamed Ibrahim Nugud, who had held the office since 1972 and stayed in hiding inside Sudan from 1994 until 2006, promoted 'socialism in a multi-party system'. He passed away in March 2012." (Media in Cooperation and Transition gGmbH (MICT), 'The Sudanese press after separation – Contested identities of journalism', based on research conducted in December 2011 during a mission to Khartoum, published 2012, 'Party portraits', Roman Deckert (MICT Party portraits 2012) **[141a](p.41)**

Democratic Unionist Party (DUP)

"Democratic Unionist Party, led by Mohamed Osman al-Mirghani. It has long advocated an Islamic state. The DUP was a founding member of the National Democratic Alliance (NDA), and went into opposition following the 1989 military takeover. Al-Mirghani is also the leader of the Khatemia Sufi order." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.34)**

"[The DUP] is the oldest political party in Sudan, with origins dating from the first half of the 19th century when the Khatmiyya Sufi order was founded by Mohamed Osman Al Mirghani. In 1943 Khatmiyya followers and Ismail Al Azhari, a professor of mathematics, founded its predecessor, the urban based Ashigga Party, which in 1952 was transformed into the secularist National Unionist Party (NUP). After a massive victory in the 1953 elections, Azhari became the first Sudanese prime minister under Anglo-Egyptian colonial rule. He led Sudan into independence in 1956, having reversed the party's position on uniting with Egypt. Following the 1958 military takeover, the NUP was disbanded like all other parties. When the Abboud regime was overthrown in 1964, Azhari was elected head of state, and the NUP entered into coalition with the Umma Party. Both sectarian parties revived their traditional patronage systems. In 1967, the NUP merged with the Khatmiyya's People's Democratic Party (PDP) to form the DUP. After the 1969 'socialist' May Revolution, the DUP was again dissolved like all other parties, under the one-party rule of Numeiri's Sudanese Socialist Union ... ; it continued its opposition from exile. In 1978, the DUP entered with other parties into National Reconciliation with the Numeiri regime, which was overthrown in 1985. In the 1986 parliamentary elections, the DUP won the second largest number of seats and participated in a coalition government with the Umma. The DUP's deputy head and Khatmiyya hereditary leader Ahmed Al Mirghani, a great-grandson of the order's founder, became president of the republic. Following the 1989 army coup [by Bashir], the DUP became one of the founding members of the opposition umbrella NDA [National Democratic Alliance]; DUP leader Mohamed Osman Al Mirghani became its chairman. When the Comprehensive Peace Agreement (CPA) ended the war in the South in 2005, Mirghani signed a political reconciliation agreement with the government. He returned to Sudan from exile in Egypt in 2008. The 2010 general elections showed that the DUP – like Umma – suffered both from internal factionalism and from an erosion of its traditional base. ..." (MICT Party portraits 2012) **[141a](p.41-42)**

National Congress Party (NCP)

"[The National Congress Party] was formally founded in 1998 and has been led by President Al Bashir ever since. Its Islamist roots go back to the Muslim Brotherhood, which was founded in the 1940s, the Islamic Charter Front (ICF), which was formed in the 1960s, and its successor party the National Islamic Front ... Bashir came to power in 1989 through a military takeover, the 'National Salvation Revolution' (Ingaz) that opposed the traditional sectarianism in Sudanese politics. A power struggle between Bashir and long-time Islamist leader Sheikh Turabi resulted in the departure of Turabi's followers, who later founded the Popular Congress ... While strongly criticized by the opposition for its domestic policies, especially its harsh reaction to the rebellion in Darfur (see JEM), the NCP has been widely credited for settling the second civil war in the South through the CPA in 2005. In the 2010 general elections, which were boycotted by some major parties, the NCP won 324 out of 450 seats in the national parliament and majorities in all the state assemblies. While the polls were criticized by observers for legal and administrative flaws, many analysts agree that the result did represent more or less the extent to which the NCP enjoys popular support, especially in the center of the country. After the secession of the South, the NCP included the DUP and some smaller parties in the government. In early 2012, the party's Leadership Council approved a major reshuffle in its top rank, apparently to accommodate some headmen left out of the cabinet, and to integrate influential functionaries of the Islamic Movement, especially younger members with regard to the Arab Spring. The main

competing factions are led by First Vice President Ali Osman Taha and Presidential Advisor Dr. Nafi Ali Nafi." (MICT Party portraits 2012) **[141a](p.43-44)** See: National Islamic Front (NIF)

National Consensus Forces (NCF)

A political coalition including several opposition parties, "... originally formed to stand against the ruling National Congress Party in elections held in April 2010. ... Some of these - the National Umma Party, the Communist Party and the Popular Congress Party - signed a Democratic Alternative Charter (DAC) on 4 July 2012, thereby committing themselves to remove the NCP from power through 'peaceful means' and the creation of a 'civil democratic state'." (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]** The NCF includes the National Umma Party; Popular Congress Party; Sudanese Communist Party; Nasirist Democratic Unionist Party (supports Arab nationalism; has a close affinity with Egypt; led by Gamal Abdunnasir Idris); Unified Democratic Unionist Party (led by Jala'a Ismail Al-ahari); New Forces Democratic Movement (HAG) (led by Halal Abdulhaleem; Sudan Ba'ath Party (led by Mohamed Ali Jadain; The Arabic Baath Social Party (originally led by Ali Elraih El Sanhoory) and the Sudanese Congress Party (led by Ibrahim Elshiekh) (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

National Islamic Front (NIF)

National Islamic Front (former Islamic Charter Front). Based on the Muslim Brotherhood, it is the culmination of the Sudanese Islamic Movement's political work. Hassan al-Turabi was its leader. The NIF was committed to an Islamic state and rejected the 1986 Koka Dam agreements, which would have revoked Sharia. The NIF overthrew the democraticallyelected government in 1989." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) [**32a](p.35)** See also: National Congress Party

Popular Congress (Party) http://www.popularcongress.org/

"Popular Congress Party [PCP], founded by Hassan al-Turabi in 2000. Espousing democratic, Pluralistic and Islamic values, it remains a leading opponent of the NCP, which considers it Enemy number one." (International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) [**32a](p.35)** "[The] PCP publishes its own newspaper, Rai al-Shaab, currently banned by the National Intelligence Security Services." (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

"[The Popular Congress] was founded as the Popular National Congress Party (PNCP) when it split off from the ruling NCP. It is led by Sheikh Turabi who holds a doctorate in law from the Sorbonne in Paris. In the early 1960s he joined Sudan's Muslim Brothers Organization, which was founded in 1952 by University of Khartoum students as an extension of the Muslim Brotherhood Organization of Egypt. During the 1964 popular uprising against General Abboud's military regime, Turabi led the Brotherhood's party, the Islamic Charter Front (ICF), to a prominent role. In the 1965 and 1968 elections, the ICF won a number of seats, primarily amongst student constituencies. It also managed to push its urge for an Islamic constitution onto the agenda of the mainstream parties, Umma and DUP. After Jafar Numeiri's 1969 'socialist' May Revolution, the ICF was persecuted like all other parties. However, following Numeiri's policy of National Reconciliation in 1977, the activists of the dissolved ICF re-entered the political stage, with Turabi taking over the influential attorney general position. In the 1986 elections the ICF successor National Islamic Front (NIF) won the third largest number of seats, mainly in and around the national capital. In 1988, Turabi served first as minister of justice and then as minister of foreign affairs as well as deputy prime minister in a coalition government with

the Umma party, focusing on defending Islamic law and opposing negotiations with the rebel SPLM/A. However, in early 1989, the NIF was ousted from the coalition under pressure from the army. Turabi is generally considered to be the mastermind of the 1989 coup by Islamist army officers. He played a crucial role in designing the new government's Islamic policies, was elected speaker of the National Assembly in 1996 and in 1998, was elected secretarygeneral of the NCP, which evolved out of the NIF. However, in 1999, he was ousted from these positions over differences with President Bashir and his followers. He and his supporters subsequently founded the PC. Since then, he and his fellow party leaders have been repeatedly detained or placed under house arrest. The PC has remained one of the most vociferous opponents of the ruling NCP, advocating for regime change through a popular uprising." (MICT Party portraits 2012) **[141a](p.44)**

The Sudan People's Liberation Movement (SPLM)

"[The SPLM] and its then military wing, the Sudan People's Liberation Army (SPLA), were formed in 1983 when Colonel Dr. John Garang de Mabior was sent to quell a mutiny of Southern troops in the Southern town of Bor but instead set himself at the head of the insurgency. During the first civil war, Garang had joined the Southern rebel movement of Anya-Nya-I and was absorbed into the regular army after the Addis Ababa peace agreement of 1972. The 1983 rebellion not only was sparked by President Numeiri's policy of eroding the Addis accord and of Islamizing the country but was also a result of internal power struggles by Southern politicians. In the beginning, the SPLM defined itself as a national movement with a Marxist orientation that was not confined to the South. It declared as its principal objective: 'The New Sudan,' a united and secular state that provides social, economic and political justice for the marginalized peoples of the peripheries. Hence, the SPLM also attracted support from Northern Sudan, particularly the Nuba Mountains and Blue Nile. After Numeiri's overthrow in 1985, the SPLM entered into negotiations with the main Northern parties. However, all peace initiatives failed because of political wrangling in Khartoum. By the time the 1989 'National Salvation Revolution' took over power in Khartoum [led by Bashir], the SPLA controlled the largest part of Southern Sudan. In 1990, the SPLM joined the opposition umbrella NDA [National Democratic Alliance]. In 1991, however, the SPLA lost the military initiative due to both an internal split and regime change in Ethiopia, which had been its main supporter. Peace talks with the new government failed, but in 1995, the SPLA went on the military offensive again, while its NDA allies opened another front in Eastern Sudan. In 2002, the SPLM and the Khartoum government signed the first Machakos protocol, which paved the way for the 2005 CPA. However, briefly after his inauguration as first vice president of the Republic and as president of the semi-autonomous South, SPLM/A-leader Dr. Garang died in a helicopter crash. He was succeeded by his military chief of staff, Salva Kiir Mayardit, a co-founder of the SPLA/M. Subsequently, the secessionists within the party gained the upper hand, and the SPLM parted from Garang's concept of a united 'New Sudan'. When South Sudan became an independent republic on July 9, 2011, the ruling SPLM formally severed ties with its Northern Sector [the SPLM-N], but it is widely assumed that military support for its struggle continues unofficially." (MICT Party portraits 2012) [141a]**(p.46)**

The Umma Party http://www.umma.org

"A large traditional party in Khartoum, led by Sadiq al-Mahdi. It has historically drawn its support from the Ansar sect and had large constituencies in Darfur and Kordofan. Al-Mahdi is also the religious leader of the Ansar. During the NCP regime, many leaders split from the main Umma party (NUP) and formed their own versions of the name Umma; the majority joined the NCP-led GNU. Today there are more than three different Umma parties. Before the referendum in January 2011, the second largest, led by the cousin of Sadig, Mubarak

al-Fadil, rejoined the mother party"(International Crisis Group, 'Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability', 4 May 2011) **[32a](p.36)**

"[The Umma Party] is one of the oldest parties in Sudan, with origins dating back to the late 19th century when Mohamed Ahmed from Dongola led the Mahdist movement to victory over the Ottoman colonialists. His son, Sayed Abdel Rahman, who was also the spiritual leader of the Mahdist sufi order of the Ansar, founded the Umma in 1945 and became its patron, with his son Siddiq serving as party president. Umma's main objective was the promotion of Sudanese independence against those who favored unity with Egypt. In the first elections of 1953, it won the second largest number of seats, mainly in Darfur and Kordofan. As the major opposition party to the NUP, it managed to achieve its aim of the country's independence in 1956. Subsequently, it formed a coalition with the PDP [the Khatmiyya's People's Democratic Party, which merged with the National Unionist Party to form the DUP in 1967 **[141a](p.41-42**] ... Umma's Abdallah Bey Khalil assumed the office of prime minister. His government was overthrown in 1958 by the military, which banned all parties thereafter. When General Abboud's regime was overthrown in 1964, the Umma re-emerged on the political stage uner the leadership of Siddiq's son Sadiq Al Mahdi, an Oxford graduate of history. In the 1965 elections, it won the greatest number of seats with its strongly anti-communist stance and formed a coalition government under Mohamed Ahmed Mahjoub, a famous lawyer and poet. In 1966, Sadiq became the youngest prime minister of his time but was replaced by Mahjoub one year later due to an inner-party dispute between his modernists and the traditionalists of his uncle, the Imam El Hadi El Mahdi. Mahjoub's government was ousted in 1969 through the coup d'état of leftist army officers under Jafar Numeiri ...During the initial phase of Numeiri's May Revolution both Umma and Ansar suffered severe repression. In 1971, Numeiri had the Ansar's headquarters at Aba Island bombed, killing a large number of Ansar followers. Later, the Imam El Hadi was killed; Sadiq managed to escape into exile. From there he organized armed opposition to Numeiri's regime, which reacted in 1977 by offering National Reconciliation. Sadiq returned to Sudan but soon went into open opposition, calling for an end to the one-party rule. In 1984, he was imprisoned for his criticism of the draconian September Laws that Numeiri imposed under the label of Sharia. Following Numeiri's overthrow in 1985, Umma won by far the largest number of seats in the 1986 elections and formed a coalition with the DUP, in which Sadiq became prime minister for the second time. Nevertheless, all peace initiatives with the rebel SPLM failed because of political wrangling in Khartoum. In 1989, Sadiq was overthrown in a coup that was masterminded by his brother-in-law, Sheikh Turabi, and imprisoned until 1991. The Umma played a central role in forming the opposition umbrella NDA but left it in 1999, and Sadiq returned to Sudan from exile. He pulled out of the 2010 general elections and remained in opposition. However, his eldest son, Abd Al Rahman, became President Bashir's advisor in late 2011." (MICT Party portraits 2012) [141a]**(p.46-47)**

URBAN PROTEST MOVEMENTS

Girifna Movement (GM) http://www.girifna.com/about

An urban protest movement "[the] Girifna Movement (GM) A popular resistance movement formed in October 2009 by university students, GM works for peaceful change in Sudan. Girifna means 'we are fed up'. ... GM asks questions like: 'Aren't you fed up with the monopoly over political power by them?' 'Aren't you fed up with the high cost of living?' 'Aren't you fed up with the electricity and water shortages?' 'Aren't you fed up with what's happening in Darfur?' Girifna uses street demonstrations, Radio Girifna, an online magazine, public speeches and newsletters, etc. to get its message across. .... Girifna says its members have been beaten, abducted, and imprisoned by state security forces." (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

Sudan Change Now (SCN)

An urban protest movement, "[the] SCN was established in 2010 by young activists working for peaceful democratic change. It is a youth movement which gets its message across using internet-based social media. SCN's Facebook page says: 'We believe that the current regime in Sudan is completely dysfunctional and it is our collective responsibility as Sudanese to put an end to it. Change is our way towards the better future that our nation deserves. ... We are working on creating a common front of solidarity that brings together all those who are suffering from the actions of the current corrupt and evil regime. Together we work to ensure a unified and effective course of action to overthrow the regime and build a new brighter future for our coming generations.'" (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

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Annex D: Armed opposition groups

The following section includes listings for some of Sudan's main armed opposition groups. However readers should note that the inclusions listed below are in no way exhustive.

For further information Sudan's 'Darfur Armed Opposition Groups and Coalitions' refer to the self-titled paper from the Sudan Human Security Baseline Assessment (Sudan HSBA), which includes at the end of the page further listings for specific groups and coalitions; for information on 'Darfur's Arab Armed Opposition Groups' also refer to self-titled Sudan HSBA page via the link provided.

For information on other armed opposition groups access the Sudan HSBA 'Sudan Facts and Figures: Latest Updates' page. Additionally refer to the Heidelberg Institute for International Conflict Research, 'Conflict Barometer 2011', dated March 2012 which lists Sudan's conflicts in 2011 (refer to pages 31 – 32 and pages 42 – 47). See also the IRIN article: 'Sudan: Who's who in the opposition', 26 July 2012

DARFUR'S ARMED OPPOSITION GROUPS

Sudan Liberation Army (SLA)

"Between 2003 and the signing of the DPA in May 2006, the SLA was the main rebel group in Darfur and the origin of some of the strongest factions still operating militarily. Founded in August 2001 as the Darfur Liberation Front or Darfur Liberation Movement, it adopted the name 'Sudan Liberation Army' in February 2003. In 2004–05 the SLA had about 10,000 fighters, drawn largely from the Zaghawa, Fur, Masalit, Berti, Meidob, and Tunjur tribes
... Prior to its split in 2005, the president was Abdul Wahid Mohamed al Nur (Fur); the vice president was Khamis Abdallah Abbakar (Masalit); and the general secretary was Minni Minawi (Zaghawa Wogi), who replaced Abdallah Abbakar Bashar 'Juli mye' (Zaghawa Wogi) in 2004." (Sudan Human Security Baseline Assessment, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, July 2012)**[23n](p.86)**

Justice and Equality Movement (JEM)

Leader – Jibril Ibrahim (Zaghawa tribe). The former leader Khalil Ibrahim (Jibril's brother) was killed in 2011. (Alakhbar English, 'Khalil Ibrahim: Death of a Darfurian Rebel', 27 December 2011) **[118a]** " ... Khalil was killed in an airstrike [in December 2011] launched by SAF in the border area between South Darfur and North and South Kordofan. Jibril Ibrahim, Khalil's brother and former JEM secretary for foreign affairs, was appointed his successor. Subsequently, in February 2012, Jibril also became the Sudan Revolutionary Front's vice president, which put him in charge of foreign relations and humanitarian affairs for the alliance." (Sudan Human Security Baseline Assessment, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, July 2012)**[23n](p.84)**

"[JEM] is an armed opposition group in the Western region of Darfur. Its roots date from 1993 when it started establishing clandestine cells in Darfur and Khartoum. There, in 2000, the underground group secretly circulated 'The Black Book', a general critique of regional imbalance that documented the post-independence predominance of elite groups from the central Nile valley in government, commerce and the army as well as the marginalization of Westerners." (Media in Cooperation and Transition gGmbH (MICT), 'The Sudanese press after separation – Contested identities of journalism', based on research conducted in December

2011 during a mission to Khartoum, published 2012, 'Party portraits', Roman Deckert (MICT Party portraits 2012) **[141a](p.42)**

"The Justice and Equality Movement (JEM) was established early in 2003 by a group of educated, politically experienced Darfurians, many of them former members of the Popular Congress Party (PCP) of Hassan al Turabi, architect of Sudan's Islamic revolution. Most of its leaders and membership initially came from the Kobe tribe, a Zaghawa sub-group more numerous in Chad than in Darfur. Since 2007 JEM has worked actively to recruit Darfurian Arabs, including from government-supported militias or 'janjaweed'. ... From the outset, JEM wanted nationwide reform and regime change, and used the atrocities in Darfur to delegitimize the government internationally. It refused to sign the Darfur Peace Agreement (DPA) in May 2006, and two years later won new support in Darfur after attacking Khartoum's twin city, Omdurman. Despite the broadening of its base, JEM's real political and military power remains with the Kobe inner circle. ... In mid-2010, before a government offensive that led to heavy casualties on both sides, JEM was estimated to have more than 5,000 men armed with mounted anti-aircraft guns, rocketpropelled grenades, heavy machine guns, AK-47s, several hundred vehicles (possibly as many as 1,000, according to one informed source), and at least two tanks, seized from the government. To this day, JEM remains the strongest and most cohesive military force in Darfur. Its weakness continues to be the lack of a wider constituency among Darfurians.

"... Expelled from Chad in February 2010 and under attack by Sudanese government forces since April that year, JEM lost its main strongholds in North Darfur, including in the mountainous Jebel Mun area, over the course of the year and reactivated a largely dormant presence across South Darfur—south of Ed Daein, along the main supply route to Nyala, and south of Um Kadada. ... Despite the Sudan–Chad rapprochement, JEM re-entered North Darfur via Chad. Chadian elements of the Chad–Sudan border protection force turned a blind eye. This was possible thanks to the assistance of sympathizers within the Chadian inner circle. Relations between the two states did not suffer greatly as a result, however, because the Government of Sudan (GoS) has come to accept that Chadian President Idriss Déby does not have complete control over the Zaghawa ruling elite.

"The eruption of tensions in South Kordofan and Blue Nile between the Sudan People's Liberation Movement-North (SPLM-N) and the GoS [Government of Sudan] following South Sudan's secession set in motion new alliances among the Darfur insurgent groups—including JEM, the Sudan Liberation Army-Abdul Wahid (SLA-AW), and the Sudan Liberation Army-Minni Minawi (SLA-MM), who came together as the Sudan Revolutionary Front (SRF). They subsequently announced regime change by either political or military means as the only solution to the national problem, of which Darfur was only one expression. ... In keeping with the new alliance under the SRF which is based in South Kordofan, the bulk of JEM's forces were being moved to South Kordofan under Khalil Ibrahim's command when he was attacked and killed in Wad Banda, North Kordofan. Smaller liaison units are present in Juba, South Sudan, and Kampala, Uganda. A small unit is based in Eritrea, near the eastern border with Sudan. Eritrea's renewed support is the result of an improving relationship between the GoS and its arch-rival Ethiopia. JEM also retains a presence in North Darfur, near its traditional bastion of Wadi Huwar." (Sudan Human Security Baseline Assessment, Justice and Equality Movement, 29 February 2012) **[23m]**

Liberation and Justice Movement (LJM)

Leader – Tijani Sese (Fur tribe) (Sudan Human Security Baseline Assessment, Liberation and Justice Movement, 1 March 2012) **[23l]**

"The LJM was created in February 2010 as a negotiating umbrella for two coalitions formed at international urging—the Libyan-backed Sudan Liberation Revolutionary Forces (SLRF, popularly known as the Tripoli Group) and the Addis Ababa Group that is identified with former US special envoy to Sudan Scott Gration. The LJM has no unified military command; its component parts are relatively insignificant militarily. ...There is at best limited coordination among the factions represented in the LJM. Their total strength is estimated at 2,000 fighters with fewer than 40 vehicles. ...

"The LJM is the chief interlocutor of the international community and its main partner in peacemaking efforts. It is fiercely opposed by JEM, the strongest rebel group militarily and the most coherent politically, and by SLA-AW [Sudan Liberation Army-Abdul Wahid], which exerts strong, albeit waning, influence over the displaced in camps. The LJM's test will be whether it can maintain its tenuous cohesion into the implementation phase of the Doha peace agreement, and indeed whether the agreement can be implemented at all." (Sudan Human Security Baseline Assessment, Liberation and Justice Movement, 1 March 2012) **[23l]**

"The Doha process generated internal dissension and splintering that severely reduced the movement's military force, especially after the defection of its major commanders, Ali 'Kerubino' and Ali Mokhtar. As of early 2012, LJM appeared to have little popular support in Darfur—even if it was officially backed by the Fur shura council (tribal association)—and severe problems of internal cohesion, as illustrated by the defection of Ahmad Abdeshafi, who was deputy chairman of the movement, in January 2012. All these weaknesses, in addition to the challenges that were, at the time of writing, beginning to arise from the implementation of the provisions contained in the Doha Document for Peace in Darfur, may present a threat to the continued existence of the movement itself. ... At the Doha negotiations in 2011, LJM officially claimed to have some 6,000 to 7,000 combatants, whom it hoped to integrate into SAF. However, the GoS [Government of Sudan] itself reports that, particularly after the defections in early 2011, LJM has nomore than 1,000 to 2,000 combatants; most of these troops are believed to be members of the (Zaghawa) United Revolutionary Front and the (Arab) United Revolutionary Forces Front, based (separately or sometimes jointly) in pockets of Dar Zaghawa in northern Darfur and eastern Jebel Marra." (Sudan Human Security Baseline Assessment, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, July 2012)**[23n](p.85-6)**

Sudan Liberation Army – Abdul Wahid (SLM-AW)

Leader – Abdul Wahid Mohamed al Nur (Fur tribe). (Sudan Human Security Baseline Assessment, Sudan Liberation Army – Abdul Wahid (SLA-AW), 6 September 2011) **[23s]**

"The SLA was formed in 2001 by an alliance of Fur and Zaghawa. From the start, the two had markedly different agendas. The Fur leaders of the SLA supported the democratic, decentralized 'New Sudan' advocated by the Sudan People's Liberation Army (SPLA) and envisaged their rebellion as being essentially anti-government. Most Zaghawa wanted to organize not against the government, but against the Arab militias with whom they were in competition in North Darfur, including over the lucrative camel trade. ...SLA-AW has refused to participate in any peace talks, anywhere, since rejecting the DPA in 2006. However, African Union (AU)/UN mediator Djibril Bassolé [who has since left office] managed to build a close relationship with Abdul Wahid." **[23s]**

"At the conclusion of the Abuja peace talks that established the Darfur Peace Agreement in 2006, Abdul Wahid—who had originally served as president of the Sudan Liberation Army—settled in Eritrea and then in Paris. Over time, he lost support from both troops and commanders, who were partly displeased by the highly centralized management of the

movement, and partly disappointed by the absence of their leader from the field. Abdul Wahid has also lost support among the international community, particularly because of his rigid rejection of the peace talks in Doha. After his departure from Paris in late 2010—and in view of subsequent obstacles to returning to Europe—he settled in Kampala, Uganda. In 2011 Abdul Wahid was joined by Abulqasim Imam El-Haj, an SLA defector who had joined the DPA signatories and served as West Darfur governor between 2006 and 2010. In Darfur, SLA-AW's presence and sphere of influence is limited to the mountainous Jebel Marra area, one of the regions that has been regularly targeted by SAF military operations and aerial attacks; SLA-AW is also active in some pockets in North Darfur, particularly Jebel Meidob and Jebel Issa, which are partly controlled by the largely autonomous local Meidob faction, led by Suleiman Marejan. Although its strength has declined, SLA-AW still has several hundred combatants, but only some 30 vehicles divided between its areas of operation. In spite of efforts by LJM and its Sudanese and international backers to undermine it, SLA-AW's support among Fur IDPs remains significant. In 2011, SLA-AW joined the Sudan Revolutionary Front, along with the other main Darfur movements. In February 2012, Abdul Wahid was appointed vice president for political and legal affairs of the coalition." (Sudan Human Security Baseline Assessment, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, July 2012)**[23n](p.86-7)**

Sudan Liberation Army – Minni Minawi (SLA-MM)

Leader – Minni Arku Minawi (Zaghawa, Wogi tribe). (Sudan Human Security Baseline Assessment, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, July 2012)**[23n](p.86-7)**

"SLA-MM evolved from a Fur–Zaghawa split in the SLA and is led by members of the Zaghawa tribe who took up arms less to oppose the government in Khartoum than to fight the 'janjaweed', their rivals in the lucrative camel trade in North Darfur. The split between Minawi and the Fur leader Abdul Wahid Mohamed al Nur was the first in a series of divisions along tribal lines that fatally weakened the SLA insurgency. It led to personal power struggles that undercut the credibility of the two groups among their own grassroots supporters. By 2011 SLA-MM and SLA-Abdul Wahid (SLAAW)— both much weakened and both under attack by government troops and aircraft—were reportedly considering a new era of cooperation fuelled by the new conflict between the Sudan People's Liberation Movement-Northern Sector (SPLMNorth) and the Government of Sudan. This culminated in the signing of a formal alliance between SLA-MM, SLA-AW, and SPLM-North on 7 August 2011 under the banner of the Sudan Revolutionary Front Alliance. The parties pledged to join military and political forces to overthrow the National Congress Party and establish a secular, liberal state.

"...After signing the DPA Minawi had no access to rebel-controlled areas of Darfur, but was able to move freely in government-controlled areas. Most of his forces were divided into companies (approximately 100 men) and stationed in the Zaghawa homeland in North Darfur—around the state capital, al Fasher, and the town of Um Berro—and in a pocket south-east of Nyala, the capital of South Darfur state. In the April elections, which were boycotted by DPA non-signatories, SLA-MM won parliamentary seats in North Darfur (Kutum) and South Darfur (Gereida). On 3 December 2010, after Minawi's move to Juba, a Sudanese army spokesman declared that his forces had become a 'legitimate target'. SLA-MM immediately came under heavy attack in North and South Darfur. Some of Minawi's men moved into the northern fringe of South Sudan, reportedly after defecting from SLA-MM to JEM. Minawi's initial return to rebellion in December 2010 divided his movement into three main groups: one that stayed in Khartoum, negotiating disarmament terms with the government; a second in North Darfur, composed of 70–75 men and 12 vehicles, negotiating an alliance with JEM; and a third, still aligned with Minawi, led by his longtime chief of staff, Juma Mohamed Hagar, and Mohamadein

Osman 'Aurgajo', a field commander reputed to have been a nahab (highwayman) before the insurgency. With time, a fourth division occurred in Minawi's ranks. Currently these forces are spread across Wadi Howar; the North Darfur/Chad border; eastern Jebel Marra; and South Kordofan; while there are political liaison units in Juba, South Sudan, and Kampala, Uganda

"In returning to the armed opposition, SLA-MM has sought to build bridges with other groups to its narrow ethnic Zaghawa base and remain relevant militarily. The blossoming alliance with SLA-AW and SPLM-North is useful step in this direction. But SLA-MM is still seriously divided over the Doha agreement and more generally the national versus Darfur-specific agendas. Some SLA-MM cadres may elect to join the Liberation and Justice Movement rather than continue fighting. Its military command also remains very loose, and is better characterized as four separate commands." (Sudan Human Security Baseline Assessment, Sudan Liberation Army – Minni Minawi (SLA-MM), 6 September 2011) **[23s]**

"Between late 2010 and early 2011 [following the resumption of armed conflict with the government], SLA-MM elements vacated the localities they had controlled on behalf of the government, especially in the eastern part of Darfur, moving to more remote rural areas and engaging GoS forces and allied non-Arab militias and communities with mobile fighting tactics, including attacks of military and civilian vehicles on roads. This conflict resulted in the creation of government-backed and -trained local militias (integrated into Popular Defence Forces), mainly recruited from other non-Arab local tribes, and the emergence of a cycle of violence in which Zaghawa fighters and civilians were indiscriminately targeted. ... During the first half of 2011, as the Doha process progressed, a number of military commanders previously affiliated with LJM joined SLA-MM. The GoS [Government of Sudan] estimates that SLA-MM has a renewed strength, with '550 combatants with 117 vehicles'... In February 2012, Minni Minawi was appointed vice president in charge of finance and administrative affairs for the Sudan Revolutionary Front." (Sudan Human Security Baseline Assessment, 'Forgotten Darfur', by Claudio Gramizzi and Jerome Tubiana, July 2012)**[23n](p.87-88)**

OTHER ARMED OPPOSITION GROUPS

Sudan Revolutionary Front (SRF)

The SRF includes the SPLM-N, JEM, SLA-AW, SLA-MM and the Beja Congress. (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

"Led by SPLM-N (see below) chairman Malik Aggar, SRF is a coalition of rebel groups in Darfur, South Kordofan, Blue Nile and eastern Sudan formed in November 2011. SRF leaders say they want to overthrow the NCP regime 'using all available means' and establish a secular, liberal state. ... In a press statement on 12 July 2012 SRF said it supported the urban protests against the government [see: xxxxxxxx]. It said support by the National Consensus Forces ... [see: xxxxxxxx] for the Sudanese people's 'revolt' was a step in the right direction. It called on all political opposition forces to hold an expanded meeting on how to create a joint work programme, agree on a national democratic programme, and work together to bring down the regime." (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

"On 13 November [2011], SLA-MM [Sudan Liberation Army – Minni Minawi], SLA-AW [Sudan Liberation Movement – Abdul Wahid], JEM [Justice and Equality Movement], and the Sudan People's Liberation Movement-North (SPLM-N) formed a coalition named the Sudan Revolutionary Front (SRF). While aspiring to be a unified political structure, the SRF is, at this stage, more a coalition of military forces with broad agreement on a political vision. Whether it becomes more than just a loose political and military affiliation remains to be seen. Its main platform is the need for a geographically comprehensive peace process and the further

unification of all Sudanese opposition forces." (Sudan Human Security Baseline Assessment, 'Darfur Armed Opposition Groups and Coalitions', dated 29 February 2012 **[23o]**

"The Beja Congress ... announced [in November 2011] ... that they had joined the Sudan Revolutionary Front (SRF). … A statement issued by the Beja Congress said that its decision to join would help restore human dignity in Sudan in general and specifically with respect to the Beja minority. … The movement said that it had engaged in intensive consultations with many organizations and movements in eastern Sudan and had arrived at the decision to join the SRF." (Radio Dabanga, 16 November 2011) **[58c]**

"[Malik] Aggar, who is the chairman of the armed opposition Sudan People's Liberation Movement North (SPLM-N) (see SPLM-N forces below), was elected on Monday [20 February 2012] as President of the SRF ... The declared goal of the SRF alliance is to topple the Sudanese government through armed struggle." (Sudan Tribune, 'Nafie shrugs off opposition boycott of constitution talks', 22 February 2012)**[12v]** "[In late February 2012] The Sudan Revolutionary Front (SRF) - a coalition of rebel groups - formally announced ... the composition of its Leadership Council after the election of Malik Agar of the Sudan People's Liberation Movement North Sector (SPLM-N) as chairman of the rebel alliance. ... In a press release signed by SRF spokesperson Abu Elgasim al-Haj, the alliance said that Abdel Wahid al-Nur was elected as a Vice-Chairman of the Leadership Council and leads the political sector, Minni Minnawi is Vice Chairman of Leadership Council and responsible for the coalitions finances, JEM's Gibril Ibrahim was elected Vice President for external relations. ... Abdel Wahid, according to the spokesperson, will be seconded in his office by Buthaina Ibrahim Dinar (SPLM-N), Elryaih Mahmoud (SLM-MM), Ahmed Adam Bakheit (JEM) and Mustafa Sharif Mohamed (SLM-AW). While Minnawi will manage the financial sector with the support of three members of from JEM, SLM-AW and SLM-MM. ... The external affairs sector of Gibril Ibrahim includes, Yasir Arman (SPLM-N) as secretary for foreign affairs, Trayo Ahmed Ali (SPM-MM) for humanitarian affairs, Tahir Faki (JEM) without a specific portfolio, besides the spokesperson who represents SLM-AW." (Sudan Tribune, 'Sudan rebel group form leadership body', 26 February 2012) **[12w]**

Sudan People's Liberation Movement/Army – North (SPLM/A-N)

"This was initially the northern wing of the politico-military group which led the southern rebellion [the SPLM] during the 1983-2005 civil war and which is now in power in the newly independent state of South Sudan. ... Khartoum has frequently dismissed the SPLM-N's insistence that it has operated as an independent entity since secession in July 2011, saying that its armed rebellion in Blue Nile and South Kordofan is controlled from Juba. ... Regime change is a key policy tenet of the SPLM-N, whose political activities the government has banned since late 2011." (IRIN, 'Sudan: Who's who in the opposition', 26 July 2012) **[106b]**

"The current conflict in South Kordofan [on the border with South Sudan] is a renewal of the years-long conflict centered in the Nuba Mountains during the second Sudanese civil war (1983–2005). The area is inhabited by a non-Arab population known as the Nuba who were loyal to the Sudan People's Liberation Movement/Army (SPLM/A) during the civil war and who, despite being culturally distinct from Southern tribes, remain allied with the South. The SPLM-North leads the current rebellion. ... The SPLA-North forces may have up to 30,000 fighters, with a training camp preparing 3,000 new soldiers in three-month courses. According to SPLA-North commanders, most of their weapons come from the SPLA's former 9th Division headquarters in Jau, which the current Nuba SPLA-North forces took north with them. The SPLA-North are also capturing important volumes of weapons and vehicles (mainly technical 4x4 cars and trucks) from SAF after routing their troops in battle or capturing strongholds with ammunition caches. As of mid-April the SPLA-North had at least eleven tanks—five they

obtained from the SPLA's 9th Division, and six captured from SAF in battle in different locations in Jebel Nuba." (Sudan Human Security Baseline Assessment, 'Conflict in South Kordofan / Nuba Mountains', 5 July 2012) **[23p]**

See also: Political parties – The Sudan People's Liberation Movement (SPLM)

Beja Congress

"Established in 1958 by a group of educated Beja, the largest tribe in eastern Sudan, to draw attention to the underdevelopment and marginalization of Beja areas and to seek more administrative and political autonomy. It began an armed struggle in 1994, joining the National Democratic Alliance (NDA), an Eritrean-backed opposition coalition formed in 1989. ... Beja Congress fighters, numbering in the low hundreds at their most active, succeeded in capturing only a minuscule amount of territory in the three states of eastern Sudan—Gedaref, Red Sea, and Kassala—and even that only with direct support from the Eritrean army and the SPLA [Sudan People's Liberation Army (of South Sudan)]. NDA control extended along the border with Eritrea, from and including the towns of Hameshkoreb in the north to Teluk in the south. The ESPA [Eastern Sudan Peace Agreement signed with the government of Sudan in October 2006] ended the insurgency and provided for the reintegration and rehabilitation of ex-combatants. ...In general elections in April 2010, the Beja Congress, formally allied with the ruling NCP since 2006, won only one seat in a local assembly in Red Sea State and none in the National Assembly in Khartoum. Anger at perceived manipulation of the elections has compounded frustration over the slow implementation of the ESPA."

"The national secretariat of the Beja Congress ... [in October 2011] decided to withdraw from the East Sudan Peace Agreement (ESPA) detailing the reasons which led to their considering the agreement as null and void. This adoption of this position came against a background of increased security and political tension in the area including demonstrations and a campaign of arrests and torture. Information from a variety of sources confirms increased military deployment in Eastern Sudan by the security agencies which activity is being encountered by people of the Eastern Sudan. Such political and security developments have emerged came as a result of the NCP's lack of interest in a genuine implementation of the ESPA including the security arrangements protocol; continuation of the state of emergency; corruption; the failure to provide assistance and development funds (contributing to the spread of famine in the area); in addition to the ongoing lack of regional autonomy and transitional regional authority. The situation is a tinder box." ("A report from Waging Peace on 'The Human Rights Situation in East Sudan', citing a briefing Sudan Democracy First Group, Weekly Briefing No.2, 24 October 2011)**[35b]**

"The Beja Congress ... announced [in November 2011] ... that they had joined the Sudan Revolutionary Front (SRF). … The SRF is a newly formed alliance of armed opposition groups in the country since November 11. It comprises Sudan People's Liberation Movement-North (SPLM-N), Justice and Equality Movement (JEM), Sudan Liberation Army-Abdul Wahid (SLA-AW), Sudan Liberation Army-Minni Minnawi (SLA-MM) apart from the Beja Congress. … A statement issued by the Beja Congress said that its decision to join would help restore human dignity in Sudan in general and specifically with respect to the Beja minority. … The movement said that it had engaged in intensive consultations with many organizations and movements in eastern Sudan and had arrived at the decision to join the SRF." (Radio Dabanga, 16 November 2011) **[58c]**

Lords Resistance Army

"The Lord's Resistance Army (LRA), a rebel group led by Joseph Kony, originated in Northern Uganda as a movement to fight for the interests of the Acholi people. Kony rapidly lost support,

and for the last 24 years has led a terrifying regime targeting attacks on innocent civilians, kidnapping children and forcing them to fight in his rebel forces. ... Driven out of the country by the Ugandan army, the LRA's rebels are now scattered across the Democratic Republic of Congo (DRC), Central African Republic (CAR) and southern Sudan, where brutal attacks continue on remote villages that can take months to be reported." (War Child website, 'The Lord's Resistance Army', undated) **[143a]**

"On 29 June 2012 the United Nations (UN) Security Council held a meeting to discuss the threat of the Lord's Resistance Army (LRA) to populations in South Sudan, the Central African Republic (CAR), and the Democratic Republic of Congo (DRC), and the current African Union initiative to counter the fragmented armed group [the African Union-led Regional Cooperation Initiative against the LRA (AU RCI-LRA)]. ...[I]f Kony and his associates have moved to Sudan's South Darfur region, as UN officials have privately indicated, AU RCI-LRA would need to obtain permission to enter Sudan—a highly unlikely scenario. ... Sudanese authorities have vehemently denied the LRA presence in South Darfur." (Sudan Human Security Baseline Assessment entitled 'Lord's Resistance Army Update, dated 5 July 2012) **[23u]**

According to paragraph 17 of UN Security Council resolution 2063 (which extended the mandate of UNAMID (the African Union-United Nations Hybrid Operation in Darfur) for a further 12 months to 31 July 2013), "... the UN Security Council also encouraged the UNAMID to 'cooperate and share information" on the 'Lord's Resistance Army' after referring to paragraph 19 of resolution 2057 about the UNMISS mandate in South Sudan." (Sudan Tribune, 'Sudan expresses 'strong reservations' over LRA inclusion in UNAMID's mandate', 31 July 2012) **[12q]**

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Annex E: Election results 2010

PRESIDENTIAL RESULTS (2010)

PRELIMINARY NATIONAL PRESIDENTIAL ELECTION RESULTS 2010

States/ Cand.	Bashir	Arman	Deng	Al Mahadi	Mubarak	Aziz	Idriss	Mounir	Fatima	Gitta	Al Sir	Nugud	Total	Bachir	Arman
Khartoum	1,241,260	17,949	44,123	5,526	2,708	2,347	2,599	2,206	1,512	23,958	23,958	1,501	1,356,250	91.52	1.32
Northern	204,291	616	1,896	489	263	228	958	200	163	384	11,734	196	221,418	92.26	0.28
River Nile	321,575	912	3,149	659	276	205	1,531	144	205	115	20,733	418	349,922	91.90	0.26
Red Sea	415,618	1,910	4,825	946	768	775	1,497	558	383	284	7,580	489	435,633	95.41	0.44
Kassala	611,913	2,981	7,967	1,544	1,126	873	1,625	1,200	501	336	20,418	654	651,138	93.98	0.46
Gedaref	287,562	5,162	10,960	2,786	1,559	1,632	1,785	1,464	800	482	11,161	686	326,089	88.20	1.58
Gezira	1,072,151	6,687	12,476	8,570	2,421	1,840	7,111	1,423	1,682	1,019	17,649	1,264	1,134,303	94.52	0.59
Sennar	322,607	2,509	7,392	2,693	1,098	841	2,250	947	604	509	18,296	659	360,405	89.51	0.70
White Nile	373,012	3,417	6,350	4,882	1,975	1,367	6,509	1,009	854	1,150	4,286	649	405,460	92.00	0.84
North Kordufan	486,444	3,954	16,476	5,864	2,995	2,410	3,714	3,322	1,507	1,167	15,274	1,550	544,677	89.31	0.73
North Darfur	228,665	13,480	36,742	10,640	3,233	2,755	7,282	3,386	4,479	1,024	5,661	1,515	318,862	71.71	4.23
South Darfur	344,617	13,430	96,039	17,397	6,466	4,731	6,796	3,785	3,056	4,691	7,751	2,063	510,822	67.46	2.63
West Darfur	174,847	8,664	14,754	5,802	2,418	2,335	3556	1,762	1,124	839	19,259	2,082	237,442	73.64	3.65
Blue Nile	142,260	82,284	8,108	6,878	1,734	1,661	1,567	2,588	934	1,125	1,424	706	251,268	56.62	32.75
South Kordufan	256,677	68,421	16,908	11,542	3,172	2,097	2,047	4,436	1,120	820	2,181	942	370,363	69.30	18.47
Upper Nile	117,397	87,859	13,397	2,575	1,747	1,391	1,118	1,316	1,316	1,037	1,117	810	231,080	50.80	38.02
Jonglei	24,167	128,267	8,708	515	3,230	296	287	516	462	28,329	358	328	195,463	12.36	65.62
Unity	61,615	110,583	11,584	1,143	2,549	1,175	8542	1,957	1,362	883	1,257	806	203,456	30.28	54.35
Central Equatoria	18,639	166,492	17,797	1,476	3552	1,185	2,203	1,869	2,354	17,457	1,062	6,722	240,806	7.74	69.14
East Equatoria	18,671	371,231	7,785	402	467	280	245	386	296	132	169	101	400,165	4.67	92.77
West Equatoria	12,761	127,638	8,963	950	1,025	815	1,457	1,394	2,085	848	738	494	159,168	8.02	80.19
Lakes	65,089	135,268	15,212	1,374	1,593	1,693	1,518	1528	1,480	511	701	628	226,595	28.72	59.70
Warrab	7,946	499,927	3,063	233	273	122	127	233	97	173	100	89	512,383	1.55	97.57
W Bahr el Ghazal	21,878	110,400	12,612	766	1,795	522	600	1,281	806	630	484	462	152,236	14.37	72.52
N Bahr el Ghazal	6,532	223,493	8,090	992	915	914	1,174	847	537	6,171	581	565	250,811	2.60	89.11
Out of country	63500	282	758	244	44	102	1,077	127	149	80	1,736	64	68,143	93.19	0.41
Total	6901,694	2,193,826	396139	96868	49,402	34,592	77,132	40,277	30,562	71,708	195,668	26,442	10,114,310	68.24	21.69
Percentage	68.24	21.69	3.92	0.96	0.49	0.34	0.76	0.4	0.3	0.71	1.93	0.26	100		

STATE GOVERNOR ELECTION RESULTS (2010)

Results 2010 Elections - Elected governors				
• Northern Sudan				
State	**Incumbent governor**	**Party**	**Elected governor**	**Party**
Red Sea	**Mohamed Tahir**	**NCP**	**Mohamed Tahir**	**NCP**
Kassala	Ali Awad Mohamed	NCP	Mohamed Yousif Adam	NCP
Gedaref	Muneer Mubarak Hago	NCP	Karam Allah Abbas	NCP
River Nile	Gibreel Abdel Lateef	NCP	Al Hadi Abdullah	NCP
Northern	Mohamed Khair Fagiri	NCP	Fathi Khalil	NCP
Khartoum	**Abd AlRahman Khidir**	**NCP**	**Abd Alrahaman Khidir**	**NCP**
Gezira	Abdel Rahman Sir Alkhatim	NCP	Al Zubair Bashir Taha	NCP
Northern Kordofan	Mohamed Ali Mansour	NCP	Moutasim Mirgani Hussien	NCP
White Nile	Ali Adam Alian	NCP	Yousif Ahmed Shambali	NCP
Sennar	**Ahmed Abbas Mohamed Saad**	**NCP**	**Ahmed Abbas Mohamed Saad**	**NCP**
North Darfur	**Osman Mohamed Yousif Keer**	**NCP**	**Osman Mohamed Yousif Keer**	**NCP**
West Darfur	Abu Al Gasim Imam Adam	NCP	Gaffar Abd Al hakam	NCP
South Darfur	Omar Ahmed Abd Algabar	NCP	Abdel Hameed Mousa	NCP
• The Three Transitional Areas				
State	Incumbent governor	Party	Elected governor	Party
South Kordofan	Ahmed Haroun	NCP		
Blue Nile State	**Malik Aggar**	**SPLM**	**Malik Agar**	**SPLM**
• Southern Sudan				
State	Incumbent governor	Party	Elected governor	Party
Upper Nile	Gatluak Deng	SPLM	Simon Kun Puoch	SPLM
Unity	**Taban Deng Jai**	**SPLM**	**Taban Deng Jai**	**SPLM**
Warrab	Tor Deng Mawien	SPLM	Deliec Malek Nyandeng	SLPM
N Bahr el Ghazal	**Paul Malong Awan Anei**	**SPLM**	**Paul Malong Awan Anei**	**SPLM**
West Bahr Al Ghazal	Mark Nypouch ubang	SPLM	Shoul Tong Mayay	SPLM
Jonglei	Kuol Manyang Juuk Chaw	SPLM	Kuol Manyang Juuk Chaw	SPLM
Lakes	Daniel Awet Juuk	SPLM	Shol Tung Mayay	SPLM
Eastern Equatoria	Aloisio Emor Ojetuk	SPLM	Louis Lobong Lojore	SPLM
Central Equatoria	**Clement Wani Konga Gwollo**	**SPLM**	**Clement Wani Konga Gwolb**	**SPLM**
West Equatoria	Jemma Kumba	SPLM	Bangasi Joseph Mario Bakosoro	Independent

The governor elections brought a total of 18 new governors into office while 8 incumbent were re-elected. One independent candidate won a governor seat in Western Equatoria. Elections for the governorship in Southern Kordofan was postponed to June 2010 thus the result is not included in this table.

[50a](Annexes 1.1 and 1.3)

To note: Presidential candidates and their respective political affiliations are: Omar Hassan Al-Bashir (National Congress Party); Yasir Arman (Sudan People's Liberation Movement); Abdallah Deng Nhial (Popular Congress Party); Sadeq Al-Mahdi (Umma Party); Mubarak Al-Fadil (Umma Reform and Renewal Party); Abdel Aziz Khaled (Sudanese National Alliance); Kamal Idriss (Independent); Munir Sheikh El-Din Jallab (New National Democratic Party); Fatma Abdel Mahmoud (Sudanese Socialist Democratic Union); Mahmoud Jeha (Independent); Hatim Al-Sir (Democratic Unionist Party) and Mohamed Ibrahim Nugod (Communist Party) **(Reuters Africa, 'FACTBOX – Bashir wins Sudan presidency, Kiir wins south', 26 April 2010) [52a]**

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Annex F: South Sudan referendum on independence 2011: Turn out and voter results in Sudan's Northern states

Turnout: Northern States

State	Registrants	Voters	Turnout %	Absentee	Absent %
Al-Gezira	4,495	2,757	61.33%	1,738	38.67%
Blue Nile	7,426	5,412	72.88%	2,014	27.12%
Gadaref	4,189	2,529	60.37%	1,660	39.63%
Kassala	1,694	1,229	72.55%	465	27.45%
Khartoum - Bahri	10,452	6,626	63.39%	3,826	36.61%
Khartoum - Khartoum	11,617	7,960	68.52%	3,657	31.48%
Khartoum - Omdurman	14,667	9,562	65.19%	5,105	34.81%
North Kordofan	9,010	3,942	43.75%	5,068	56.25%
Northern Darfur	2,740	1,627	59.38%	1,113	40.62%
Northern State	1,093	776	71.00%	317	29.00%
Red Sea	1,441	1,079	74.88%	362	25.12%
River Nile	2,190	1,859	84.89%	331	15.11%
Sinnar	5,370	2,169	40.39%	3,201	59.61%
South Kordufan	9,251	4,812	52.02%	4,439	47.98%
Southern Darfur	20,165	9,842	48.81%	10,323	51.19%
Western Darfur	762	567	74.41%	195	25.59%
White Nile	10,295	6,849	66.53%	3,446	33.47%
Grand Total	**116,857**	**69,597**	**59.56%**	**47,260**	**40.44%**

Valid Votes: Northern States

State	Voters	Valid Votes	Blank Ballots	Invalid Ballots	Valid Votes %
Al-Gezira	2,757	2,667	50	40	96.74%
Blue Nile	5,412	4,810	426	176	88.88%
Gadaref	2,529	2,321	100	108	91.78%
Kassala	1,229	1,193	15	21	97.07%
Khartoum - Bahri	6,626	6,355	159	112	95.91%
Khartoum - Khartoum	7,960	7,772	92	96	97.64%
Khartoum - Omdurman	9,562	9,258	199	105	96.82%
North Kordofan	3,942	3,612	188	142	91.63%
Northern Darfur	1,627	1,524	53	50	93.67%
Northern State	776	739	28	9	95.23%
Red Sea	1,079	1,049	18	12	97.22%
River Nile	1,859	1,817	30	12	97.74%
Sinnar	2,169	1,901	156	112	87.64%
South Kordufan	4,812	4,625	92	95	96.11%
Southern Darfur	9,842	9,253	373	216	94.02%
Western Darfur	567	540	16	11	95.24%
White Nile	6,849	6,485	235	129	94.69%
Grand Total	**69,597**	**65,921**	**2,230**	**1,446**	**94.72%**

[50b](p.78 and 84)

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Annex G: Distribution of various health facilties in the different states

State	Hospitals	Urban health centres	Rural health centres	Dispensaries		Dressing stations		Primary health care unit	
				Functioning	Non functioning	Functioning	Non functioning	Functioning	Non functioning
Khartoum	43	114	30	177	22	0	0	41	0
Gezira	52	48	141	0	0	0	0	739	0
Sinnar	13	12	13	34	36	68	73	0	0
Blue Nile	13	13	3	32	8	47	35	23	22
White Nile	34	24	28	79	0	61	0	57	11
Red Sea	19	19	14	31	6	14	5	115	66
Gadarif	16	19	19	20	0	85	0	64	0
Kassala	10	37	23	94	10	83	10	89	10
Northern	25	6	62	145	20	46	13	11	3
River Nile	28	49	116	68	11	71	17	31	14
North Kordofan	16	43	2	90	0	77	0	318	128
South Kordofan	10	54	2	55	30	0	0	120	62
West Kordofan	10	10	15	32	0	31	3	149	112
North Darfour	11	10	17	30	23	0	0	46	175
South Darfour	10	18	0	43	0	11	0	295	0
West Darfour	4	6	0	37	0	11	5	126	57

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Annex H: Female Genital Mutilation/Cutting prevalence (FGM/C): percentage of females who have had any form of female genital mutilation, Sudan (2006)

Background characteristics	Ever been circumcised?			Missing	Total
	Yes	No	Don't know		
State					
Northern	83.1	16.7	0.1	0.1	100.0
River Nile	83.9	15.9	0.2		100.0
Red Sea	79.4	19.8	0.1	0.8	100.0
Kassala	78.6	20.6	0.1	0.7	100.0
Gadarif	59.3	40.5	0.1	0.2	100.0
Khartoum	70.3	28.8	0.2	0.7	100.0
Gezira	77.7	22.1		0.2	100.0
Sinnar	74.5	25.3		0.1	100.0
Blue Nile	58.2	41.4	0.1	0.4	100.0
White Nile	78.3	21.6		0.1	100.0
N. Kordofan	76.7	22.9		0.5	100.0
S. Kordofan	66.6	31.5	0.1	1.9	100.0
N. Darfur	63.7	34.0	0.1	2.2	100.0
W. Darfur	39.8	58.6	0.3	1.4	100.0
S. Darfur	59.6	39.0	0.0	1.4	100.0
Average	69.4	29.8	0.1	0.7	100.0
Age					
00-04 years	11.3	86.7	0.0	1.9	100.0
05-09 years	41.0	57.5	0.1	1.3	100.0
10 -14 years	76.4	22.8	0.1	0.8	100.0
15-19 years	86.6	13.1	0.0	0.3	100.0
20-24 years	89.1	10.6	0.0	0.4	100.0
25-29 years	89.0	10.7	0.0	0.2	100.0
30-34 years	91.5	8.3	0.1	0.1	100.0
35-39 years	90.6	8.9	0.1	0.4	100.0
40-44 years	90.4	9.3	0.2	0.1	100.0
45-49 years	90.5	9.3		0.3	100.0
50+	89.2	10.3	0.2	0.3	100.0
Children under 5					
0	6.0	91.0	0.1	2.9	100.0
1	8.6	89.7		1.7	100.0
2	10.6	87.3		2.0	100.0
3	14.8	83.6	0.0	1.6	100.0
4	18.0	80.8		1.2	100.0
Education					
None	68.6	30.4	0.1	0.9	100.0
Primary	69.7	29.6	0.0	0.7	100.0
Secondary +	70.7	28.6	0.2	0.5	100.0
Wealth index quintiles					
Poorest	57.0	41.9	0.2	0.9	100.0
Second	61.9	36.8	0.1	1.3	100.0
Middle	67.7	31.4	0.0	0.9	100.0
Fourth	71.6	27.9	0.1	0.4	100.0
Richest	77.6	21.7	0.1	0.6	100.0

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Annex I: Secondary school net attendance rate – percentage of children of secondary school age attending school or higher-level institutions, Sudan (2006)

Background characteristics	Male		Female		Total	
	Net attendance ratio	Number of children	Net attendance ratio	Number of children	Net attendance ratio	Number of children
State						
Northern	33.2	21,861	45.8	17,005	38.7	38,867
River Nile	32.4	32,147	52.6	26,464	41.6	58,611
Red Sea	26.8	23,683	32.3	18,110	29.2	41,793
Kassala	14.5	55,666	20.4	45,526	17.2	101,193
Gadarif	10.3	58,046	14.8	47,742	12.3	105,788
Khartoum	34.3	209,961	42.8	152,596	37.9	362,557
Gezira	29.7	135,997	41.6	123,686	35.4	259,683
Sinnar	14.7	43,256	20.8	41,246	17.7	84,502
Blue Nile	6.8	25,682	6.5	19,455	6.7	45,137
White Nile	17.2	58,157	21.0	53,754	19.1	111,911
N. Kordofan	14.2	65,396	22.1	72,774	18.3	138,170
S. Kordofan	8.5	42,533	7.4	40,742	8.0	83,275
N. Darfur	13.6	61,914	24.5	44,844	18.2	106,758
W. Darfur	11.3	52,485	8.9	41,397	10.2	93,882
S. Darfur	12.5	106,031	13.7	72,344	13.0	178,376
Jonglei	0.5	50,135	1.7	27,223	0.9	77,358
Upper Nile	4.8	25,388	0.0	14,647	3.0	40,035
Unity	0.0	17,395	0.0	11,278	0.0	28,674
Warap	0.9	54,495	0.0	36,900	0.5	91,395
NBG	0.4	52,751	0.6	42,343	0.5	95,094
WBG	0.5	15,131	0.0	10,457	0.3	25,588
Lakes	0.6	24,187	0.0	16,796	0.3	40,983
W. Equatoria	2.4	25,876	2.9	16,924	2.6	42,800
C. Equatoria	16.1	39,687	6.6	27,223	12.3	66,911
E. Equatoria	1.4	24,814	2.9	23,772	2.1	48,586
SUDAN	16.5	1,322,676	21.9	1,045,251	18.9	2,367,926
Age						
15	9.7	515,603	14.6	314,122	11.6	829,725
16	19.4	447,399	24.2	386,432	21.6	833,831
17	22.7	359,673	26.1	344,697	24.3	704,370
Mother's education						
None	15.5	432,406	22.0	334,792	18.3	767,198
Primary	19.7	104,175	22.1	81,610	20.8	185,785
Secondary+	18.2	43,441	25.6	32,642	21.4	76,083
Wealth index quintiles						
Poorest	1.9	238,719	0.4	164,396	1.3	403,115
Second	2.7	244,269	3.4	181,823	3.0	426,092
Middle	8.0	265,061	10.1	210,908	8.9	475,969
Fourth	19.0	289,958	27.9	232,885	23.0	522,844
Richest	46.1	284,668	53.3	255,239	49.5	539,907

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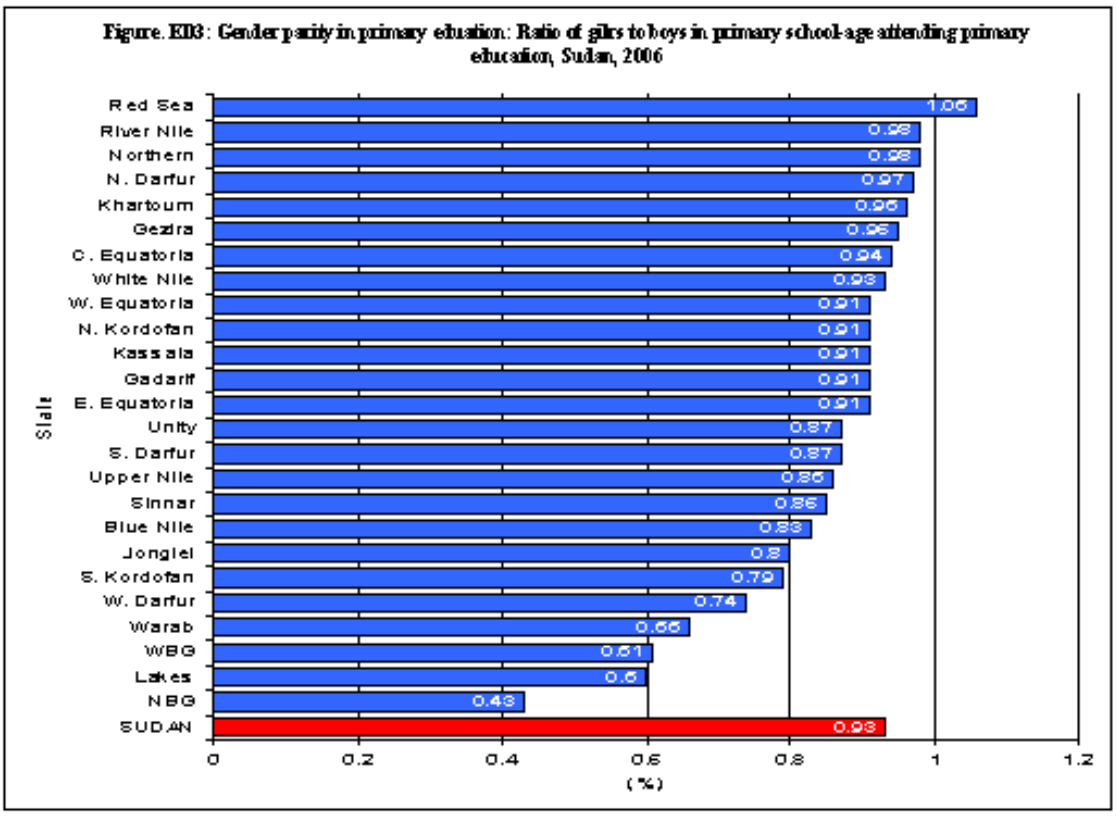
Annex J: Gender parity in primary education: Ratio of girls to boys in primary school-age attending primary education, Sudan (2006)



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Annex K: Birth registration: Percentage distribution of children aged 0-59 months by whether birth is registered and reasons for non-registration, Sudan (2006

Background characteristics	Birth is registered	Number of children aged 0-59 months	Birth is not registered because:							Mis si-ng	Number of children aged 0-59 months without birth registration
			Costs too much	Must travel too far	Didn't know child should be registered	Late, did not want to pay fine	Doesn't know where to register	Other	Don't know		
Sex											
Male											
Female											
State											
Northern	67.8	71,281	45.9	15.0	2.6	0.0	2.1	27.9	6.7	0.0	22,574
River Nile	67.4	108,078	30.3	24.9	0.5	0.0	4.0	31.6	7.8	1.0	35,032
Red Sea	64.6	92,640	13.5	24.9	23.9	0.4	7.0	15.0	13.2	2.0	31,412
Kassala	34.7	228,581	18.5	15.7	28.5	0.0	6.8	13.7	16.7	0.2	148,560
Gadarif	45.8	277,710	21.3	11.6	9.3	0.2	6.6	44.2	6.6	0.2	150,317
Khartoum	70.2	728,062	54.1	9.0	4.0	0.9	3.1	21.5	6.1	1.2	215,252
Gezira	61.4	498,259	33.0	14.2	18.5	0.3	4.0	23.3	6.4	0.3	190,412
Sinnar	45.0	184,375	25.5	17.2	9.9	1.9	6.2	36.3	2.8	0.2	100,775
Blue Nile	27.8	135,715	35.8	18.5	12.9	0.0	8.9	16.0	7.5	0.4	97,232
White Nile	43.3	243,446	48.3	20.0	8.1	0.0	2.1	19.3	1.3	0.8	137,666
N. Kordofan	32.9	380,655	27.8	20.6	23.7	0.7	7.4	8.8	9.8	1.2	252,977
S. Kordofan	28.4	277,708	22.5	25.1	6.6	0.5	8.2	13.1	23.2	0.8	196,615
N. Darfur	29.1	268,487	22.8	11.9	8.7	0.0	5.9	19.7	29.7	1.3	185,853
W. Darfur	16.4	300,867	14.8	23.9	27.0	5.0	10.9	10.0	7.5	0.9	243,812
S. Darfur	18.9	502,544	30.3	22.3	10.8	0.1	5.8	24.1	6.1	0.4	407,224
Jonglei	3.3	243,417	5.9	13.5	24.0	1.8	35.1	1.6	11.7	6.4	180,475
Upper Nile	11.3	171,127	1.4	13.8	29.0	0.7	40.6	0.7	11.3	2.5	80,715
Unity	6.3	120,333	0.8	4.7	61.0	1.0	24.7	0.5	2.9	4.5	91,095
Warap	1.3	238,751	3.0	13.5	44.4	0.2	13.4	0.3	2.2	23.1	182,175
NBG	4.2	215,262	7.6	7.6	48.0	2.4	19.1	2.1	5.8	7.3	129,709
WBG	10.1	75,022	5.1	35.1	26.3	2.0	12.5	1.7	1.4	15.9	43,845
Lakes	1.1	155,869	1.9	13.4	45.6	2.6	30.9	0.8	2.5	2.2	127,161
W. Equatoria	6.6	85,109	3.9	8.8	30.7	1.3	51.3	1.8	2.3	0.0	55,500
C. Equatoria	4.3	189,908	5.9	27.8	17.9	1.4	40.0	4.1	2.6	0.4	138,373
E. Equatoria	7.7	162,590	2.2	13.0	39.1	0.2	17.2	1.7	24.1	2.4	87,169
SUDAN	**32.6**	5,955,796	21.3	17.1	21.3	1.0	13.1	14.2	9.2	2.8	3,531,929
Age											
0-11 months	29.0	1,288,626	22.3	18.2	17.4	0.7	11.7	18.9	8.6	2.1	833,860
12-23 months	36.3	1,142,094	22.0	17.2	20.8	0.9	13.9	13.7	9.1	2.4	637,428
24-35 months	32.4	1,262,671	21.3	16.6	22.4	1.1	12.5	13.3	8.8	4.0	748,203
36-47 months	33.5	1,291,161	21.0	17.1	21.9	1.1	14.0	12.0	10.6	2.3	746,920
48-59 months	31.8	971,246	19.3	16.0	25.3	1.4	14.0	12.1	8.5	3.4	565,518
Mother's education											
None	16.6	3,709,763	18.5	16.5	25.4	1.0	15.2	10.3	9.7	3.4	2,659,873
Primary	48.9	1,430,060	30.4	19.7	8.8	1.0	7.2	24.3	7.6	0.9	692,053
Secondary+	80.3	722,652	24.3	19.1	3.5	0.7	4.6	37.7	7.7	2.4	132,437
Wealth index quintiles											
Poorest	6.1	1,264,533	3.0	3.8	9.3	0.3	5.0	1.5	3.0	1.1	956,283
Second	11.2	1,367,061	6.0	5.6	6.8	0.3	4.5	2.7	2.7	1.1	1,049,133
Middle	25.3	1,319,404	6.7	4.9	4.1	0.2	2.7	4.8	2.0	0.4	916,671
Fourth	56.4	1,161,613	4.8	2.4	1.0	0.1	0.6	3.8	1.1	0.2	492,205
Richest	85.5	843,186	0.7	0.4	0.1	0.0	0.3	1.4	0.3	0.0	117,637

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Annex L: Return programmes to Sudan

VOLUNTARY RETURNS OF SUDANESE REFUGEES BY COUNTRY OF ORIGIN, FROM 2005 TO 26 JUNE 2010

	2005	2006	2007	2008	2009	2010	Total
Egypt	145	881	1,602	954	527	101	4,210
Central African Republic	9,556	4,547	5,195	1	5	-	19,304
Dem. Rep. of Congo	33,496	6,419	1,909	8	-	-	41,832
Uganda	16,414	5,835	76,575	46,858	29,917	2,070	177,669
Kenya	163	7,852	19,159	9,789	587	-	37,550
Ethiopia	10,706	5,937	21,394	10 368	949	12	49,366
Eritrea	212	-	3	-	-	-	215
Other countries	5	6	196	10	16	3	236
TOTAL	**70,697**	**31,477**	**126,033**	**67,988**	**32,001**	**2,186**	**330,382**

Source: UNHCR Southern Sudan (data provided for this profile, based on registration in countries of origin).

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REPATRIATIONS AND VOLUNTARY RETURNS OF SUDANESE REFUGEES BY COUNTRY OF ORIGIN, 2005 – 2008

	2005	2006	2007	2008
	Voluntary returns under tripartite agreements[1]			
Egypt	-	-	-	-
Central African Rep.	-	3,262	5,154	-
Dem. Rep. of Congo	-	5,550	963	-
Uganda	-	5,749	17,108	41,286
Kenya	-	1,807	4,767	8,081
Ethiopia	-	4,625	17,631	9,700
Eritrea	-	-	-	-
Other countries	-	3	196	9
TOTAL	-	20,996	45,822	59,076
	Assisted voluntary returns			
Egypt	43	881	1,602	589
Central African Rep.	-	1,285	41	-
Dem. Rep. of Congo	-	869	973	-
Uganda	31	86	226	495
Kenya	133	379	27	-
Ethiopia	-	1,312	2,268	149
Eritrea	3	3	-	-
Other countries	5	3	-	-
TOTAL	215	4,818	5,137	1,233
	Voluntary spontaneous returns (without assistance)[2]			
Egypt	102	-	-	-
Central African Rep.	9,556	-	-	-
Dem. Rep. of Congo	33,496	-	-	-
Uganda	16,383	-	59,241	-
Kenya	30	5,666	14,365	-
Ethiopia	10,706	-	1,495	-
Eritrea	212	-	-	-
Other countries	-	-	-	-
TOTAL	70,485	5,666	75,101	-
	TOTAL			
TOTAL	**70,700**	**31,480**	**126,060**	**60,309**

1. Tripartite agreements established by Sudan, the neighbouring country and UNHCR. No tripartite agreements exist with Egypt and Eritrea

2. Based on estimates on the number of persons not resulting anymore in host countries

Source: CDR (GoNU Ministry of Interior, reported by the National Population Council, 2009).

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Annex M: 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
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for 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
OCHA	Office for the Coordination of Humanitarian Affairs
ODPR	Office for Displaced Persons and Refugees
RSF	Reporters sans Frontières
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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Annex N: References to source material

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Whilst every effort is made to ensure weblinks provided below are working in the event a document can not be accessed via the link provided, an internet search of the title of the document should lead to the source being retrived.

The web links provided below for UN documents are those used in order to access the source material listed and compile this report. However for some documents, due to the configuration of the UN's website, the links below may not allow documents to be re-accessed. In such cases the document should be searched for via the UN's Official Documents Search System by inputting the document's title and/or reference number (included in brackets).

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