



Home Office

# Country Policy and Information Note

## Sudan: Non-Arab Darfuri

Version 3.0

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# Preface

## Purpose

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

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

## Analysis

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

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

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

## Country of origin information

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

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

All information included in the note was published or made publicly available on or before the ‘cut-off’ date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

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

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

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

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

## Feedback

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

## Independent Advisory Group on Country Information

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

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

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

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# Analysis

Updated: 20 September 2018

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state, or government-sponsored militias, because the person is a member of a non-Arab ethnic group either born in, or with origins from, Darfur (hereafter referred to as a 'non-Arab Darfuri').

### 1.2 Points to note

1.2.1 There are many non-Arab tribes in Darfur. Historically divisions between the groups were fluid, but since the 1990s and 2000s there has been increasing ethnic polarisation between these groups. The largest non-Arab Darfuri tribes are the Fur, Zaghawa, and Massalit. Other tribes include the Meidob, Dajo, Berti, Kanein, Mima, Bargo, Baro, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur (see Darfur, [Ethnic demography](#)).

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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

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

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### 2.2 Refugee Convention

2.2.1 Non-Arab Darfuris establish a convention reason on the grounds of race. Other convention reasons may apply, depending on individual circumstances, such as actual or imputed political opinion.

2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

2.2.3 For guidance on assessing membership of a particular social group, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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## 2.3 Exclusion

- 2.3.1 Some non-Arab Darfuris may have taken part in activities, perhaps as a member of a rebel group, which resulted in human rights violations. Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#) and rebel groups in [Sudan CPIN: opposition to the government, including sur place activity](#).

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## 2.4 Assessment of risk

### a. Darfur

- 2.4.1 The security situation has generally improved in recent years and remains relatively stable, with the government and most rebel groups announcing a series of rolling, temporary cease-fires since 2016, which has allowed the extension of state control over the Darfur apart from areas around the Jebel Marra in southern Darfur (see [Security and human rights situation](#)).
- 2.4.2 There has also been a decrease in large-scale intercommunal clashes, largely driven by pressures over access to land and resources, since mid-2015. The UN describes the situation as one of 'lawlessness and criminality, aggravated by a protracted humanitarian crisis, [with] continued human rights violations and [... a] lack of development' (see [Security and human rights situation](#)).
- 2.4.3 The conflict in the region has caused large-scale and long-term displacement, with the UN estimating that there are around 2 million internally displaced persons registered in camps in Darfur (out of a total estimated population of 7.5 million) (see [Darfur, Humanitarian situation](#)).
- 2.4.4 The consequences of the conflict, displacement, under-development and environmental degradation means that many people are dependent on humanitarian assistance. Insecurity and government restrictions continue to limit access to IDPs and the provision of humanitarian services (see [Displacement of persons and the humanitarian situation](#)).
- 2.4.5 Non-Arab Darfuris who are situated in Darfur may be suspected of having connections to rebel groups in Darfur and therefore may be targeted by the Sudanese authorities or militia groups.
- 2.4.6 In the country guidance case of [AA \(Non-Arab Darfuris - relocation\) Sudan CG \[2009\] UKAIT 00056 \(18 December 2009\)](#), heard 4 November 2009, the Upper Tribunal (UT) found that: 'All non-Arab Darfuris are at risk of persecution in Darfur...' (Headnote)
- 2.4.7 While the security situation has improved in Darfur, the humanitarian and human rights situations remain poor. There continue to be reports of attacks against civilians and sexual violence against women committed by the government forces and its proxies, and by rebel groups. Additionally, inter-communal fighting, while decreased, continues to occur. The government

has been able to extend its control over the region, however criminality and lawlessness remain prevalent.

- 2.4.8 Government forces and associated militias have targeted those suspected of having links to rebel groups and targeted members of the Fur, Zaghawa and Massalit tribes in Darfur on the basis of their ethnicity (see Darfur, [Security and human rights situation](#) and [Displacement of persons and the humanitarian situation](#)).
- 2.4.9 The available evidence, therefore, does not establish that there has been significant or durable improvement in the situation in Darfur to depart from the caselaw of [AA](#). Non-Arab Darfuris continue to face serious human rights violations in Darfur at the hands of various actors which are likely to amount to persecution or serious harm.
- 2.4.10 For guidance on assessing risk generally, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

b. Khartoum

- 2.4.11 In the country guidance case of [AA](#), the UT found that ‘All non-Arab Darfuris are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan’ (Headnote).
- 2.4.12 In the country guidance case of [MM \(Darfuris\) Sudan \(CG\) \[2015\] UKUT 10 \(IAC\) \(5 January 2015\)](#), heard 7 October 2014, the UT clarified that ‘Darfuri’ is to be understood as relating to a person’s ethnic origins, not as a geographical term. Accordingly, it includes Darfuris who were not born in Darfur (paragraph 14). Thus, persons who are ethnic non-Arab Darfuri in origin, regardless of whether they had lived in Darfur or elsewhere in Sudan, would be at risk on return to Khartoum. The Tribunal in [MM](#) also found that there was, at the time of the hearing, no new, cogent evidence indicating that non-Arab Darfuris were not at risk of persecution in Sudan (paragraph 13).
- 2.4.13 The CG cases of [AA](#) and [MM](#) are based on evidence gathered in 2009 and 2014 respectively. AA is unusual in that it reflects a Home Office concession in its operational guidance note of November 2009 that non-Arab Darfuris were likely to be at risk. The Home Office’s position was reached because:
- there were reports in 2008 and 2009 of widespread arrests (numbering in the 1000s) of non-Arab Darfuris in Khartoum by the state following an attack on the capital by the Darfuri rebel group, Justice and Equality Movement (JEM), in May 2008; and
  - in March 2009, the International Criminal Court issued an arrest warrant against President Bashir for war crimes and crimes against humanity in Darfur. In response, the government expelled 13 international NGOs from Sudan, closed a number of local human rights groups and arrested human rights and humanitarian workers. This severely reduced the scope for local and international groups to monitor and report on human rights violations. In addition, press censorship increased restrictions of freedom of expression.
- 2.4.14 The Home Office did not therefore have sufficient information to determine if non-Arab Darfuris were generally at risk or not in Khartoum ([see section 3.8 of Sudan OGN, November 2009](#)). The guidance in AA therefore reflected the



Home Office's own position based on a particular set of circumstances and a general lack of information about the human rights situation.

- 2.4.15 In the country guidance of [IM and AI \(Risks – membership of Beja Tribe, Beja Congress and JEM\) Sudan CG \[2016\] UKUT 00188 \(IAC\)](#), heard 28-29 July and 4 November 2015, and promulgated on 14 April 2016, the UT took a nuanced position on risks faced by particular groups. Although the UT did not specifically look at evidence on non-Arab Darfuris and did not remake [AA](#) and [MM](#), it did observe that the country evidence did not point to a generalised risk for specific groups. Rather, UT found that each case needs to be considered on its facts taking into account a person's individual circumstances, profile and activities:

'The problem that the evidence presents is that whilst the categories of those potentially at risk are legion, it is apparent that not all those falling into a particular category are at risk. It is not enough, therefore, to be a journalist or a student because not all members of these groups are at risk. So, too, with ethnic or tribal classification. Not all non-Arabs are at risk; nor all black Africans are at risk notwithstanding the unchallenged evidence that they are members of the various tribes associated with this group. Not all those from the troubled regions of Darfur, Southern Kordofan or the Blue Nile are at risk. Nor are all those who have been arrested and detained. However, all of these matters are factors that are relevant and some, of course, are much more likely to be significant, such as prior detention and ill-treatment as a result of involvement in activities perceived as being in opposition to the government. Yet, all of this material must be taken into account.' (para 203)

- 2.4.16 The largest non-Arab Darfuri tribes are the Zaghawa, Fur and Massalit, and from which the Darfuri rebel groups have mainly drawn their members. However, non-Arab Darfuris are a large, diverse group composed of many tribes, some of whom, such as the Gama and Fellata, have previously allied themselves with the government. Non-Arab Darfuris are not necessarily clearly distinguishable from Arab Darfuris, or other Sudanese, by their appearance or skin colour. While language may indicate if a person is from Darfur, some non-Arab groups only speak Arabic (see [Darfur Ethnic demography](#)).
- 2.4.17 Sources – primarily information obtained by a joint Danish-UK fact finding mission of early 2016, an Australian government report of April 2016, and the Foreign and Commonwealth Office in a letter of September 2016 – indicate that Darfuris have been migrating to Khartoum for several decades and continue to do so because of a variety of reasons including insecurity and environmental degradation in Darfur. This includes people who have moved from Darfur since the conflict began in 2003. There is now, as a result, a large – probably high 100,000s - established population of different groups of Darfuris dispersed across Greater Khartoum (see [Migration](#) and [Khartoum Ethnic demography](#)).
- 2.4.18 Many Darfuris are socio-economically marginalised and face obstacles because of their origins in accessing public services, employment and ID documentation. However, there are Darfuris across all segments and sectors of society, including government, academia (and as students with around

18,000 students in Khartoum), media and the security forces (see Khartoum, [Ethnic Demography](#)).

- 2.4.19 The government reportedly monitors the Darfuri community because of its suspected links with rebel groups, and it has a particular interest in the Fur, Massalit and Zaghawa given their particular association with the rebels. Those critical of the government and/or who have a political profile, including students and political activists, are also reportedly monitored. There are some reports of arrests, detention, harassment and torture of non-Arab Darfuris, usually in the context of those with a specific profile or involved in activities perceived as a challenge to the government, as well as sexual abuse of women. Some sources report that Darfuris are likely to face worse treatment once in detention than other ethnic groups because they may be perceived to be rebel sympathisers (see [Khartoum, Treatment of non-Arab Darfuris](#) and [Opposition to the government and sur place activity](#)).
- 2.4.20 A number of Darfuris have returned to Khartoum in recent years, largely from Israel and Jordan. It appears that those returning from Israel are generally treated with greater suspicion than those returning from other countries. While most returnees who enter Sudan are likely to be questioned, they are not likely to experience further complications, unless they are a person of interest to the authorities because of their profile or activities in opposition to the government. The evidence does not establish that non-Arab Darfuri returnees are ill-treated on return on grounds of their ethnicity only (see [Return of failed asylum seekers from Darfur](#)).
- 2.4.21 Sources commenting on the human rights situation of non-Arab Darfuris in 2016, 2017 and 2018 report that there continues to be discrimination of non-Arabs generally in access to education, employment, healthcare and housing (see [Access to services and documentation in Khartoum](#)). However, sources do not indicate that there is widespread, systemic targeting of non-Arab Darfuris in Khartoum on grounds of ethnicity alone (see [Khartoum, Treatment of non-Arab Darfuris](#)).

#### c. Assessment

- 2.4.22 The available country evidence does not indicate that all Darfuris face discrimination, harassment and human rights abuses that amount to serious harm or persecution. While there is discrimination in accessing public services, the evidence does not establish that it, in general, by its nature and repetition amounts to persecution or serious harm. Non-Arab Darfuris who have not experienced harassment or other forms of discrimination and human rights violations in Sudan, including in Khartoum, from the government or its proxies, or have not been found to be credible, are not likely to be at risk of serious harm or persecution.
- 2.4.23 A person's ethnicity may be a factor that increases the likelihood of coming to the interest of the authorities. Darfuris who have or are perceived to be associated with an armed rebel group, such as JEM or the SLM, or criticise or challenge the government, including student activists, civil society and political activists, are likely to be of adverse interest to the authorities, including arbitrary detention and ill-treatment. The nature of this interest and any subsequent treatment will depend on the particular case.

- 2.4.24 Darfuris who are able to demonstrate by their profile, activities and/or experience that they are known to be, or perceived to be, opposing the government, including potentially being linked to rebel groups, are likely to be at risk of serious harm or persecution (see [Khartoum](#), [Treatment of non-Arab Darfuris](#), and the country policy and information note on [Opposition to the government](#), specifically the subsections on Darfuri students, Civil society, journalists / media workers, and Political parties).
- 2.4.25 The Home Office's view is, therefore, that there is cogent evidence which has become available since the promulgation of [AA](#) and [MM](#) to depart from the caselaw's assessment that all non-Arab Darfuris are likely to be at risk of persecution based on their ethnicity alone in Khartoum. Instead each case must be considered on its facts and the assessment of risk depending on a careful analysis of the person's background, individual circumstances and experiences in Sudan, with the onus on the person to demonstrate that they may be at risk of persecution.
- 2.4.26 For more detail on returns and treatment of those who, or are perceived to oppose the state, including Darfuri students, see the relevant sections in the country policy and information notes on [Opposition to the government](#) and [Rejected asylum seekers](#).
- 2.4.27 For guidance on assessing risk generally, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

- 2.5.1 As the person's fear is of persecution/serious harm at the hands of the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 For guidance on protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Internal relocation is in general not reasonable for persons who are of interest to the state or its proxies.
- 2.6.2 There is a significant and established community of non-Arab Darfuris resident in Khartoum, with many Darfuris migrating to the city because of the poor economic, political and human rights situation in Darfur. It may in some cases be reasonable for a Darfuri who had not previously lived in Khartoum to relocate to that city.
- 2.6.3 However, careful consideration to the reasonableness of internal relocation on a case-by-case basis must be taken, taking full account of the individual circumstances of the person, including where they originate from in Sudan. Those who lack support networks (family and tribe), have limited education and financial means, and have no previous or existing connection to Khartoum may find it particularly difficult to relocate. (see [Khartoum](#), [Treatment of non-Arab Darfuris](#) and [Access to services and documentation](#)).

- 2.6.4 If the person is able to demonstrate that it is not reasonable for them to return to, or relocate to, Khartoum, they are unlikely to be able to relocate to another area of Sudan.
- 2.6.5 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

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## 3. Ethnicity

### 3.1 Diversity and identity

3.1.1 Sudan's population was estimated to be 37,345,935 in July 2017<sup>1</sup>. This is comprised of '...more than 500 ethnic groups, speaking numerous languages and dialects. Some of these ethnic groups self-identify as Arab, referring to their language and other cultural attributes. Northern Muslims traditionally dominated the government.'<sup>2</sup>

3.1.2 The writer and academic John Ryle observed in the 2011 Sudan Handbook:

'Ethnic groups in Sudan are numerous; and individual 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 affiliation. The resulting categories may appear to perpetuate difference, but they also enable its opposite: the ordering of relations of exchange and cooperation between communities. Ethnic and other categories change and crosscut one another, reflecting shared histories. Sudan's inhabitants have been progressively linked together over centuries by patterns of trade and migration, and by an emerging political economy that has changed their relations to state power and to each other. Their labour – and their ancestors' labour – has been exploited, often by force, and their livelihoods modified or transformed. They have been both victims and instruments of political turbulence and military devastation. Such disruptive episodes, particularly in recent times, have forced many, particularly those living outside the northern heartland in the Nile valley, to move in order to survive, engendering further economic and cultural transformations...

'People from all [... the] regions have long been resident in major towns all across north and South Sudan (and in neighbouring African countries and – more recently – in cities of Europe, North America and Australia). Yet local origin and a sense of belonging based on kinship or common language remain the primary components of identity for most Sudanese, even for those born and raised far from their places of familial or ancestral origin, as increasing numbers are...'<sup>3</sup>

3.1.3 In the same chapter of the Sudan Handbook, John Ryle noted:

'... considerable sections of the population of northern Sudan – in Darfur and elsewhere, while practicing Islam and speaking one of the Sudanese dialects of Arabic as a lingua franca, retain their own languages. They remain culturally distinct from Arab communities living alongside or among them. These differences may be underlined locally... by different modes of livelihood – most Arab groups in Darfur, for example, are primarily nomadic

<sup>1</sup> CI, The World Factbook, Sudan, (People and Society: Sudan), 7 August 2018, [url](#)

<sup>2</sup> USSD, 'Country Reports on Human Rights Practices for 2017', (section 6), 20 April 2018, [url](#)

<sup>3</sup> Rift Valley Institute, 'The Sudan Handbook', (ps71-72), 2011, [url](#)

pastoralists; while many of the non-Arab groups are sedentary farmers. But ethnicity and livelihood do not map onto each other with any consistency: non-Arabs can be pastoralists; groups and individuals of Arab origin may settle and become farmers.’<sup>4</sup>

3.1.4 John Ryle also noted that ‘Skin-colour... though it is not a matter of indifference to Sudanese, does not map onto ethnic divisions...’<sup>5</sup>

3.1.5 A country analyst with Landinfo, the Norwegian country information service, provided an explanation of the complexities of ethnicity and identity in a response to a survey asked of EU member states about the treatment of the Nuba peoples:

‘... there is an “ethnic hierarchy” in Sudanese society, which is far from binary Arab/non-Arab. A better way to picture it, in my opinion, is to see it as a sliding scale between two poles:

‘One pole is represented by the powerful families and clans in the Nile River Valley, who have monopolised much of political power in Sudan for centuries. They can be seen as a sort of “ideal Arabs” against which other Sudanese are measured – and often measure themselves. The opposite pole to this “ideal” is constituted by members of social groups categorised as African – especially Nilotic groups like Dinka, Nuer, etc., but also other ethnicities that don’t use a variety of Arabic as their main language, or who don’t identify themselves (or are identified by others) as Arab.

‘A number of factors influence where on this scale people place themselves and others:

- Looks
  - Skin colour, facial features, styling of hair/beard, body shape, dress
- Language
  - Arabic dialect(s) or other languages as first language; knowledge of formal Arabic
- Religious affiliation
  - Muslim
    - From established Muslim communities where “everyone” has been Muslim for many generations to converts and more recently Islamised communities
  - Christian
  - African religions
- Regional origin
- Clan
- Ethnicity

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<sup>4</sup> Rift Valley Institute (RVI), ‘The Sudan Handbook’, (p.75), 2011, [url](#)

<sup>5</sup> RVI, ‘The Sudan Handbook’, (p78), 2011, [url](#)

- Professional background
- Urban/rural
  - Sedentary/nomad
- Modern/traditional
- Level of education
- Social class
- Civilised/uncivilised
- Gender

‘The dynamic between these factors is complex, and it varies greatly between different social situations which weight the different factors are given, and how individuals and groups are categorised on their basis. Furthermore, people can themselves change a number of these factors, and it’s both possible and common to question both the weight given to such factors, and how they are interpreted. Also, it’s quite common that people take a critical stance or even dismiss the hierarchical aspects of the model (and/or the relevance of certain factors) simultaneously with relating to it, accommodating it and/or exploiting it, according to circumstances.

‘Since South Sudan seceded in 2011, Sudanese sources have called Nubans and non-Arab groups from Blue Nile “the new South Sudanese”, i.e. the ones filling the position of “anti-pole” to the “Arab ideal”. Darfuris, on the other hand, generally land somewhere along the middle part of the scale – neither as stereotypically “African” as the South Sudanese, Nubans or Blue Nile Nilotic peoples, nor “sufficiently Arab” to approach the “Arab ideal”.’<sup>6</sup>

- 3.1.6 Ahmad Sikainga, Professor at The Ohio State University, noted in 2009 in his article “The World’s Worst Humanitarian Crises’: Understanding the Darfur Conflict’:

‘A long history of internal migration, mixing, and intermarriage in Darfur have created remarkable ethnic fluidity: ethnic labels are often used only as a matter of convenience. For instance, in the Darfur context, for the most part the term "Arab" is used as an occupational rather than an ethnic label, for the majority of the Arabic speaking groups are pastoralists. On the other hand, most of the non-Arab groups are sedentary farmers. However, even these occupational boundaries are often crossed’.<sup>7</sup>

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## 3.2 Migration

- 3.2.1 Munzoul A M Assal’s chapter in the 2011 Sudan Handbook on migration observed that Sudan’s population has historically been highly mobile, with a long-established pattern of migration from rural to urban areas, often undertaken in stages first from a village to a town in the local region, then to a town in another region and finally a move to Khartoum. Until the late 1970s

<sup>6</sup> Country analyst, Landinfo, April 2018, Annex D

<sup>7</sup> The Ohio State University (OSU), “ ... Understanding the Darfur Conflict’, February 2009, [url](#)

this movement was generally temporary but since then migration from rural to urban areas has become increasingly permanent<sup>8</sup>.

3.2.2 The same author also noted that much migration was involuntary: people were pushed by insecurity, ecological degradation and government policies concentrating resources in a few urban centres, Khartoum in particular. However, there is a positive side to migration, it offers better education and employment opportunities. Munzoul Assal observed that growth of urban areas has been rapid and significant, with one source estimating that by 2005 up to 1 in 3 people lived in urban areas, half of these in Greater Khartoum (comprised of Khartoum, Omdurman and Khartoum North) whose population has grown from approximately 250,000 in 1956 to around 5 million in 2008<sup>9</sup>.

3.2.3 In a joint study by the Research and Evidence Facility (REF) and the Humanitarian Policy Group (HPG), 'Darfuri migration from Sudan to Europe From displacement to despair', published in August 2018, it is noted that:

'Migration and displacement are part of the history and livelihoods of Darfur. Migration has long been an essential part of people's livelihoods in Darfur, whether seasonal or long-term labour migration, migration for pasture or in response to drought and famine. Some of this migration occurred within Sudan, and some of it outside Sudan, particularly to Libya, Egypt and the Gulf countries. Some ethnic groups, in particular the Zaghawa, used long-term migration to transform their livelihoods and to adapt to the worsening conditions in their homelands in the far north of North Darfur. Migration patterns changed completely with the 2003 conflict, when millions of people were forcibly displaced due to government and militia attacks, killing and destruction of livelihoods. Traditional migration patterns were blocked. When the crisis became protracted, migration to Libya resumed. Young men also left Darfur for Chad, Libya, Egypt, South Sudan and Israel, to find safety or work. Until 2013 the numbers migrating to Europe were limited.

'Migration to Europe is in part the result of restricted options in the region. The number of Sudanese migrating by sea to Italy increased from 2013 and peaked from 2014 to 2016. Many were Darfuri. This trend coincided with renewed violence and displacement in Darfur, and the civil war and collapse of the state in Libya in 2014. At the same time, migration to South Sudan, Egypt and Israel became difficult due to conflict, political instability, changes in asylum laws and deterrence strategies. Civil war in Libya forced Sudanese to leave the country and led to the proliferation of smuggling networks. Libya and Egypt changed from destination to transit countries on the route to Europe. Increased migration to Europe is therefore in part a result of the limited alternatives available in the region. The groups migrating in largest numbers to Europe are those with a history of migration, with the Zaghawa forming the majority.'<sup>10</sup>

3.2.4 The same report also stated:

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<sup>8</sup> Rift Valley Institute (RVI), 'The Sudan Handbook', (p.120), 2011, [url](#)

<sup>9</sup> RVI, 'The Sudan Handbook', (ps121-123), 2011, [url](#)

<sup>10</sup> REF and HPG, 'Darfuri migration from Sudan to Europe ...', (Executive Summary), August 2018, [url](#)



'The causes of Darfuri migration are multiple, complex and interlinked. For many young Darfuris, attack, arrest and harassment by government forces, paramilitary groups and militia are the primary reason for leaving. Young men from particular ethnic groups come under close surveillance. Their movements are restricted and teenagers are persuaded to spy on their relatives. Internally displaced people (IDPs) and students are also particularly affected. They also experience discrimination in finding work, especially government and civil service jobs.'<sup>11</sup>

3.2.5 Furthermore, the report noted: 'Our research findings demonstrate the consequences of the lack of legal channels for Darfuri migration out of Sudan. As a result, most young men of Darfuri origin migrate irregularly, using smuggling and trafficking networks to leave the country [...]'<sup>12</sup>

3.2.6 See also discussion on population and migration in [Khartoum, Ethnic demography](#).

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## 4. Darfur

### 4.1 Overview

4.1.1 The Asylum Research Consultancy compilation report, [Darfur Country Report – October 2015](#), covers politics, geography and human rights in Darfur, and provides a useful overview of the region based on a range of reliable sources. Similarly, the Austrian Centre for Country of Origin & Asylum Research and Documentation (ACCORD) published a compilation report in September 2017 on [Darfur](#), which provides a useful overview.

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### 4.2 Geography

4.2.1 The website of the Darfur Regional Authority (DRA) provided the following summary: 'Darfur is a region in western Sudan... covers an area of some 493,180 square kilometers - approximately the size of France. It is largely an arid plateau with the Marrah Mountains [the 'Jebel Marrah'], a range of volcanic peaks rising up to 3,042 meters in the center of the region.' The same source noted that Darfur is divided into 5 states:

- Central Darfur
- East Darfur
- North Darfur
- South Darfur
- West Darfur<sup>13</sup>

4.2.2 The regional capitals are:

- Zalingei (Central Darfur)
- Ed Daein (East Darfur)

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<sup>11</sup> REF and HPG, 'Darfuri migration from Sudan to Europe ...', (Executive Summary), August 2018, [url](#)

<sup>12</sup> REF and HPG, 'Darfuri migration from Sudan to Europe ...', (Section 8.2), August 2018, [url](#)

<sup>13</sup> Darfur Regional Authority, 'General information', 7-8 April 2013, [url](#)

- El Fasher (North Darfur)
- Nyala (South Darfur)
- El Geneina (West Darfur)<sup>14</sup>

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### 4.3 Ethnic demography

4.3.1 The Sudan government estimated the total population of Darfur based on the 2008 census was around 7.5 million, with the population estimated to reach 8.2 million by 2011<sup>15</sup>. CPIT is unable to find accurate estimates of the ethnic composition of the population or the proportion of population identifying as non-Arab Darfuri in Darfur in the sources consulted in this note (see [Bibliography](#)).

4.3.2 Dr David Hoile noted in 'Darfur in Perspective', first released in March 2005 and revised in January 2006, that:

'The largest ethnic group within Darfur are the Fur people, who consist mainly of settled subsistence farmers and traditional cultivators. Other non-Arab, "African", groups include the Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur. The mainly pastoralist Arab tribes in Darfur include Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Mahameed, Djawama, Rezeigat, and the Ma'aliyah.'<sup>16</sup>

4.3.3 The Australian Department of Foreign Affairs and Trade (DFAT) report of April 2016 'based on DFAT's on-the-ground knowledge and discussions with a range of sources in Sudan and other parts of Africa, including the UN, civil society organisations and representatives from the international community'<sup>17</sup>, stated:

'The Fur, Zaghawa and Massalit are the most prominent ethnic groups in Darfur. [The Fur are] ... the largest. The Massalit are the second largest and are located mainly in the West. The Zaghawa are a smaller ethnic group located mainly in the North and West.

'Historically, the Fur, Zaghawa and Massalit have relied heavily on agriculture and clashed with the pastoralist Arab ethnic groups in Darfur. From 1987 onwards, the traditional inter-tribal conflict morphed into three successive formal armed conflicts between the Government (and associated militias) and rebel groups linked to the Fur, Massalit and Zaghawa ethnic groups.'<sup>18</sup>

4.3.4 The UN Commission of Inquiry on Darfur report of 2005, however, observed that ethnic distinctions are not clear between Arab and non-Arab groups:

'The region is inhabited by tribal groups that can be classified in different ways. However, distinctions between these groups are not clear-cut, and

<sup>14</sup> UN Office for the Coordination of Humanitarian Affairs, Sudan Administrative Map, March 2015, [url](#)

<sup>15</sup> UN Sudan, 'Key facts and figures for Sudan\* with a focus on Darfur' (p1), January 2012, [url](#)

<sup>16</sup> David Hoile, 'Darfur in Perspective' (p5), March 2005, [url](#)

<sup>17</sup> Australian Government, 'DFAT Country Information Report – Sudan' (p4), 27 April 2016, [url](#)

<sup>18</sup> Australian Government, 'DFAT Country Report, Sudan' (p11), 27 April 2016, [url](#)

tend to sharpen when conflicts erupt. Nevertheless, individual allegiances are still heavily determined by tribal affiliations. The historic tribal structure, which dates back many centuries, is still in effect in Darfur although it was weakened by the introduction of local government during the time of [President] Nimeiri's rule [between 1969 and 1985]. Some of the tribes are predominantly agriculturalist and sedentary, living mainly from crop production during and following the rainy season from July to September. Some of the sedentary tribes also include cattle herders. Among the agriculturalists, one finds the Fur, the Barni, the Tama, the Jebel, the Aranga and the Masaalit. Among the mainly sedentary cattle herders, one of the major groups is the southern Rhezghat, as well as the Zaghawa. In addition, a number of nomadic and semi-nomadic tribes can also be traditionally found in Darfur herding cattle and camels in Darfur, which include the Taaysha, the abaneya, the Beni Helba, the Mahameed and others. It should be pointed out that all the tribes of Darfur share the same religion (Islam), and while some of the tribes do possess their own language, Arabic is generally spoken.<sup>19</sup>

#### 4.3.5 The same source further observed:

'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.'<sup>20</sup>

#### 4.3.6 Jerome Tubiani noted in the 2011 Sudan Handbook that Darfur ('land of the Fur in Arabic) includes '... non-Arab peoples and Arab groups, the latter also divided into many branches, such as the Ritzeigat and Habbaniya... Historically Darfurian identity transcended ethnic boundaries. Before the present conflict, non-Arabs groups did not refer to themselves as 'indigenous' or 'African' in the way they do today, drawing a line between themselves and the Arabs that, in reality, has always been fluid.'<sup>21</sup>

#### 4.3.7 The same author noted that coverage in the western media of the conflict in Darfur described the victims as 'black' and perpetrators as 'Arab', '... a Manichaeian vision that only acts to worsen the unprecedented split that the war [[the conflict in Darfur of 2003/4](#)] has been produced between the groups claiming to have an "Arab" identity and the rest – the Fur, the Zaghawa and the Masalit, and a dozen or more smaller groups... But... All sides in the war have seized on ethnic difference as a source of support...

<sup>19</sup> Report of the Int'l Commission of Inquiry on Darfur to the UN Sec-Gen, para 52, January 2005, [url](#)

<sup>20</sup> Report of the Int'l Commission of Inquiry on Darfur to the UN Sec-Gen para 508, January 2005, [url](#)

<sup>21</sup> RVI, 'The Sudan Handbook', (ps224 - 225), 2012, [url](#)

the rebel movements in Darfur recruit primarily amongst non-Arab groups. They denounce the monopoly of power in Khartoum since independence of Sudan by elites drawn from the three main Arab (or “Arabized”) tribes in the central Nile Valley, but probably represent less than five per cent of the Sudanese population...

‘The government’s policy of ethnic mobilisation helps explain the polarising description of the conflict as a massacre of “African”, “black”, or even “indigenous” civilians by Arab government forces, even though there are Arabs and non-Arabs on both sides.

‘Some non-Arab groups (like the Gimir, the Tama, the Fellata) have in fact sided mostly with the government, while others have remained neutral. As the war progressed, an increasing number have joined the opposition movements. But in Darfur the very definition of who is and who is not and Arab is problematic. Arabs in Darfur often claim lineages which stretch back to Arabia... But local Arabs often have skin that is as dark as that of their neighbours who claim to be of different origin. Attempts of Arabization have often been denounced in the countries of the Sahel; they mask the profound Africanization of those Arabs that live there.

‘This is not a question of religion: almost all Darfurians are Muslims... Language is not necessarily a good criterion either: certain non-Arab groups (the Berti and the Birgid for example) adopted Arabic some time ago as their mother tongue, while those who claim a notional Arab identity, like some of the Misseriya Jebel and Fellata, yet still speak other languages.’<sup>22</sup>

- 4.3.8 For information on the National Dialogue see country policy and information note, [Opposition to the government, including sur place activity](#).

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#### 4.4 Background to the conflict

- 4.4.1 The DFAT report of April 2016 provided a brief background to the conflict in Darfur:

‘Beginning in 1987, three successive armed conflicts occurred in Darfur, mainly between the Government (and associated militias, often referred to as the Janjaweed, who were armed by the Government) and rebel groups linked to the Fur, Massalit and Zaghawa tribes such as the Justice and Equality Movement (JEM) and Sudan Liberation Movement (SLM), which has two factions – the SLM-Minnawi and the SLM-al-Nur.

‘The most serious conflict, known as the ‘Third Rebellion’, started in 2003 and led to [President] Bashir’s indictment to the [International Criminal court] ICC caused an estimated 298,000 deaths, 80 per cent due to disease and malnutrition and 20 per cent as a direct result of violence. In response, the African Union / UN Hybrid Operation in Darfur (UNAMID), the largest peacekeeping mission in the world, was established on 31 July 2007 with the protection of civilians as its core mandate.

‘The intensity of the formal conflict in Darfur has diminished since its peak from late-2003 to mid-2004. However, conflict continues in the region, with

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<sup>22</sup> RVI, (ps225-226), 2012, [url](#)

counter-insurgency military operations led by the Government, aimed at decreasing the capability of the armed opposition. In mid-2013, the Rapid Support Forces (RSF) were formed, reportedly under the command of the NISS [National Intelligence and Security Service] in order to defeat the armed opposition in Darfur. Human Rights Watch reports that the RSF led two counter-insurgency campaigns in 2014 and 2015 during which time its forces repeatedly attacked villages, burned and looted homes and beat, raped and executed civilians. The RSF received both aerial and ground support from the Sudanese Armed Forces and other Government-linked militias, such as the Janjaweed. The Report of the Secretary-General to the UN Security Council on Conflict-Related Sexual Violence notes that conflict-related sexual violence remains a dominant feature of the conflict in Darfur.<sup>23</sup>

- 4.4.2 The US State Department report for 2016: ‘... Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and between different Arab tribes. “National Identity” is one of the six discussion committees of the national dialogue.’<sup>24</sup>

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#### 4.5 Displacement of persons and the humanitarian situation

- 4.5.1 The UN Security Council June 2018 report noted that:

‘Despite the capture of two notorious militia leaders, Abdallah Rizkallah and Musa Hilal, in November 2017 militia groups of particular communities continue to hamper the return of internally displaced persons over land and natural resources, with long-term implications for stability. In North Darfur, the northern Rizeigat militias associated with the Border Guards remain a challenge for the Beni Hussein in Sereif and Saraf Omra, due to their stake in gold mining. In South Darfur, Fallata militias often attack Masalit communities over land ownership around Graidia, and militias from the Misseriya, northern Rizeigat and Zaghawa tribes frequently attack Fur displaced around Kass. In addition, during the recent clashes in eastern Jebel Marra, militias were responsible for the destruction of several villages and the displacement of the population in the area. In East Darfur, militias of the southern Rizeigat and Ma’aliya tribes are heavily involved in the conflict over land and resources in the areas north of Ed Daein. Many northern Rizeigat and Salamat militias associated with the Border Guards continue to harass Fur displaced in the areas of Mukjar, Bindisi and Um Dukhun of Central Darfur. Finally, in West Darfur, militias mainly from the northern Rizeigat and the Misseriya and Chadian Zaghawa tribes prevent local farmers and internally displaced persons from accessing their farmlands around El Geneina and in Kuraynik.’<sup>25</sup>

- 4.5.2 With regards to the humanitarian situation more generally in Darfur, the same report found:

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<sup>23</sup> DFAT, (page 8) 27 April 2016, [url](#)

<sup>24</sup> USSD, ‘Country Reports on Human Rights Practices for 2016’ (section 6), 3 March 2017, [url](#)

<sup>25</sup> UN Security Council, ‘Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur’ (para 7), 1 June 2018, [url](#)

'The Sudan has faced two major overlapping humanitarian challenges since 2003: one triggered by the impact of the conflict, which has led to large-scale population displacement; and another due to climate conditions, which has contributed to food insecurity and malnutrition. Many communities continue to lack access to services and support. Humanitarian assistance to the Sudan has declined over the years, and Darfur remains the most affected region. The implementation of the humanitarian response plan for the Sudan developed by the Office for the Coordination of Humanitarian Affairs of the Secretariat (see [www.unocha.org/sudan](http://www.unocha.org/sudan)) faces serious funding challenges, and at the time of writing was 23 per cent funded. In Darfur there are 159 humanitarian entities, including 14 United Nations agencies and other international organizations, 39 international non-governmental organizations (NGOs) and 106 national NGOs.'

'According to the report of the Office for the Coordination of Humanitarian Affairs entitled "Sudan 2018 humanitarian needs overview" and its report entitled "Sudan 2018 humanitarian response plan, January–December 2018" (see [www.unocha.org/sudan](http://www.unocha.org/sudan)), there are 1.997 million internally displaced persons in the Sudan, some 1.6 million of whom are registered as living in camps in Darfur. While assessments of the number of unregistered internally displaced persons vary considerably, United Nations humanitarian agencies and partners estimate that an additional 500,000 internally displaced persons live in host communities and settlements in Darfur.'<sup>26</sup>

#### 4.5.3 The USSD report for 2017 observed that:

'Large-scale displacement continued to be a severe problem in Darfur and the Two Areas [South Kordofan state and Blue Nile State<sup>27</sup>], but there was a significant decline in conflict-related displacement owing to ceasefires observed by the government and most armed groups. Government restrictions and security constraints, however, continued to limit access to affected populations and impeded the delivery of humanitarian services, although to a lesser extent than in prior years.

'According to the United Nations and partners, an estimated 8,200 persons were reported as newly displaced across Darfur as of October 1 [2017]. This was a substantial decrease from 2016's estimated 152,600 newly displaced persons. The UNOCHA reported the vast majority of the displacement during the year was triggered by intercommunal conflict. Many IDPs faced chronic food shortages and inadequate medical care.'<sup>28</sup>

#### 4.5.4 In addition, the same report noted:

'Darfur reportedly hosted an estimated three million persons in need of humanitarian assistance, of whom 1.6 million were in 60 IDP camps, according to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA). Nonetheless, the government continued to push for a reduced role for the international humanitarian community. Certain parts of Darfur, including rebel-held areas in Jebel Marra, largely remained cut off from

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<sup>26</sup> UN Security Council, 'Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur' (para 23/24), 1 June 2018, [url](#)

<sup>27</sup> Reliefweb, 'Sudan's Southern Rebellion: The "Two Areas"', 19 October 2012, [url](#)

<sup>28</sup> USSD, 'Country Reports on Human Rights Practices for 2017', Sudan (section 2), 20 April 2018, [url](#)

humanitarian access. During the year UNAMID [United Nations African Hybrid Operation in Darfur] also substantially reduced its presence in Darfur due to budgetary constraints and government requests. UNAMID's mandate, however, remained largely unchanged, with a continued emphasis on the protection of civilians, facilitation of humanitarian assistance, and conflict mediation. Between August and October, UNAMID closed 11 of 34 sites in Darfur, including sites in every Darfuri state except for Central Darfur. UNAMID staff reported the reduction would severely restrict UNAMID's ability to carry out missions, such as verifying reports of human rights violations. Despite the downsizing, UNAMID intended to open a new temporary operating site in Golo to service Jebel Marra, in accordance with the UN Security Council's renewal of UNAMID's mandate in late June. At year's end this site's planning was under way, but the government had not allowed the establishment of the base...

'All states in Darfur were under varying states of emergency...

'Conflict-related sexual and gender-based violence, especially in Central Darfur, continued to be taboo. Humanitarian actors in Darfur continued to report that victims of sexual and gender-based violence faced obstructions in attempts to report crimes and access health care.'<sup>29</sup>

#### 4.5.5 Security council report stated in August 2018:

'On 13 July [2018], the Council unanimously adopted resolution 2429, extending until 30 June 2019 the mandate of UNAMID (SS/PV.8311). The resolution decided to reduce, over the course of the mandate renewal period, the troop ceiling to 4,050 personnel and authorised the deployment of the necessary police force, not exceeding 2,500 personnel. It requested the Secretary-General and the Chairperson of the African Commission to conduct a strategic review of UNAMID by 1 May 2019.'<sup>30</sup>

#### 4.5.6 Radio Dabanga noted in July 2018 that militant herders attacked displaced farmers who returned to their villages in North Darfur. The article noted that the Sudanese government found the Darfur region 'safe enough to encourage the displaced in the camps to return to their areas of origin'. However, there have been reports of militiamen preventing returnees to cultivate the land on return, as well as beating and shooting the farmers. The report further added that 'attacks by army soldiers and paramilitaries of the Rapid Support Forces on villages in Jebel Marra have caused the displacement of thousands of villages this year'.<sup>31</sup>

#### 4.5.7 More information on the humanitarian situation in Darfur, including maps and infographics, is available on the UN [OCHA](#), [UN Reliefweb](#) and [refworld](#) websites.

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<sup>29</sup> USSD, 'Country Reports on Human Rights Practices for 2017' (section 1g), 20 April 2018 [url](#)

<sup>30</sup> Security council report, 'Sudan (Darfur)', 3 August 2018, [url](#)

<sup>31</sup> Radio Dabanga, 'Repeated attacks on farmers in North Darfur's Kabkabiya', 15 July 2018, [url](#)

## 4.6 Security situation

### 4.6.1 The DFAT report assessed the situation in Darfur for non-Arab tribes as of April 2016:

'In-country contacts suggest that incidents of formal armed conflict between the Sudanese Armed Forces and rebel-linked groups have decreased. However, DFAT assesses that there are recent credible examples of the Government and associated militias targeting Fur, Zaghawa and Massalit in Darfur on the basis of their ethnicity. The US Department of State's 2015 Human Rights Report states that fighting in Darfur was often along ethnic lines and that Government-linked groups killed and injured civilians, raped women and children, looted properties, targeted camps for internally displaced people and burned villages. The UN Panel of Experts on Sunday [sic, Sudan] characterised the current Government strategy in Darfur as one of collective punishment of villages and communities from which the armed opposition are belief to come from or operate. Complicating the situation in Darfur is the significant long-term displacement and the impact this has had on changes to land distribution patterns. In-country contacts suggest that the ability of displaced populations in Darfur (including the Fur, Zaghawa or Massalit) to return to their former land and agriculturalist lifestyle is limited.'<sup>32</sup>

### 4.6.2 The US State Department 2017 report observed in its section on armed conflict areas (Darfur and the 'Two Areas' – South Kordofan and Blue Nile states):

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

'The extent to which rebel groups committed new human rights abuses could not be accurately estimated, largely due to limited access to conflict areas. The state of detention facilities administered by the SLM/AW [Sudan Liberation Movement led by Abdelwahid] and SPLM-N [Sudan People Liberation Movement-North] in their respective rebel-controlled areas could not be verified due to lack of access.

'Human rights groups continued to report that government forces and militias raped, detained, tortured, and arbitrarily killed civilians in the five states of Darfur and government-controlled areas of Blue Nile.

'From December 2016 to November, UNAMID documented 115 cases involving 152 adult female victims of conflict-related sexual violence and 68 minors. In 2016 UNAMID documented 100 cases with 222 victims. UNAMID received the cases from all five Darfur states. Gross underreporting remained prevalent.

'The government rejected UNAMID figures on the basis the cases had not been reported to state authorities, but observers concurred that the government needed capacity building in how to track cases.

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<sup>32</sup> DFAT, (page 11), 27 April 2016, [url](#)



'Unexploded ordnances killed and injured innocent civilians in the conflict zones.'<sup>33</sup>

#### 4.6.3 The report further noted:

'Humanitarian access improved for UN and NGO staff considerably during the year, particularly access to East Darfur. There were still incidents of restrictions on UN and NGO travel to North Darfur and East Jebel Marra, primarily due to insecurity. In late December 2016, the Humanitarian Aid Commission (HAC) issued new guidelines to ease restrictions on movement of humanitarian workers; however, the guidelines were not consistently implemented during the year.

'The government continued periodically to use bureaucratic impediments to restrict the actions of humanitarian organizations. Despite the substantial improvements in access during the year, authorities delayed the release of food and necessary equipment to UNAMID for prolonged periods. For example, the government continued to delay the release of food-ration containers in Port Sudan, although to a lesser extent than in the prior year. The resulting shortages hampered the ability of UNAMID troops to communicate, conduct robust patrols, and protect civilians; they incurred demurrage charges and additional costs for troop- and police-contributing countries and the United Nations.

'[...] Government forces at times harassed NGOs that received international assistance. Although humanitarian access improved generally, the government sometimes restricted or denied permission for humanitarian assessments, refused to approve technical agreements, changed operational procedures, copied NGO files, confiscated NGO property, questioned humanitarian workers at length and monitored their personal correspondence, restricted travel, and publicly accused humanitarian workers of aiding rebel groups. Unidentified armed groups also targeted humanitarian workers for kidnapping and ransom.

'All states in Darfur were under varying states of emergency. Between January 1 and November 10, UNAMID police received 1,737 reports of criminality and banditry, which included 1,029 persons killed. This represented an 8.1-percent decrease in crime from 2016. Police confirmed 1,146 of these cases and made 179 related arrests. North Darfur had the highest crime rate, while South Darfur had the only crime rate that increased from 2016. The attacks included rape, armed robbery, abduction, ambush, livestock theft, assault/harassment, arson, and burglary and were allegedly carried out primarily by Arab militias, but government forces, unknown assailants, and rebel elements also carried out attacks.

'The UN secretary-general stated that the number of attacks against UN agencies and humanitarian organizations continued to decline.'<sup>34</sup>

#### 4.6.4 In its 2017/2018 report, Amnesty International stated:

'There were at least 87 incidents of unlawful killing of civilians, including of internally displaced persons (IDPs), mainly by pro-government militia, and

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<sup>33</sup> USSD, 'Country Reports on Human Rights Practices for 2017', (section 1g), 20 April 2018, [url](#)

<sup>34</sup> USSD, 'Country Reports on Human Rights Practices for 2017', (section 1g), 20 April 2018, [url](#)

there were reports of widespread looting, rape and arbitrary arrests across Darfur. On 22 September [2017], President al-Bashir announced a visit to Kalma IDP camp in South Darfur. Sudanese security forces used live ammunition to break up protests by IDPs against the visit. Five people were killed and dozens wounded.<sup>35</sup>

- 4.6.5 The UN Secretary General observed in its Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations on 1 June 2018:

‘No major armed confrontations have taken place between the Government of the Sudan and Darfur rebel groups since 1 July 2017, except for small-scale clashes in eastern Jebel Marra from March to May 2018. The Sudan Liberation Army-Minni Minawi (SLA/MM), the Sudan Liberation Army/Transitional Council (SLA/TC) (a splinter faction of the Sudan Liberation Army-Abdul Wahid (SLA/AW)) and the Justice and Equality Movement (JEM) have been unable to maintain a sustained presence in Darfur or elsewhere in the Sudan, despite being involved in minor clashes described in the assessment of phase one of the reconfiguration of UNAMID.<sup>36</sup>

- 4.6.6 The report further mentioned:

‘In its letter dated 28 December 2017 the Panel of Experts on the Sudan confirmed the involvement of those groups in mercenary and other illegal activities in neighbouring Libya and South Sudan. Recent reports indicate that SLA/MM is currently not capable of launching offensive operations against Government forces in Darfur, and that JEM is under significant pressure to leave South Sudan, as it is militarily weakened and fragmented.’

‘The limited area and scale of the clashes observed in eastern Jebel Marra since early March 2018 testify to the fact that, while the small groups associated with SLA/AW continue to have some operational capabilities, they are largely contained.

‘The letter from the Panel of Experts on the Sudan and other reports indicate the involvement of SLA/AW in extortion against internally displaced persons and acts of criminality contributing to intercommunal clashes. The recent fighting, according to a UNAMID fact-finding mission, may have been associated with the burning of a number of villages and the displacement of several thousand people in the area of Rockero in April 2018.

‘Large-scale intercommunal clashes have subsided since mid-2015 and the majority of conflicts over land and natural resources are now also of a significantly lesser scale. Exceptions include clashes between the Ma’aliya and southern Rizeigat over land and cattle rustling in East Darfur, which in July 2017 killed 43 on both sides; between the Zaghawa and various nomadic tribes in West Darfur over natural resources in October 2017,

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<sup>35</sup> Amnesty International, Amnesty International Report 2017/2018 (p346), [url](#)

<sup>36</sup> UN Security Council, ‘Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations’, (paragraph 4), 1 June 2018, [url](#)

leading to fatalities on both sides; and among the Fallata, the Masalit and the Salamat, and between the Habbaniya and the Salamat in South Darfur, over land and access to water.’<sup>37</sup>

- 4.6.7 Similarly, the UN Security Council as part of its statement accompanying resolution 2363, renewing the mandate of the joint African Union – UN peacekeeping mission (UNAMID), welcomed in June 2017:

‘... [the] overall improvement in security conditions, [but] expressing concern that the overall security situation in Darfur remains precarious due to activities of militia groups, the incorporation of some militias into auxiliary units of the Government of Sudan forces, which have become key actors in the conflict between the Government of Sudan and the armed movements and in inter-communal conflict and further exacerbate insecurity and threats against civilians in Darfur, the prevalence of weapons, which contributes to large scale violence and is undermining the establishment of the rule of law, acts of banditry and criminality and the absence of rule of law.

‘Noting that inter-communal conflicts remain one of the main sources of violence in Darfur and expressing concern at ongoing inter-communal conflict over land, access to resources, migration issues and tribal rivalries, including with the involvement of paramilitary units and tribal militias, as well as at the persistence of attacks against civilians, sexual and gender-based violence and that crucial grievances that caused the conflict remain unaddressed’.<sup>38</sup>

- 4.6.8 In his report to the UN Secretary Council covering the period 15 December 2016 to 15 March 2017, the UN Secretary-General noted ‘The unilateral ceasefire announced on 10 October 2016 by the President of the Sudan, Omar Hassan A. Al-Bashir, was extended for one month on 31 December, and for an additional six months on 15 January 2017. Similarly, the six-month ceasefire declared on 30 October 2016 by the rebel coalition, the Sudanese Revolutionary Front, remained in place.’<sup>39</sup>
- 4.6.9 The Sudan government further announced on 2 July 2017 that it would extend its ceasefire in Darfur to 31 October 2017.<sup>40</sup>
- 4.6.10 The June 2018 UN Security Council Report noted ‘Although the Government and the armed groups have not agreed on a permanent ceasefire, they continue to extend temporary cessations of hostilities. On 19 March, the President of the Sudan, Omar Hassan al-Bashir, extended the Government’s unilateral ceasefire until 30 June 2018, while SLA/MM, SLA/TC and JEM have extended theirs until 6 August 2018.’<sup>41</sup>

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<sup>37</sup> UN Security Council, ‘Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations’, (paragraph 4, 5,11), 1 June 2018, [url](#)

<sup>38</sup> UN Security Council, ‘Resolution 2363 (2017)’, (p2), 29 June 2017, [url](#)

<sup>39</sup> UN Security Council, ‘Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur’ (para 3), 23 March 2017, [url](#)

<sup>40</sup> News24, ‘Sudan extends ceasefire in 3 conflict zones’, 3 July 2017, [url](#)

<sup>41</sup> UN Security Council, ‘Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur’, (para 6), 1 June 2018, [url](#)

- 4.6.11 Reuters, The New Times and The New Arab reported in July 2018, that President Omar Bashir extended the ceasefires in all conflict areas to 31<sup>st</sup> December 2018.<sup>42 43 44</sup>
- 4.6.12 However, Human Rights Watch reported in its World Report covering 2017 that ‘despite the [Sudanese] government’s unilateral ceasefire and reduced fighting in all three war zones, government forces and allied militia attacked civilians including in displaced persons camps throughout the year’.<sup>45</sup>
- 4.6.13 Furthermore, in April 2018, the African Centre for Justice and Peace studies reported:
- ‘From 9 March – 2 April 2018, the African Centre for Justice and Peace Studies (ACJPS) has documented a number of attacks perpetrated against civilian targets in East Jebel Marra in South Darfur state by the Sudanese Armed Forces, Rapid Support Forces and other government sponsored militias. The attacks took place in the villages of: Feina, Dalo, Dawa , Dolda , Libei, Sawani ,Rakoona, Fouli, Duwa, and Kidineer. At least 15,000 civilians have been displaced to the neighbouring mountains in each area. In the areas of Jawa, Seena , Feina , Dawa Sawani and Rakoona at least 23 civilians were killed and tens seriously injured, 12 villages were set on fire and burnt to the ground. The attacks were precipitated by fighting in Eastern Jebel Marra between the government forces and the Sudan Liberation Movement led by Abdelwahid (SLA-AW) [...]
- ‘ACJPS also documented a number of attacks on civilian villages between 28 May – 15 June 2017 in Central and North Darfur. In late June and early July 2017, ACJPS documented a continuing trend of targeted attacks on civilians in Central and North Darfur. The attacks on civilians appear to have been prompted by the earlier clashes between Government and armed opposition forces, and intended to punish or otherwise intimidate civilians living in the areas of rebel activity.’<sup>46</sup>
- 4.6.14 Amnesty International reported in its 2017/2018 report:
- ‘There was a reduction in armed conflict between the Sudanese Armed Forces and opposition armed groups at the beginning of the year. However, there were reports of renewed fighting in North Darfur on 28 May between, on one side, the Sudan Liberation Movement (SLM-MM), led by Minni Minawi, and the SLM-Transitional Council against, on the other side, the Sudanese Armed Forces and the Rapid Support Forces (RSF). There was no clear progress in the peace process or mechanisms to address the causes and consequences of the Darfur conflict.’<sup>47</sup>
- 4.6.15 The UN Security Council March 2018 report, ‘Report of the Secretary-General on conflict-related sexual violence’, observed that:
- ‘The reduction in military confrontations between Government forces and rebel groups and the sustained unilateral cessation of hostilities during 2017

<sup>42</sup> Reuters, ‘Sudan extends ceasefire with rebels until year-end: statement’, 12 July 2018, [url](#)

<sup>43</sup> The New Times, ‘Sudan extends ceasefire in all conflict zones till year end’, 13 July 2018, [url](#)

<sup>44</sup> The New Arab, ‘Sudan extends ceasefire in war zones until year end’, 12 July 2018, [url](#)

<sup>45</sup> Human Rights Watch, World Report 2018, 18 January 2018, [url](#)

<sup>46</sup> ACJPS, ‘Attacks by Sudanese Govt forces on civilians in Jebel Marra ...’, 18 April 2018, [url](#)

<sup>47</sup> Amnesty, ‘The State of the World’s Human Rights’, (p345 – 346), 22 February 2018, [url](#)

resulted in an overall improvement of security conditions in Darfur. The situation remains precarious, however, owing to the presence of militia groups, and is fuelled by a volatile regional situation. Conflict-related sexual violence has primarily occurred around displaced persons camps, but has also been noted in villages and remote areas to which displaced persons have begun to return, where perpetrators typically prey upon victims when they are engaged in livelihood activities. In some cases, security fears have forestalled the return of civilians to their villages of origin. In one incident, a family living in West Darfur, which had previously fled to Chad as refugees, were forced back across the border into Chad after a relative was gang-raped, for fear of further attacks. The government campaign to collect illegal weapons in Darfur, pursuant to Presidential Decree 419 (2017), is an important measure for the protection of vulnerable populations. Although those efforts were hampered by resistance from some communities, incidents of intercommunal armed violence appeared to have declined significantly, likely as a result of efforts by the Government to contain and mediate tribal disputes. While the rate of new displacements was lower in 2017 than in previous years, and humanitarian access had improved, sexual violence remained prevalent, owing to a volatile security environment awash with small arms and light weapons, criminality and sporadic clashes.

'In 2017, the African Union-United Nations Hybrid Operation in Darfur documented 152 cases of conflict-related sexual violence, affecting 84 women, 66 girls and 2 boys, across the five states of Darfur, a decrease from the 222 victims in 2016. The cases involved rape (90 per cent), attempted rape (6 per cent) and gang rape (4 per cent). In 2 per cent of cases, the victims were killed and, in many others, suffered grievous bodily harm. Sexual violence continues to be chronically underreported due to stigma, harassment, trauma, the lack of protection afforded to victims and witnesses and the perceived inaction of law enforcement, with police and service providers alike having been pressured to drop cases. Rape is often resolved through traditional justice mechanisms, which tend to order victims to marry the perpetrator.

'The perpetrators of conflict-related sexual violence were identified by victims as armed men or militia members in civilian attire in 70 per cent of cases, and as members of the national security apparatus, namely the Sudanese Armed Forces, Rapid Support Forces, border guards and members of the Sudanese Police Force, in 30 per cent of cases. As in previous years, a spike in sexual violence coincided with the farming season, from July to October, especially along the migration routes of armed nomadic herders, with male farmers being physically attacked and women subjected to sexual assault. Data compiled by the Special Prosecutor for Crimes in Darfur indicated that the rape of minors, especially girls, is on the rise, with the highest rates of child rape recorded in South Darfur (58 per cent). Of 286 cases of the rape of minors reported in 2017, only 86 cases have been adjudicated, although in the view of the Special Prosecutor, none of those cases constituted conflict-related sexual violence. The Government attributes the increased numbers to efforts to raise awareness and improve evidence collection.

‘Although article 149 of the Sudanese Criminal Act (1991) was amended in 2015 to define rape in a manner more consistent with international standards, in practice, victims continue to fear that a failure to prove rape may expose them to being charged with adultery, a situation that perpetuates the reluctance of survivors to report. Local justice authorities have reaffirmed their commitment to ensuring accountability for such crimes, noting the deployment of additional prosecutors and police, including to rural areas. The United Nations has delivered training to justice and security sector personnel and supported the creation of “gender desks” in a number of police stations. UNFPA helped to build the capacity of medical personnel to deliver life-saving clinical management services for survivors of rape and to extend programmes on combatting gender-based violence to the newly-accessible areas. In February 2018, the Government facilitated the first visit of my Special Representative to the Sudan, which included several locations in North and West Darfur [...]’<sup>48</sup>

- 4.6.16 The UN Security Council stated in its Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur, on 1 June 2018:

‘The security situation in Darfur has remained relatively stable, following military gains by the Government of the Sudan against the rebel movements since 2016 and a decrease in large-scale intercommunal clashes as of mid-2015, leading to the consolidation of State authority across Darfur, except for small pockets in the Jebel Marra area. Overall, the situation in Darfur has evolved significantly from the height of the conflict in the late 2000s, when the situation was marked by an armed conflict between Government forces and non-State actors. Today, conditions are better described as those of lawlessness and criminality, aggravated by a protracted humanitarian crisis, continued human rights violations and the lack of development. On the political front, the Darfur peace process remains incomplete, and implementation of the outstanding provisions of the Doha Document for Peace in Darfur requires new impetus. There have been, however, encouraging developments regarding the constitutional review based on the outcome of the national dialogue.’<sup>49</sup>

- 4.6.17 ACCORD mapped the country’s level of violence from 2017 to the first quarter of 2018, which charts the general decline in levels and demonstrates the number of incidents in each region of Sudan, with North and South Darfur receiving the highest number of reported incidents with at least one fatality<sup>50</sup>.
- 4.6.18 Updated UN reports on the security situation in Darfur are available on the [refworld](#) and the [security council report](#) websites. Additionally, maps and

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<sup>48</sup> UN Security Council, ‘Report of the Secretary-General on conflict-related sexual violence (paras 70 – 73), 23 March 2018, [url](#)

<sup>49</sup> UN Security Council, Special report of the Chairperson of the African Union Commission and the Secretary-General of the United Nations on the strategic review of the African Union-United Nations Hybrid Operation in Darfur, (para 3), 01 June 2018, [url](#)

<sup>50</sup> European Country of Information Network, ACCORD Sudan, ‘Update on conflict-related incidents according to the Armed Conflict Location & Event Data Project (covering 1st quarter 2018)’, (p1 -2), 25 June 2018, [url](#)

tables of conflict casualties, as well as other forms of violence, compiled by ACCORD based on data gathered by the Armed Conflict Location & Event Data Project (ACLED), which in turn is based on publicly available reporting, is available on the [ecoi.net database website](http://ecoi.net).

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#### 4.7 Treatment of non-Arab Darfuris

##### 4.7.1 ACCORD's Darfur COI compilation provided information about the treatment of groups in Darfur, however some of the source material appears to apply more generally, across the country:

'Jérôme Tubiana mentions in his email response of 18 July 2017 that "generally speaking nonArabs are discriminated against by the state and affiliated Arab militias. They are less likely to be recruited in government forces". (Tubiana, 18 July 2017).

'The senior researcher at HRW on 19 July points out that "there is official discrimination against non-Arab ethnic groups, for example regarding Darfuri students who have been protesting against discriminatory university policies." Furthermore, "regarding the Fur, the Masalit and the Zaghawa, the government may be more inclined to conflate them with rebels, since rebel groups drew many members from these three tribes. The RSF on the other hand mostly but not exclusively recruited among Arab tribes, especially the Rizeigat." (HRW senior researcher, 19 July 2017) [...]

'The Dutch Ministry of Foreign Affairs (BZ) writes in its June 2017 report that especially non-Arab tribes, among them mostly the Zaghawa, the Fur and to a lesser extent the Masalit, have for a long time been suspected of being linked to Darfuri rebel groups and have therefore been the target of violence. Within the reporting period of July 2015 until May 2017 non-Arab tribes were violently targeted by government forces.<sup>51</sup>

##### 4.7.2 The report by the UK-based Equal Rights Trust in partnership with the Sudanese Organisation for Research and Development of October 2014 points out the following:

'It should be reiterated that the racially discriminatory nature of Sudan's conflicts cannot be isolated from their political underpinnings, i.e. the Arabisation and Islamisation policies of the Nimeiry and al-Bashir regimes. Still, while the role of ethnicity (as opposed to religion, politics or economics) in causing these conflicts is open to question, the discriminatory effects on the ethnic/tribal communities in each conflict area are not. In each of the conflict areas, the Sudanese army has engaged in direct armed conflict against rebel forces which are largely composed of members of ethnic/tribal populations constituting majorities within the respective conflict regions. It appears, from numerous expressions of concern by many parties over the last decade, that attacks on rebel-held positions have had little regard for limiting the number of civilian casualties from the local communities. In addition, the government has supported tribal militias in South Sudan and Darfur throughout the conflicts there, and is continuing to do so today in

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<sup>51</sup> ACCORD, 'Darfur COI Compilation', (ps68-69), September 2017, [url](#)

South Kordofan and Blue Nile states, exploiting existing tribal differences to fuel conflict [...]

'In view of the foregoing, the Equal Rights Trust reiterates that the root cause of the conflicts in Sudan's periphery is inequality, in particular the systemic discriminatory practices of the regime based on multiple grounds, among which ethnicity is the pivotal one.'<sup>52</sup>

- 4.7.3 The report, '[In Search of Confluence](#)', by the Equal Rights Trust contains further information on discrimination and inequality based on race and ethnicity, with sources reporting specific targeting by the National Intelligence and Security Service (NISS), and provides information mostly gathered in 2013.

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## 5. Khartoum

### 5.1 Ethnic demography

- 5.1.1 There are no recent and reliable census data available for the ethnic composition of the population of Sudan in general or Khartoum in particular<sup>53</sup>. However, the CIA Factbook estimated that the country's main ethnic groups are 'Sudanese Arab (approximately 70%), Fur, Beja, Nuba, Fallata'<sup>54</sup>.
- 5.1.2 Estimates vary for the size of Khartoum's<sup>55</sup> population from around 5 million<sup>56</sup> to close to 8 million<sup>57</sup>. Khartoum's growth has been rapid since the 1970s, with the key drivers of urbanisation: '... forced displacement, including influxes of refugees and IDPs, seasonal and economic migration from all parts of the country [... because of] the concentration of wealth and services in Khartoum.'<sup>58</sup> Janes noted that the population of metropolitan Khartoum is growing rapidly.<sup>59</sup>
- 5.1.3 The main cause of population growth since the 1970s has largely been internal displacement from other parts of Sudan (and now South Sudan) including up to 120,000 persons from Darfur and Southern Kordofan in the mid 1980s. The conflict in Darfur generated a further influx of IDPs, but little accurate information is available on how many have fled to the city since the

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<sup>52</sup> Equal Rights Trust, 'In Search of Confluence', (page 54, 67), October 2014, [url](#)

<sup>53</sup> UN HRC, 'Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 – Sudan' (para 52), [url](#)

<sup>54</sup> CIA World Factbook, Sudan (People and society), updated 19 July 2017, [url](#)

<sup>55</sup> Greater Khartoum is composed of the 'Three Towns' of Khartoum, Khartoum North and Omdurman which straddle the confluence of the Blue and White Niles, [url](#)

<sup>56</sup> CIA, 'World Factbook', Sudan (People and society), updated 19 July 2017, [url](#)

<sup>57</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (p11), August 2016, [url](#)

<sup>58</sup> Humanitarian Policy Group - Overseas Development Institute, 'City limits: urbanisation and vulnerability in Sudan, Khartoum case study' p35, January 2011, [url](#)

<sup>59</sup> IHS.com, Janes, 'Country Risk Assessment - Sudan' (Economy), updated 9 May 2017, (subscription only), [url](#)



outbreak of the war in 2002<sup>60</sup>. Two sources interviewed by the UK Home Office – Danish Immigration Service fact finding missions to Kenya, Uganda and Sudan (UK-DIS FFM report) undertaken in February and March 2016, similarly noted that the movement of Darfuris has occurred for many years: ‘... migration of people from Darfur and the Two Areas to Khartoum had been occurring for a long time – some interlocutors observed that communities had moved to Khartoum several decades ago, dating back to the 1980s and 1990s, and referred to phases of displacement to Khartoum.’<sup>61</sup>

5.1.4 Janes noted that Khartoum’s population included ‘2 million displaced persons from the southern war zone as well as western and eastern drought-affected areas.’<sup>62</sup> According to Sudan government figures, released in April 2010, cited in an Overseas Development Institute (ODI) paper, there were over 600,000 IDPs in Khartoum. This was in addition to over 1.5 million ‘integrated’ IDPs in the city – 59% of whom were from Abyei, Southern Kordofan and Blue Nile, with the remaining 41% were from other parts of the country. While the percentage of the city’s population who were IDPs was estimated in 2008 by another source cited in the ODI paper to be between 18-23% (around 1 to 1.5 million) of the total<sup>63</sup>.

5.1.5 During the joint UK-DIS FFM of February – March 2016, the FFM team were provided with estimates of the Darfuri population in Khartoum by a range of sources:

‘Sources consistently observed that there was a lack of empirical data to verify the actual number of persons from Darfur and the Two Areas residing in Khartoum, whilst the figures referred to by sources ranged widely.

‘However, several sources referred to very sizeable populations from Darfur and the Two Areas residing in Khartoum, either in the actual numbers mentioned, or in the description given. For example Freedom House mentioned “sizeable populations of Darfuris residing [in Khartoum]...”; the regional NGO advised that the number was ‘substantial and increasing’ with “sizeable” Darfuri populations, whilst the diplomatic source referred to persons from Darfur and the Two Areas as constituting a ‘big community’ in Khartoum. Other sources made similar statements.

‘A couple of sources provided estimates of the size of populations from Darfur and Two Areas living in Khartoum, ranging from hundreds of thousands and up to a million or greater. The highest figures estimated was five million. Two sources referred to the size of these communities as 60 or 70 per cent of the total population of Khartoum.

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<sup>60</sup> Humanitarian Policy Group - Overseas Development Institute, ‘City limits: urbanisation and vulnerability in Sudan, Khartoum case study’ (p6), January 2011, [url](#)

<sup>61</sup> UK-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016’ (section 1.3), August 2016, [url](#)

<sup>62</sup> IHS.com, Janes, ‘Country Risk Assessment - Sudan’ (Economy), updated 9 May 2017, (subscription only), [url](#)

<sup>63</sup> Humanitarian Policy Group - Overseas Development Institute, City limits: urbanisation and vulnerability in Sudan, Khartoum case study, (p4), January 2011, [url](#)

'Sources provided limited information on specific tribal representations or numbers in Khartoum. The civil society NGO referred to one million from the Fur tribe living in Greater Khartoum... whilst the international consultant noted that one could find Darfuris from all tribes living in Khartoum, although no reference was made to numbers or size.'<sup>64</sup>

- 5.1.6 The British Embassy in Khartoum noted that many Darfuris, including non-Arabs, are represented at a senior level in the government, academia, the security forces, the media and in other institutions<sup>65</sup>. The human rights activist, Abdelrahman Elgasim, contacted by the Belgian authorities in early 2018, stated that a number of Darfuris hold senior positions in the Sudanese government but most are members of the Islamic Movement; and, the majority are tied through their religion to the Islamic government'.<sup>66</sup> The Darfur Students' Association estimated that in 2016 there were 18,000 students from Darfur enrolled in universities in Khartoum, with Darfur students representing an estimated 7% (26,000) of the country's total student population of 360,000<sup>67</sup>.

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## 5.2 Treatment of non-Arab Darfuris

- 5.2.1 See the Sudan country policy and information note on [Opposition to the state](#), in particular the sub-sections on Darfuri students, Civil society and Journalists / media workers for information on the treatment of Darfuris who oppose or criticise the government.
- 5.2.2 Asylum Research Consultancy's (ARC) [compilation COI enquiry response](#), based on sources released between 2012 and March 2014, and subsequent ARC report based on material released up to 18 August 2015 on [living conditions in Khartoum and Omdurman for persons not from these cities](#), provide background material on the treatment and conditions of non-Arab Darfuris.
- 5.2.3 The ODI paper of 2011 on settlement patterns in Khartoum observed:  
'Khartoum can sometimes appear to have a split personality. Strict Islamic behavioural codes and the veneer of control that the city exudes mean that Khartoum is often touted as one of the safest capitals in Africa. Yet beyond the inner city is another, hidden world of frustration, desperation, poverty and crime...  
'Settlement patterns in Khartoum have long been influenced by political, economic and tribal or family factors.'<sup>68</sup>

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<sup>64</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016' (section 1.1), August 2016, [url](#)

<sup>65</sup> British Embassy - Khartoum, Letter: 'Non-Arab Darfuris in Sudan', 29 September 2016, [Annex A](#).

<sup>66</sup> CGRS, COI Focus, 'Sudan risk upon return', (section 2.3.2), 6 February 2018, [url](#)

<sup>67</sup> Amnesty International, 'Uninvestigated, Unpunished', Human Rights Violations against Darfuri Students in Sudan (p13), first published Jan 2017 reissued 15 May 2017, (accessed via refworld), [url](#)

<sup>68</sup> Humanitarian Policy Group - Overseas Development Institute, 'City limits: urbanisation and vulnerability in Sudan, Khartoum case study' (p3), January 2011, [url](#)

5.2.4 The UN submission of March 2016 as part of the Universal Periodic Review (UPR) of Sudan in May 2016 observed on the subject of equality and non-discrimination:

‘The Committee on the Elimination of Racial Discrimination noted the existence of constitutional provisions on equality and non-discrimination and measures taken in that area. It recommended that the Sudan introduce a comprehensive definition of racial discrimination [...]

‘The Special Rapporteur on women noted information regarding the racialized/ethnicized targeting of Darfuri women students, such as the practice of cutting their hair and questioning their “Arab” identity.[...]

‘The Committee on the Elimination of Racial Discrimination noted with concern the strong ethnic dimensions of the conflict, notably in Darfur, Southern Kordofan and Blue Nile, and urged the Sudan to integrate the principles of equality and non-discrimination in its conflict resolution and peacebuilding efforts [...]<sup>69</sup>.

5.2.5 The submission of stakeholders of March 2016 as part of the UPR of Sudan stated, without specifying whether the observations applied to Sudan generally or Khartoum in particular, that:

‘JS6<sup>70</sup> noted that over the past four years the [National Intelligence and Security Service] NISS has used its powers of arrest without charge to arbitrarily detain scores of perceived opponents and other people with real or perceived links to the rebel movements often targeted because of their ethnic origin. The NISS routinely holds detainees incommunicado and without charge for prolonged periods. The NISS used different tactics to frighten political opponents and activists.’<sup>71</sup>

5.2.6 The same submission reported without specifying whether the observations applied to Sudan generally or Khartoum in particular:

‘[Amnesty International] AI noted widespread suppression of non-Muslim and Muslim minority groups [...]

‘JS2<sup>72</sup> reported that the Indigenous People Economic, Social and Cultural rights were violated with denied access to trade markets. Shops in town centres allocated to particular groups are intentionally denied to the

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<sup>69</sup> UN Human Rights Council, ‘Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21’ (paras 20 to 23), 7 March 2016, [url](#)

<sup>70</sup> Joint submission submitted by: African Centre for Justice and Peace Studies (ACJPS) located in NY, London, and Kampala, International Federation for Human Rights (FIDH), Paris (France), and International Refugee Rights Initiative (IRRI) NY, Oxford and Kampala, (Uganda);

<sup>71</sup> UN Human Rights Council, ‘Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21’ (Stakeholders summary) (para 43), [url](#)

<sup>72</sup> Joint submission submitted by: Our Rights Group (ORG) on behalf of Asmaa Society for Development, Sudanese Human Rights Monitor’s (SHRM), Awn Center, Sudanese Development Initiative (Sudia), Sudanese Solidarity Committee, Sudanese Organization for Research & Development (Sord) and Seema, (Sudan).

indigenous population. They recommended Sudan to protect ethnic and religious minorities, apply equal citizenship rights and prosecute perpetrators of these fundamental rights violations.<sup>73</sup>

- 5.2.7 In an article dated 26 June 2015, African Centre for Justice and Peace Studies (ACJPS) reported that ‘Members of ethnic minority groups, including Darfuris and people hailing from Sudan’s Blue Nile and South Kordofan states, are particularly vulnerable to torture and ill-treatment. ACJPS has documented threats of sexual violence against male and female detainees, as well as cases of rape against female detainees in state custody. Detainees have also reported the use of racist verbal abuse.’<sup>74</sup>
- 5.2.8 The USSD human rights report for 2016 observed: ‘The Muslim majority government continued to discriminate against ethnic and some religious 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’.<sup>75</sup> The USSD human rights report for 2017 did not note this<sup>76</sup>.
- 5.2.9 The USSD 2017 report noted:
- ‘In September, NCP-aligned students killed three Darfuri students on the campus of Omdurman Islamic University in Khartoum. The authorities did not make public any investigation into the killings. Credible reports stated that throughout the country, some groups of NCP-aligned students were heavily armed and kept weapons, including Kalashnikovs and machetes, in mosques on campuses. There were credible reports of routine verbal and physical harassment by NCP-aligned students of Darfuri students...
- ‘Government forces reportedly used live bullets to disperse crowds of protesting Darfuri students on multiple occasions, including at the University of Kordofan in Obeid in April and at Khartoum University and al-Zaeem al-Azhari University in May. Darfuri students also reported being attacked by NCP student-wing members during protests. There were no known repercussions for the NCP youth that participated in violence against Darfuri students. There were numerous reports of violence against student activists’ family members...
- ‘More than 10,000 women in the informal sector depended on selling tea on the streets of Khartoum State for their livelihoods after having fled conflict in Darfur and the Two Areas. Despite the collective activism of many tea sellers in Khartoum, harassment of tea sellers and confiscation of their belongings continued as in previous years.’<sup>77</sup>
- 5.2.10 The DFAT assessed in its April 2016 report:

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<sup>73</sup> UN Human Rights Council, ‘Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21’ (Stakeholders summary) (paras 66-67), [url](#)

<sup>74</sup> African Centre for Justice and Peace Studies, ‘Sudan: On the international day in support of torture survivors, end torture and repeal enabling legislation’, 26 June 2015, [url](#)

<sup>75</sup> USSD, ‘Country Reports on Human Rights Practices for 2016’, (section 6), 3 March 2017, [url](#)

<sup>76</sup> USSD, ‘Country Reports on Human Rights Practices for 2017’, 20 April 2018, [url](#)

<sup>77</sup> USSD, ‘Country Reports on Human Rights Practices for 2017’, (sections 1a,c, 7e), 20 April 2018, [url](#)

'There are [...] examples of individuals from Darfur being targeted outside of Darfur, particularly in Khartoum. There are a number of factors that influence the treatment of Darfuris in Khartoum, including their actual or perceived support for or association with rebel groups, or the criticism, particularly from students, of the implementation of the Doha Document for Peace in Darfur (which guaranteed free university education for Darfuris). For example, between late April and early July 2015 over 200 Darfuri students and their families were detained in Khartoum following protests.

'Overall, DFAT assesses that Darfuris in Khartoum face a moderate risk of discrimination and violence on the basis of their ethnicity and their actual or perceived support for or association with rebel groups. DFAT assesses that Darfuris who actively criticise the Government, such as through participating in protests, face a higher risk.'<sup>78</sup>

#### 5.2.11 The DFAT report also considered that:

'... individuals from Darfur, including individuals from the Fur, Massalit and Zaghawa groups could safely relocate to Khartoum, pending individual circumstances (such as whether or not the individual was associated with the armed opposition). There are some examples of individuals from Darfur being targeted in Khartoum... DFAT further assesses that individuals in areas controlled by the armed opposition in Jebel Marra may face difficulty in relocating owing to ongoing conflict in this area.

'Livelihood challenges would likely hamper opportunities for internal relocation in Sudan. The informal nature of the economy (particularly outside of Khartoum), the significant reliance on humanitarian assistance in conflict-affected areas and reduction in informal and low-skilled employment opportunities due to the influx of refugees from neighbouring countries means that individuals would likely face economic hardship if relocating. In addition, the Government does not recognise internally displaced people in Khartoum, meaning that individuals relocating from conflict affected areas do not have access to humanitarian assistance in Khartoum.'<sup>79</sup>

#### 5.2.12 The UK-DIS FFM report, based on a range of sources, in the section on the reasons for displacement of persons including Darfuris to Khartoum noted that sources were consistent in identifying two main factors for relocation. One was the socio-economic situation in areas of origin and the relatively better circumstances in Khartoum, the other '... the improved security situation in Khartoum and dire conditions in Darfur and Two Areas. For example, the UN official remarked that Khartoum was a safe place for many Darfuris; Crisis Group noted that the security situation in Khartoum was much better than other places in Sudan, and that there had been an increasing "securitisation" of the capital in recent years with no major external security threats.'<sup>80</sup>

#### 5.2.13 The UK-DIS FFM report, based on a range of sources, also noted:

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<sup>78</sup> Australian Government, 'DFAT Country Report, Sudan' (p12), 27 April 2016, [url](#)

<sup>79</sup> Australian Government, 'DFAT Country Report, Sudan' (p26), 27 April 2016, [url](#)

<sup>80</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016' (section 1.2\_, August 2016, [url](#))

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

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

‘Several sources identified student activists from Darfur and the Two Areas as being at risk of being targeted

‘Several sources noted that security operations, including arrest and detention, by the government, including the NISS was not constant, but changed over time. Freedom House noted, for example, that the intensity of security operations could be seen to reflect the wider political climate with periods when the government would act in a fairly repressive way but during other times persons were able to express their views without serious reaction.

‘Referring more generally to the issue of discrimination and restriction of political freedoms, Crisis Group noted that the discriminatory practices suffered by Darfuris and persons from the Two Areas, were systematic, but not constant, and that there may be periods where discriminatory practices were more intensely pursued and conversely times when discrimination was less pronounced... The SDFG [Sudan Democracy First Group] advised that it was difficult to say what was happening in Khartoum today or the extent to which persons from Darfur or the Two Areas were targeted by the NISS now. According to the source, it was predominantly politically active persons who were targeted by the NISS.’<sup>81</sup>

5.2.14 The UK-DIS FFM report, citing several sources, stated:

‘Four sources observed that all communities from Darfur or the Two Areas in Khartoum could be at risk of mistreatment by the NISS or indicated that persons from these communities may be targeted by the authorities due to their ethnicity alone. However, none of the sources provided specific information indicating that persons from Darfur or the Two Areas were being subjected to mistreatment by the authorities exclusively due to their ethnic background.

‘Faisal Elbagir (JHR [Journalists for Human Rights]) noted that whilst there was no official report on ordinary civilians (that is persons who were not involved in political activities) from Darfur or the Two Areas being targeted by the authorities merely due to their ethnic affiliation, such cases could be found on social media. However, the source could not give examples of such cases which had been verified. Elbagir also remarked that due to media

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<sup>81</sup> UKHO-DIS ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi, conducted February – March 2016’, (sections 3.1, 3.2, and 3.2.1), August 2016, [url](#)

restrictions in Sudan, it was often difficult to obtain accurate news reports about cases of detention.

'Khartoum based journalist (1) noted that it was the type and level of political activity rather than one's ethnic background which was the determining factor behind who was monitored and targeted by the NISS. ACPJS [African Centre for Justice and Peace Studies] explained that ethnicity was complicated and that ethnic disputes were often exploited by the government to pursue political goals. ACPJS highlighted that in general anyone who was suspected of political opposition against the government could be targeted, including persons from Arab tribes.

'Some sources advised with regard to the arrest of Darfuris in Khartoum that there had been no large scale arbitrary arrest of Darfuris in Khartoum in recent years compared to that of 2008, following the JEM assault on Omdurman. Sources noted that at that time widespread security operations in Khartoum took place, which were often based on the skin colour and ethnicity of a person.

'A number of sources, however, noted that those from Darfur and the Two Areas, and in particular those of African ethnicity, were more likely to be viewed with greater suspicion and treated worse in detention than other tribes from Darfur and the Two Areas if they did come to the attention of the NISS due to their political activity. Some sources also mentioned Ingessana from the Two Areas among the tribes being suspected by the authorities for political activity. Several sources noted that the Darfuri and the Two Area communities were perceived by the NISS to be 'rebel sympathisers' and consequently these communities would be more closely monitored by the NISS, for example through the use of informants. Khartoum based journalist (3) held the view that it was only those communities arriving in Khartoum post 2003 who would be monitored.

'DBA [Darfur Bar Association] (Kampala) and ACPJS observed that those from other Darfuri tribes (i.e. not the Fur, Masalit and Zaghawa), would not generally be perceived as opposed to the regime or commonly associated with rebel groups and hence not being monitored by the NISS. However DBA (Khartoum) noted, in the context of how persons from Darfur and the Two Areas were treated on arrest, that other African Darfuri tribes, including the Tunjur, Meidob, Tama, Mima, Gimir and Dago tribes, were treated more harshly than Arab-origin tribes because the authorities assumed that these groups supported armed rebel groups. DBA (Kampala) also observed that activists of Arab origin may experience harsh treatment for advocating in favour of the rights of non-Arab tribes.

'EHAHRDP [East and Horn of Africa Human Rights Defenders Project] commented that it was difficult to be prescriptive about which tribes would be at greater risk, although considered those from Arab Baggara tribes as less likely to experience mistreatment because these tribes were commonly associated with the pro-government Janjaweed militia.

'UNHCR noted, however, that it was difficult in practice to treat persons differently on the basis of their tribal affiliation. The source explained that it was difficult to say which group would be targeted and which would not due

to the sheer number of different tribes in Darfur (over 400), and the fact that mixed parentage occurred.’<sup>82</sup>

5.2.15 The UK-DIS FFM report, citing various sources, also provided information on the Private Order Laws and their impact on Darfuri persons:

‘According to ACPJS, the Public Order Police (POP) was widely deployed in Khartoum, with each neighbourhood having their own police force and court system. The role of the POP was to enforce Public Order Laws in Khartoum.

‘A number of sources noted that women from Darfur and the Two Areas selling tea illegally (i.e. without required licence) or selling alcohol were at risk of being targeted by the POP for violating Public Order laws. ACPJS observed that the POP was more prevalent in the slum areas where persons from Darfur and the Two Areas more commonly lived. Freedom House advised that any person undertaking such activities could be targeted, not just those from Darfur or the Two Areas, but explained that the marginalisation of communities from Darfur and the Two Areas limited employment opportunities and so they were commonly found in such roles. Sources advised that there were reports of bribery, extortion and harassment committed by the POP.

‘ACPJS noted that there was limited access to legal assistance at Public Order courts; no right of appeal and on-the-spot sentencing. According to SDFG, 90 per cent of those charged for such offenses would be convicted, with punishments including lashing sentences (40 lashes). However, the regional NGO advised that since the collapse of the economy in Sudan, the regime had become less hostile to those working in the informal sector, and instead saw this sector as a means through which to raise revenue through fines (under Public Order laws) and from taxation.

‘Some sources noted that public order offences could also include matters such as not conforming to standards of Islamic dress (e.g. wearing trousers or not wearing a headscarf). Western embassy (B) explained that POP would harass Christian Nuba women if they did not observe Islamic dress, explaining that such a person would be treated differently, for example compared to Western women or Coptic Christian women who did not observe Islamic dress. When the FFM delegation advised Freedom House that they had seen a large number of women without a headscarf in the streets during their stay in Khartoum, Freedom House commented that such an indiscretion would be less problematic for those from wealthy families who were well connected, but it may give rise to difficulties for those from marginalised communities such as Darfur or the Two Areas. However, Freedom House also noted that small acts of political opposition, such as not wearing a headscarf, were increasingly tolerated and explained that Sudan was relatively more progressive in the implementation of such laws, then for example, countries like Iran.’<sup>83</sup>

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<sup>82</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 3.3), August 2016, [url](#)

<sup>83</sup> UKHO-DIS, (section 4.7), August 2016, [url](#)



5.2.16 The UK-DIS FFM report summarised the information the delegation had obtained about the treatment of Non-Arabs in its executive summary:

‘The National Intelligence and Security Service (NISS) acts with impunity. Persons from Darfur and the Two Areas with a political profile are at risk of being targeted by the NISS and its affiliated militias in Khartoum, particularly student activists and persons with an affiliation to rebel groups. The Darfuri and Two Areas communities in Khartoum are monitored by the NISS, principally to identify those with a political profile. Activists at most risk are likely to be those from the Darfuri African tribes of Fur, Masalit and Zaghawa, and persons from the Nuba Mountains.’<sup>84</sup>

5.2.17 In September 2016, the British Embassy, Khartoum, observed that:

‘The British Embassy is in regular contact with Darfuri groups from civil society, government and political parties. In the course of these contacts, no substantial concerns have been raised over the treatment of non-Arab Darfuris settled in regions outside of Darfur that we would consider ethnic persecution, although many face economic marginalisation having been displaced due to conflict. We are also not aware of reports of systematic targeting of Darfuris from United Nations agencies or other embassies with whom we are in contact.

‘As found in the UK Home Office-Danish Immigration Service FFM report [of August 2016], we do receive reports of discrimination in education and employment. We also receive reports of harassment of individuals or groups perceived to have an anti-government political stance, such as Darfuri student associations. But these issues are not overriding for Darfuris as opposed to other ethnicities. Any individual with a perceived anti-government stance can face harassment.’<sup>85</sup>

5.2.18 The Belgian Commissioner General for Refugees and Stateless persons undertook a comprehensive survey of available information on the treatment of returnees to Sudan at the end of 2017 / early 2018 from a wide range of sources, which included contacting a number of sources directly. The CGRS reported the following:

‘The British Sudan researcher Peter Verney considers that non-Arab Darfuris may also be arrested and detained for racist motives, as part of the “genocidal” and “ethnocidal” destruction of their societies, and not because of actual evidence of links with rebel groups. The Sudanese authorities attribute a political colour on the basis of ethnicity, and not on the basis of a real political profile. According to Verney, hundreds of low profile non-Arab Darfuris are being arrested.

‘In a document released in October 2017, Waging Peace stated that non-Arab Darfuris still are at risk in Sudan, also when they are sent back to Khartoum. According to Waging Peace, ethnic Darfuris (or persons supposed to belong to this ethnic group) face more systematic forms of discrimination and persecution in the capital, which prevents their relocation.

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<sup>84</sup> UKHO-DIS, (p10), August 2016, [url](#)

<sup>85</sup> British Embassy - Khartoum, (29 September 2016), [Annex A](#).

'In 2013, the British embassy in Khartoum was told by human rights organizations that returnees from Darfur and the Nuba Mountains run a higher risk of arrest upon arrival than other Sudanese returnees.

'Amnesty International considered that Sudanese from conflict-affected areas such as Darfur and South Kordofan and Blue Nile States should not be sent back to Sudan, where they would be at real risk of serious human rights violations. A number of sources contacted by the CGRS (Amnesty International; Sudan expert for an international organization; Sudanese journalist; DWAG; Tajeldin Adam; ACJPS; DRDC; KACE Sudan) hold the same view. Suliman Baldo declared that the Sudanese security services are more prone to subject detainees from conflict areas to racist insults and ill-treatment, including torture, compared with detainees from north or central Sudan. Most youths leaving the country come from conflict areas, according to Baldo. Some sources (DWAG; DBA; human rights lawyer in Khartoum; ACJPS; DRDC) stated that the Fur, Massalit and Zaghawa are the ethnic groups which are most often targeted in Sudan. A Sudanese professor of human rights law stated that not every returnee faces problems at KIA but perceived a risk for persons who combine a specific ethnic background with political activities, for instance a Darfuri suspected of involvement with a rebel group.

'A number of sources contacted by the CGRS (Eric Reeves; Waging Peace; Sudanese human rights activist (A); Sudanese human rights activist in Khartoum (D)) were of the view that Darfuris are particularly under suspicion, all the more so, according to Tubiana, when they have requested asylum in the West or in Israel. Most sources also mentioned other Sub-Saharan ethnic groups such as the Nuba. Darfuris with "political profiles" (sometimes based on distant family ties with rebel groups or involvement in some form of political activity, according to Reeves) run a high risk of arrest, detention and torture. Waging Peace noted that many activities have a political side and that this could also be the case for the activities of journalists, teachers, human rights activists, humanitarian aid workers etc. Applying for asylum will also draw attention from the authorities, according to Waging Peace.

'Abdelrahman Elgasim (DBA) stated that passports of Darfuris are usually confiscated and their holders are interrogated about every aspect of their life (place of birth, ethnic origin, parents, brothers and sisters, partners, political affiliation, occupation) and have to sign a written commitment not to leave the country. They are then blacklisted from leaving the country. Elgasim is aware that a number of Darfuris occupy senior government functions but most of them are members of the Islamic Movement, and are tied through their religion to the Islamic government.

'Other sources stated that an ethnic profile entails in itself insufficient risk upon return and pleaded for a more individualized approach which would take into account the returnee's political profile [...]

'In May 2013, the Swiss Federal Administrative Court (FAC) considered that, although still unstable, the situation in Darfur was improving and that attacks against non-Arab Darfuris had decreased. The FAC concluded that Darfuris had to adduce additional distinguishing features, such as political or other affiliations, to substantiate their fear of persecution [...]

'The ACJPS told the CGRS it did not have any evidence suggesting that persons are targeted because of their ethnic background and stated that ethnicity is a complicated matter and that ethnic disputes are used by the government to achieve political goals.'<sup>86</sup>

- 5.2.19 No further information specifically about the treatment of non-Arab Darfuris in Khartoum was available in other sources consulted in this note, including the US State Department human rights reports for 2015, 2016 and 2017; Amnesty International's annual report for 2016 and 2017; Human Rights Watch's annual reports for 2016 and 2017; Freedom House's annual reports for 2015 and 2016; and the Foreign and Commonwealth Office annual human rights reports covering countries of concern for 2016 and 2017 (see [Bibliography](#)).

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## 6. Access to services and documentation in Khartoum

- 6.1.1 The UK-DIS FFM report of September 2016, citing various sources, provided information on the general living conditions of persons from Darfur and the Two areas, specifically covering documentation, housing/accommodation, healthcare and education<sup>87</sup>. It set out its main findings in the executive summary:

'Persons from Darfur and the Two Areas have access to documents, housing, education and healthcare in Khartoum. However, the quality of these services is low in the poor neighbourhoods surrounding Khartoum where a majority of these persons live. The main factor regarding access to housing and services is the person's financial resources. There is in practice limited humanitarian assistance provided in Khartoum to those displaced by violence elsewhere in Sudan. Most Darfuris and persons from the Two Areas work in the informal sector as their access to employment in a number of sectors, particularly the public sector, is limited due to discrimination as well as the general adverse economic conditions in Sudan. Those working illegally, for example women selling tea without a licence, are at risk of arrest and prosecution under Public Order laws as well as harassment and extortion by the police.'<sup>88</sup>

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### 6.2 Access to documentation

- 6.2.1 On documentation, the UK-DIS FFM report noted:

'A number of sources indicated that persons from Darfur and the Two Areas would, in general, have access to civil documentation, including a National ID Number ('Al-Raqam Al-Watani') required to access services and to obtain other types of documents such as passport etc.

'Several sources noted that Internally Displaced Persons (IDPs) from Darfur or the Two Areas may experience difficulties in reacquiring lost civil

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<sup>86</sup> CGRS, COI Focus, 'Sudan Risk upon Return', (pages 26, 27, 28), 6 February 2018, [url](#)

<sup>87</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016', August 2016, [url](#)

<sup>88</sup> UKHO-DIS, (p10), August 2016, [url](#)

documentation because of the need to obtain witnesses to prove their identity.

‘Some sources also observed that those of South Sudanese tribal origin, or those who may be perceived as being of South Sudanese nationality, may experience difficulties in acquiring the National Number. This was principally due to the changes made in the 2011 Nationality Act, following the succession of South Sudan.

‘Some sources opined that many people from Darfur and the Two Areas viewed the new National Number with suspicion since they considered the number as a tool for the government to gather information about people in order to monitor and control them.

‘According to the DBA (Kampala), the Sudanese authorities conducted a large campaign in Cairo, Nairobi and Kampala to issue National Numbers and readable passports to the Sudanese diaspora.

‘One source noted that Sudanese from conflict areas living in Khartoum lacked access to basic services, and faced economic, social and political exclusion.’<sup>89</sup>

6.2.2 ACCORD’s Darfur COI compilation of September 2017, while focussing on Darfur, obtained information that appears to have more general application across Sudan:

‘The report by the UK-based Equal Rights Trust in partnership with the Sudanese Organisation for Research and Development of October 2014 mentions that “[t]he ethno-regional conflict in Darfur, rooted in decades of discriminatory policies targeting the region’s non-Arabs, formally came to an end with a ceasefire in 2011, though inter-ethnic violence continues to this day”. (Equal Rights Trust, October 2014)

‘Eric Reeves mentioned in his email response of 21 August 2017 that there is “massive” discrimination against non-Arab ethnic groups by state and non-state actors in Darfur. (Reeves, 21 August 2017)...

‘According to the senior researcher at HRW, “... Regarding a person of Sudanese origin, there is no reason why this person would not be issued documents such as an ID, unless the Sudanese state considers him a persona non grata. While discrimination of non-Arab ethnic groups exists throughout the government and administration, it does not likely reach the extent that non-Arab Sudanese are turned away solely because of his or her ethnicity when applying for personal documentation.” (HRW senior researcher, 19 July 2017)

‘Eric Reeves points out that a returnee’s access to documentation “can be quite arbitrary, and depends upon what sorts of connections the person has and how much money to spend to obtain documentation.” (Reeves, 21 August 2017)

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<sup>89</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 4.1), August 2016, [url](#)

'The Sudanese contact of German relief organisation Bread for the World states that a Darfuri "has the right and the access to all documentations, and no one could deny him this right, except the security services" (Sudanese contact of Bread for the World, 30 August 2017).'<sup>90</sup>

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### 6.3 Access to housing / accommodation

#### 6.3.1 On housing and accommodation, the UK-DIS FFM report noted:

'Several sources noted that access to accommodation was not restricted, explaining that there was no systematic discrimination against persons from Darfur and the Two Areas with regard to where such communities could live in Khartoum.

'Sources highlighted that the only real difficulty regarding access to housing for persons from Darfur or the Two Areas, was whether a person had sufficient income or financial resources to live in a particular place. Sources noted that usually persons from Darfur and the Two Areas had limited financial means and so were forced to live in the poorer slum communities on the outskirts of the city, where housing was generally of a poor standard. The districts of Mayo and Omdurman were mentioned as having sizeable populations from Darfur and the Two Areas. Several sources also noted numerous other areas in Khartoum where such communities lived.

'The Commissioner for Refugees, Ministry of Interior, noted that there were no areas in Khartoum exclusively inhabited by people from Darfur and the Two Areas. Both EAC [European and African Centre] and the Commissioner for Refugees remarked that persons from Darfur and the Two Areas often stayed with relatives in Khartoum, at least initially. Forced evictions occurred in these slum communities. Usually this resulted in communities being forced to live further outside Khartoum, where access to services was very limited.

'The international consultant observed that Darfuris tended to live in large enclaves in new conurbations in Khartoum with water, electricity etc., but observed that "people had to pay for it". Some sources pointed out that there were economically better-off Darfuris and people from the Two Areas who lived in better parts of Khartoum including the centre of the city.'<sup>91</sup>

#### 6.3.2 Radio Dabanga, a 'radio station by Darfuris for Darfuris' operated out of the Netherlands with reports from inside Sudan as well as from abroad, reported in September 2016 that:

'About 200 families in the west Fashoda area of El Salha in Sudan's second city of Omdurman have faced harsh humanitarian conditions since Ramadan, after the government authorities demolished their houses and left them in the open. One of the victims told Radio Dabanga that the majority of those whose houses were demolished in Omdurman, which lies just north of the capital Khartoum, are from Darfur, the Nuba Mountains and the Blue Nile

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<sup>90</sup> ACCORD, (p129), September 2017, [url](#)

<sup>91</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4.7), August 2016, [url](#)

states... that the homes of 800 families were demolished as the area has been sold to an investment company called Sogra.

'600 of the families were moved, and the other 200 are now living in the open without services, drinking water, health, or education.'<sup>92</sup>

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## 6.4 Access to healthcare

### 6.4.1 The UK-DIS FFM report of September 2016 further noted:

'Sources confirmed that access to healthcare in the slum areas, where the majority of persons from Darfur and the Two Areas lived was generally poor, although it was noted that there were a few public hospitals in Khartoum where there was access to low cost healthcare.

'Most sources indicated that there was no systematic discrimination against persons from Darfur and the Two Areas in accessing healthcare in Khartoum, providing they could pay for it.'

'EHAHRDP commented that Sudanese from conflict areas living in Khartoum lacked access to basic services, although mentioned that general access to healthcare in Khartoum was better than in Darfur and the Two Areas.'<sup>93</sup>

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## 6.5 Access to education

### 6.5.1 On education, the UK-DIS FFM report noted:

'Sources confirmed that access to education in the slum areas, where the majority of persons from Darfur and the Two Areas lived, was generally limited and the quality of education was poor.

'A number of sources indicated that there was no systematic discrimination against persons from Darfur and the Two Areas in accessing education in Khartoum, providing they could pay for it. NHRMO [The National Human Rights Monitors Organisation] advised that the regime used schools to advocate its ideological aims and recruit NCP supporters, hence it would not seek to restrict access to those from Darfur or the Two Areas.

'Two sources noted that a lack of documentation / birth certificates could make it difficult for IDPs from Darfur and the Two Areas to enrol their children into schools in Khartoum, as it would not be possible to demonstrate their nationality.

'Some sources noted that persons from Darfur and the Two Areas were more likely to send their children to work rather than school because of their economic circumstances.

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<sup>92</sup> Radio Dabanga, 'Demolitions leave families living rough in Sudan's Omdurman', 8 September 2016, [url](#)

<sup>93</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4.3), August 2016, [url](#)

'EHAHRDP commented that Sudanese from conflict areas living in Khartoum lacked access to basic services, although mentioned that general access to education in Khartoum was better than in Darfur and the Two Areas...'<sup>94</sup>

- 6.5.2 The British Embassy in Khartoum noted that Darfuris outside of Darfur faced economic marginalisation and reportedly discrimination in education<sup>95</sup>.

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## 6.6 Access to employment

- 6.6.1 The UK-Danish FFM report of September 2016, based on a range of sources noted that:

'Sources highlighted the improved economic conditions, including access to employment, as one of the pull factors driving migration from Darfur and the Two Areas to Khartoum.

'Several sources noted that persons from Darfur and the Two Areas predominantly worked in the informal sector, for example as security guards; laundry; construction or agriculture. Several sources also confirmed that persons from Darfur and the Two Areas, especially women, could also be found working illegally, for example illegal selling of tea or coffee or selling alcohol...

'Several sources indicated that persons from Darfur or the Two Areas experienced some degree of discrimination which was reflected in their limited access to certain types of jobs/sectors in the labour market in Khartoum. For instance, such persons would likely find it difficult to secure skilled employment; enter into certain qualified professions or sectors especially within the public sector. Several sources also pointed at the adverse economic conditions and the general shortage of jobs in Sudan as an additional factor, which made it difficult for Darfuris and persons from the Two Areas to access employment in the formal sector. As a result those with an academic background tended to leave Sudan to work overseas, for example in the Gulf states or Europe.

'The international consultant noted that those from Darfur or the Two Areas were broadly divided into two groups – those who were educated and who were professionally employed, e.g. as teachers or self-employed, and those who lacked a formal education and worked in the informal sector, such as agriculture or construction.

'The Khartoum based human rights organisation noted that Darfuri African tribes, such as the Masalit, Fur and Tunjur or (African) tribes from the Nuba Mountains were more likely to experience employment discrimination. Western embassy (C) likened employment discrimination against African (non-Arabs) from Darfur and the Two Areas as similar to the difficulties faced by migrants / refugees seeking employment in Europe.

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<sup>94</sup> UKHO-DIS, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016' (section 4), August 2016, [url](#)

<sup>95</sup> British Embassy - Khartoum, Letter 'Non-Arab Darfuris in Sudan', 29 September 2016, [Annex A](#).

‘Some sources indicated that loyalty to the regime / NCP would influence the likelihood of employment in some sectors.

‘Other sources identified that Darfuris and persons from the Two Areas could be found employed in the armed forces, including the police. However, based on his experience, the international consultant considered it unlikely that the provisions in the Doha Document for Peace in Darfur (DDPD), aimed at improving representation of Darfuris in government positions and the armed forces had been met.’<sup>96</sup>

- 6.6.2 The British Embassy in Khartoum has received reports that Darfuris outside of Darfur experienced discrimination in employment<sup>97</sup>.

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## 6.7 Access to humanitarian assistance

- 6.7.1 The UK-DIS FFM report also obtained information on the humanitarian assistance available to persons from Darfur (and the Two Areas) and size and location of IDP camps:

‘Western embassy (A) observed that there was a lack of humanitarian assistance in Khartoum to support vulnerable communities, including IDPs temporarily displaced from Darfur and the Two Areas. It was noted by the source that humanitarian organisations not associated to the government, faced difficulties obtaining permits and visas for staff.

‘EHAHRDP advised that the Humanitarian Affairs Committee (HAC) in Khartoum, which was a government body, had previously restricted international organisations, such as the Red Crescent Society, from providing aid relief.

‘The civil society NGO advised that in the slum areas of Greater Khartoum there were social committees supporting to the local communities with regard to access to services.’<sup>98</sup>

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## 6.8 Internally Displaced Person (IDP) camps

- 6.8.1 On IDPs, the UK-DIS FFM report noted:

‘Three sources noted that there were no IDP camps / registered IDPs in Khartoum, and some sources advised that former IDP camps had become integrated into the city and become an integrated part of Khartoum’s poor neighbourhoods. However, the diplomatic source referred to a settlement in Mayo that “looked more like an IDP camp, without access to basic services”. The Commissioner for Refugees advised that there were some IDP camps in Khartoum, but the source had no further details on this. However, the

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<sup>96</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section ), August 2016, [url](#)

<sup>97</sup> British Embassy - Khartoum, Letter ‘Non-Arab Darfuris in Sudan’, 29 September 2016, [Annex A](#).

<sup>98</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 4.5), August 2016, [url](#)



Commissioner noted that most persons from Darfur and the Two Areas living in Khartoum had not come as IDPs but were economic migrants.<sup>99</sup>

- 6.8.2 The USSD report for 2017 noted: ‘As in previous years, the government did not establish formal IDP or refugee camps in Khartoum or the Two Areas.’<sup>100</sup>

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## 6.9 Societal discrimination

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

‘A number of sources observed that persons from Darfur and the Two Areas, and in particular those of African descent, experienced some level of discrimination or societal harassment. To illustrate this, five sources referred to the use of derogatory phrases such as “slave”, especially from those belonging to Riverine Arab tribes.

‘Crisis Group noted that despite “systematic” discrimination restricting those from Darfur and the Two Areas in conducting political activities, such communities were able to live “day to day” in Khartoum. The source also considered that the level of discrimination an individual may experience was linked to how politically involved a person was and how long they had lived in the city; according to the source those with established links over a longer period would likely experience less discrimination in Khartoum. Western embassy (A) remarked that there was no visible societal discrimination against the Darfuri and persons from the Two Areas, except within the student community.

‘DBA (Kampala) noted that discrimination tended to be from the authorities, rather than the civilian populace. The source referred to cases of discrimination involving the POP who targeted illegal tea sellers; in cases of recruitment into the civil service or in the over-taxation of Darfuri businesses. Three sources considered day to day discrimination from officials working in the Sudanese authorities to be reflective of a wider “racist narrative” or supremacist ideology, which placed emphasis on a person’s skin colour and was prejudicial towards those of African / non-Arab descent.

‘Two sources considered societal discrimination and racism against persons from Darfur and the Two Areas as a major problem in Sudan.’<sup>101</sup>

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## 7. Freedom of movement

- 7.1.1 The USSD report for 2017 observed that:

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<sup>99</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 4), August 2016, [url](#)

<sup>100</sup> USSD, ‘Country Reports on Human Rights Practices for 2017’ (section 2d), 20 April 2018, [url](#)

<sup>101</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 5), August 2016, [url](#)

'The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights for foreigners, including humanitarian workers.

'The government impeded the work of UN agencies and delayed full approval of their activities throughout the country, particularly in the Two Areas; however, such restrictions were fewer than in prior years. NGOs also alleged the government impeded humanitarian assistance in the Two Areas.'<sup>102</sup>

7.1.2 The same report also noted that, 'The government and rebels restricted the movement of citizens as well as UN and humanitarian organization personnel in conflict areas', but stated that 'internal movement was generally unhindered for citizens outside conflict areas.'<sup>103</sup>

7.1.3 The report continued:

'Large-scale displacement continued to be a severe problem in Darfur and the Two Areas, but there was a significant decline in conflict-related displacement owing to ceasefires observed by the government and most armed groups. Government restrictions and security constraints, however, continued to limit access to affected populations and impeded the delivery of humanitarian services, although to a lesser extent than in prior years.

'[...] Outside IDP camps and towns, insecurity restricted freedom of movement, and women and girls who left the towns and camps risked sexual violence. Insecurity within IDP camps also was a problem. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force. International observers noted criminal gangs aligned with rebel groups operated openly in several IDP camps.'<sup>104</sup>

7.1.4 ACCORD stated in its 2017 Darfur compilation report 'The Dutch Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) in its general report on Sudan of June 2017 (reporting period July 2015 until May 2017) notes that tribal conflicts are accompanied by a proliferation of tribal armed militia involved in setting up illegal checkpoints, carrying out abductions and carjacking as well as illegally occupying land.'<sup>105</sup>

7.1.5 The same report also noted:

'The Enough Project report of April 2017 describes the breakdown of Darfur into zones under regional control, which manifests itself in the setting up of road checkpoints and illegal "toll gates" by local militias, a phenomenon spread across the entire Darfur region [...]

'Jérôme Tubiana, an independent researcher with expertise on conflict and armed movements in Darfur in an email response of 18 July 2017 remarked with regards to road security:

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<sup>102</sup> USSD, Country reports on human rights practices for 2017', (section d), 20 April 2018, [url](#)

<sup>103</sup> USSD, Country reports on human rights practices for 2017', (section d), 20 April 2018, [url](#)

<sup>104</sup> USSD, Country reports on human rights practices for 2017', (section d), 20 April 2018, [url](#)

<sup>105</sup> ACCORD, 'Darfur COI compilation', September 2017, (section 1), [url](#)

“Militia groups are indeed independently setting up check points and blocking roads. We're talking of tens of such illegal checkpoints held by very abusive militias on main roads between Nyala, Fasher and Geneina.”

‘Eric Reeves, Senior Fellow at Harvard University’s François-Xavier Bagnoud Center for Health and Human Rights as well as a Sudan researcher and analyst writes in an email correspondence of 21 August 2017 that there “is no systematic information available” on road security. He goes on to say that “certainly militia blocking of roads is a widespread problem, although the RSF and SAF seem to keep certain roads fairly clear. But the more remote the road, the more likely there will be one or more militia checkpoints (i.e., extortion sites).”

‘A senior researcher of Human Rights Watch with knowledge on Sudan in a phone conversation of 19 July remarked the following regarding road security:

“The roads linking the main cities in Darfur, such as al-Fashir, Geneina and Nyala, are only sporadically accessible and are sometimes closed due to fighting. The main roads in Darfur can be considered dangerous, especially the road linking Nyala and Al-Fashir. The road security is precarious and the Sudanese Armed Forces frequently turn humanitarian missions away or redirect them, especially around Al-Fashir and the Jebel Marra region. The main towns are government-controlled and government troops try to enforce security there. The whole Darfur region is under a state of emergency. Nyala is especially volatile since it regularly experiences attacks, criminal banditry and kidnapping perpetrated by armed militia stationed there. HRW regularly receives reports of human rights violations by soldiers or militia against displaced persons living in camps, often near large towns.”<sup>106</sup>

#### 7.1.6 The 2016 UK and Danish joint fact-finding mission report observed:

‘It is possible to travel by road and air between Khartoum and Darfur as well as Khartoum and the Two Areas. A person has to go through checkpoints controlled by different actors (the government, rebel groups and local armed groups). Access to certain parts of the Two Areas is restricted.

‘[...] The majority of sources confirmed that travel both between Darfur and Khartoum as well as between the Two Areas and Khartoum remained possible, subject to passing various checkpoints controlled by different armed actors (government forces, rebel groups, local armed groups and militias), depending on where a person was travelling from. At some checkpoints a person may be required to pay a bribe or show ID, other checkpoints involved searching vehicles for illegal goods or unpaid customs duties; NISS officers would be present at some government checkpoints.

‘Western Embassy (A), in Khartoum, had received reports that access to some areas of Blue Nile State was strictly controlled and those travelling to the region needed permission to enter and leave these areas. NHRMO remarked that persons moving across the ‘front line’ from rebel held SPLM-N territories in the Two Areas would be subject to stringent security checks to

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<sup>106</sup> ACCORD, ‘Darfur COI compilation’, September 2017, (section 1.3), [url](#)

ensure that they were not affiliated to rebel groups. Once these checks had been completed they were free to travel to Khartoum.

'Travel between Darfur and Khartoum was possible by air or road, including by bus. New roads to Al-Fashir and Nyala made road travel between Darfur and Khartoum easier.

'Western embassy (B) advised that although it was physically possible to travel to Khartoum by road, security conditions made travel by road to Southern Kordofan (for example to Kadugli) or to Darfur inadvisable. The same source assessed road travel to Damazine in Blue Nile State as currently safe, but conditions varied.'<sup>107</sup>

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## 8. Return of rejected asylum seekers from Darfur

8.1.1 For information on reports of arrest, detention and ill-treatment on return because of a person's real or suspected political profile, including persons originating from Darfur, see country policy and information on [Opposition to the state](#), subsection, Treatment on arrival at Khartoum International Airport. For information on the process for return and treatment of returnees generally see [country policy and information note, Return of unsuccessful asylum seekers](#).

8.1.2 Reporting on the arrest of returnees to Sudan from Israel, including individuals originating from Darfur, in Khartoum a September 2014 Human Rights Watch report noted that 'Sudanese law makes it a crime, punishable by up to ten years in prison, for Sudanese citizens to visit Israel'.<sup>108</sup> The same source reported:

'Some Sudanese who returned to Sudan [from Israel claimed to] have faced persecution. One Sudanese returnee told Human Rights Watch security officials interrogated and tortured him on his return to Sudan about his membership in Darfuri opposition groups while two others said they were interrogated and held for weeks at times in solitary confinement. One man was charged with treason for traveling to Israel and one returnee's relative said his brother disappeared on return to Khartoum. Four others said they were interrogated and then released...'<sup>109</sup>

8.1.3 The report also referred to an interview with two other Darfuri men returned from Israel.

- 'A 36-year-old Sudanese man from Darfur who returned to Khartoum from Israel in August 2013 described how National Security officials interrogated and tortured him when he returned to Khartoum. The main

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<sup>107</sup> UK Home Office, Immigration Service, 'Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016', August 2016, (page 10, 31), [url](#)

<sup>108</sup> Human Rights Watch, "'Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel' (p4), 9 September 2014, [url](#)

<sup>109</sup> Human Rights Watch, "'Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel' (ps42-46), 9 September 2014, [url](#)

wad questioned about why he had gone to Israel and his activities there, including names of persons belonging to the Sudan Liberation Army.

- ‘A 32 year-old man from Darfur who returned to Khartoum from Israel in February 2014 described his eight-week-long detention and interrogation on returning to Khartoum:

“After almost six years in Israel, I decided to leave in February [2014] after the government said they would detain any Sudanese person in Israel who had been there for more than three years. I knew that they would detain me for an unlimited amount of time and that is a form of mental and physical imprisonment.

‘When I arrived in Khartoum, security officials held 125 of us coming from Israel on the same flight and then handed us over to National Security who took us to their building in Khartoum’s Sahafa District. There they interrogated me about my political history in Darfur and my support for one of the groups opposing the government there. They knew I had participated in public protests in Israel and asked me about that. The next day they took me to another National Security office near Khartoum’s Shandi bus station, which the officers there called “the hotel.” There they threatened to beat me if I didn’t tell the truth.

‘On the third day, they took me to Kober prison in Khartoum and put me in a cell with 28 other people who had also come back from Israel. They held me there for eight weeks including about 20 days in solitary confinement. National Security interrogated me many times in the building they called “the hotel.” It was always the same questions about my political views on the conflict in Darfur, which groups I supported there and why I had gone to Israel. At the end of the eight weeks they took me to the prosecutor who charged me with treason for going to Israel. He then released me on bail after my family sold all their land and paid (US)\$40,000. They confiscated my passport and banned me from travelling for five years.”<sup>110</sup>

- 8.1.4 The USSD human rights report for 2015, released April 2016, observed that ‘There were at least two reports of Sudanese citizens residing abroad being deported from their country of residence at the request of the Sudanese government. In December [2015] the Jordanian government forcibly deported 800 Sudanese asylum seekers to Khartoum. The majority of deportees were from Darfur. By year’s end there had been no reports of torture or further violence against deportees.’<sup>111</sup>
- 8.1.5 The same source, however, in its report for 2016 released in March 2017 and in its report for 2017 released in April 2018, does not report on the experiences of the 800 returned in 2015<sup>112 113</sup>.
- 8.1.6 The UK-DIS FFM report, based on a range of sources, noted:

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<sup>110</sup> Human Rights Watch, “‘Make Their Lives Miserable’: Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel’ (ps42-46), 9 September 2014, [url](#)

<sup>111</sup> USSD, ‘Country Reports on Human Rights Practices for 2015’, Sudan, section 1d, April 2016, [url](#)

<sup>112</sup> USSD, Country Reports on Human Rights Practices for 2016, Sudan, 3 March 2017, [url](#)

<sup>113</sup> USSD, Country Reports on Human Rights Practices for 2017, Sudan, 20 April 2018, [url](#)

'A number of sources stated that they had no information to indicate that failed asylum seekers / returnees from Darfur or the Two Areas would generally experience difficulties on return to Khartoum International Airport (KIA), or they did not consider that claiming asylum overseas would put such a person at risk per se. Western Embassy (C) noted that they had monitored the forced return of two persons from Europe in 2015 and had no reason to believe that they experienced any difficulties or mistreatment, although the source acknowledged that they were not present throughout the arrival procedure. The diplomatic source mentioned that they had experience of a very few rejected asylum seekers being deported from Switzerland and Norway. According to the source it was unclear whether these returnees could get support upon return to Sudan. However the source added that those sent back from Norway had not faced any problems upon return.

'Some sources noted:

- a lack of coordination in the return operations from departing countries to inform those concerned when precisely returnees would arrive at [Khartoum International Airport] KIA
- a general absence of independent organisations at KIA, including UNHCR, when forcibly returned persons arrived in Sudan, although IOM was present for voluntary returns
- a limited number of enforced returns from Europe

'EAC advised that at the security desk, officers asked a range of questions of failed asylum seekers returning to Sudan (for instance about how long they had stayed abroad; why they did not have a passport; or political affiliations and acquaintances abroad). ACPJS remarked that persons returning without travel documents or under escort would be subject to questioning.

'Several sources noted that Israel and Jordan had deported a number of Sudanese nationals, including persons who had claimed asylum. Sources mentioned that the most recent incident was in December 2015 and involved the large-scale deportation of Sudanese nationals from Jordan, with some sources indicating the number of persons deported was over 1,000 persons.

'Some sources noted that deportees from Israel and some of the deportees from Jordan were arrested on arrival and detained, some may have experienced prolonged detention or physical mistreatment and/or were placed on reporting arrangements or travel restrictions . Other sources noted that returnees from Jordan had been processed smoothly. There is however lack of detailed, accurate information regarding these events, including information on whether these deportees have been de facto refugees.

'UNHCR was not able to verify whether any of the returnees had been detained. However, the source stated that if a person had a high political profile, one could not rule out the possibility that he could face difficulties with the authorities. Information from some other sources about the deportation of Sudanese nationals from Jordan and Israel also indicated that those returnees who were held in prolonged detention may have been detained because of their political profile.

‘Some sources highlighted that those returning from Israel were more at risk of being subjected to thorough questioning and/or arrested upon return than those returned from other countries.’<sup>114</sup>

#### 8.1.7 The same report noted that:

‘Several sources noted that those returnees who had a political profile may be thoroughly questioned and/or arrested at KIA.

‘Several sources indicated that a person’s ethnicity did not generally affect their treatment on arrival at Khartoum International Airport (KIA), or otherwise had no information to the contrary to contradict this assessment.

‘Western embassy (C) noted that upon arrival at KIA, Darfuris and persons from the Two Areas may be treated impolitely and probably asked to pay a bribe, but they would not face any difficulties if they already were not ‘flagged’ by the NISS. NHRMO observed that those from the Two Areas travelling through Khartoum International Airport (KIA) would be subject to more intensive questioning about their background and political involvement, with ethnic Nuba most likely to experience harassment.

‘EAC pointed out that there were officers from Darfur and the Two Areas working at the airport, for example Lieutenant General Awad El Dahiya, Head of Passports and Civil Registrations at the Ministry of Interior was from Southern Kordofan.

‘EHAHRDP considered that all asylum seekers from Darfur and the Two Areas would be at risk on return.’<sup>115</sup>

#### 8.1.8 Waging Peace reported in a note of January 2017 on the treatment of five Sudanese nationals returned to Sudan in 2015 and during 2016 - 2 from Jordan, one from Israel and three Italy (although the note does not identify three people specifically) respectively - based on testimonies from the returnees or third parties. At least one of the returnees from Jordan was reportedly from Darfur:

‘The testimonies and reporting below refer to recent cases where individuals were ill-treated, tortured and even killed post-deportation, and demonstrate the risks facing those forcibly returned to Sudan having claimed asylum elsewhere, particularly, but not limited to, those individuals who engaged in sur place political activity in the country hosting their asylum claim. In total 5 individuals are mentioned in this report, but the absence of further testimony is only due to restricted access to the affected populations, and we are told a great many more could support the claims made in these accounts.’<sup>116</sup>

#### 8.1.9 At least one of the cases reported was a Darfuri:

- Mr Abdalmonim Adam Omer, reportedly a Tunjur from Darfur who had been recognised as a refugee by the UNHCR in Jordan.

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<sup>114</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (section 2.2), August 2016, [url](#)

<sup>115</sup> UKHO-DIS, ‘Situation of Persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Joint report of the Danish Immigration Service and UK Home Office fact finding missions to Khartoum, Kampala and Nairobi Conducted February – March 2016’ (sections 2.6 and 2.7), August 2016, [url](#)

<sup>116</sup> Waging Peace, Recent cases of post-deportation risk, January 2017, [url](#)

‘...on arrival in Sudan following his deportation, he was arrested by the government and detained for 3 days. During these 3 days, he was interrogated and beaten. He was asked why he had left Sudan for Jordan and told he had been presenting Sudan “in a bad way”. He was also interrogated about some people he had been associated with in Jordan and some that he had been to church with, as the Sudanese government were looking for them. He was also asked about his tribal affiliation.’<sup>117</sup>

8.1.10 The British Embassy in Khartoum observed in September 2016: ‘As reported in our letter of February 2015 [see Annex B of country policy and information note on [Rejected asylum seekers](#)] it remains the case that neither we nor our international partners are aware of substantiated cases of returnees, including failed asylum seekers, being mistreated on return to Sudan.’<sup>118</sup>

8.1.11 In ACCORD’s Darfur COI compilation of September 2017, several sources commented on the treatment of Darfuris on return to Khartoum airport:

‘The senior researcher at HRW on 19 July pointed out the following with regards to a Darfuri arriving at Khartoum airport:

“Possible discrimination of a Darfuri returnee at Khartoum Airport would depend on the profile of the person, he would unlikely be discriminated against merely based on being from Darfur. Rather depending on his ethnic background and political allegiance, he could be presumed to sympathise with rebels in which case he might be targeted for arrest/interrogation. A membership in some opposition parties like the Al-Umma Party would not necessarily be considered an aggravating factor. The Al-Umma and a handful of other parties are part of the ‘acceptable opposition’.”

‘According to Eric Reeves, “the treatment is highly variable and depends upon the nature of the documentation the person is carrying and whether a bribe has been paid to a security official in advance...”

‘The Sudanese contact of German relief organisation Bread for the World indicates that Darfuris will be treated in the same way as any other Sudanese ethnicity upon their return, unless the person in question is suspected of having relations with rebel movements or anti-government activists. The fact that a person hails from the Zaghawa, Fur or any other African Darfuri ethnicity is sufficient to raise suspicion. However, the person may get its clearance by the security forces after some interrogations. Affiliation to political parties, being Al-Umma or any other party, is not a problem according to the contact. Al-Umma is a registered party and recognised by the government. The son of its leader Alsadiq Almahadi is assistant to the president Albashir, two of his cousins are cabinet ministers and one is vice prime minister. (Sudanese contact of Bread for the World, 30 August 2017)

‘The independent researcher Jérôme Tubiana in his email response of 18 July 2017 stated regarding the treatment of a Darfuri person upon his arrival at Khartoum airport that this person would be “[I]ikely to be interrogated by security, and possibly beaten/tortured, detained, and even killed. Umma or

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<sup>117</sup> Waging Peace, Recent cases of post-deportation risk, January 2017, [url](#)

<sup>118</sup> British Embassy - Khartoum, Letter ‘Non-Arab Darfuris in Sudan’, 29 September 2016, [Annex A](#).



other opposition affiliation is an aggravating factor.” (Tubiana, 18 July 2017).<sup>119</sup>

8.1.12 The ACCORD compilation also reported:

‘Quartz Africa, a website focused on business news from Africa and owned by the American print and online media company Atlantic Media in September 2016 notes the treatment of forcibly returned Darfuris by the Sudanese authorities:

“A group of 48 Sudanese migrants are back in Sudan, after Italy delivered them to Khartoum last week with seemingly no questions asked. [...] Ali, one of the Sudanese forcefully deported, described their arrest. They were held in an underground parking garage, hands bound. Sudanese authorities identified them and then placed them on a plane to Sudan’s capital, Khartoum. Upon arrival, Sudanese authorities beat Ali to the point of being unable to lie down, he said. He is now in hiding and does not know the status of the other Sudanese deported. Eyewitnesses, including Ali, whose last name is undisclosed for his safety, said the deported migrants were from the restive Darfur region. Sudanese refugees often do not claim asylum in Italy due to tough living conditions within the country, Ibrahim said.”

‘In an Urgent Action released in November 2016 concerning the forced return of a Darfuri from France to Sudan, Amnesty International (AI) notes the following:

“Individuals coming from conflict-affected areas of Sudan such as Darfur and South Kordofan are at serious risk of persecution upon repatriation, in particular at the hands of the National Security Intelligence Service (NISS), who have often been accused of serious human rights violations, including arbitrary detention and torture. In some cases, the NISS appear to have beaten people upon arrival in Khartoum, particularly people coming from conflict areas, under the suspicion that they may be supporters of armed groups.” (AI, 18 November 2016)<sup>120</sup>

8.1.13 The CGRS report of 2018 noted:

‘Magnus Taylor (ICG) thinks it altogether possible that Sudanese returnees may face problems, but not all people, and not all people all the time. This depends on the returnee’s profile, and problems are more likely for politically active returnees or members of the opposition. But even then, problems are not always likely to happen, according to Taylor. As for Darfuris, it is often thought that they face problems but there are many Darfuris living across the country and it is unlikely that all of them are targeted. Being from Darfur may increase the interest taken by the NISS. Students, especially Darfuris, are viewed as a serious threat. Taylor noted that ethnic, religious and political backgrounds are often closely intertwined.’<sup>121</sup>

8.1.14 In an e-mail to the CGRS, the Sudanese journalist and analyst Tajeldin Adam mentioned that it is best to return Darfuris via a third country, such as

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<sup>119</sup> ACCORD, ‘Darfur COI compilation’, September 2017, (section 6.1.1), [url](#)

<sup>120</sup> ACCORD, p125, September 2017, [url](#)

<sup>121</sup> CGRS, COI Focus, ‘Sudan risk upon return’, (section 2.3.1), 6 February 2018, [url](#)

Chad, South Africa or Uganda, because ‘Khartoum airport is a risky option’. He noted that ‘the vast majority of Darfuris who were sent back from Israel via a third country arrived peacefully to their home towns or desired destination’.<sup>122</sup>

- 8.1.15 The CGRS summarised the information about ethnic and political profiling it had obtained from various government, civic society, independent researchers and international organisations:

‘Various sources stated that Sudanese nationals from conflict zones such as Darfur, Southern Kordofan and Blue Nile are at serious risk upon return. Both the ECtHR and the UK Upper Tribunal have ruled against the repatriation of non-Arab Darfuris. A number of contacts consulted by the CGRA consider that the Fur, Massalit and Zaghawa are the ethnic groups which are most targeted. Other sources, including western embassies, the UK Home Office and IOM, stated that an ethnic profile does not pose sufficient risk and defended a more individualised approach which would also take into account the political profile. All governmental and non-governmental sources agreed that Sudanese opponents risk persecution upon return if they were politically active abroad, as the Sudanese diaspora is being monitored by Sudanese intelligence. The British Upper Tribunal considered that not all political opponents are persecuted, only those whose political activity is fairly high-level.

‘According to some non-governmental sources, the mere fact of applying for asylum is enough to create a “political profile”.

‘Finally, other sources, including a Sudanese professor, ICG and HRW, were of the view that ethnic and political profiles are often intertwined and that it is the combination of a person’s ethnic background and his political activities that create a risk.

‘Human rights organizations and the media documented several cases where repatriated Sudanese have encountered problems with the authorities. Amnesty International interviewed a number of Sudanese repatriated from Jordan, mainly Darfuris, who were ethnically profiled upon their return and subjected to harsh and degrading treatment. Other sources mentioned the arrest, detention, ill-treatment and torture, and even the murder, of Sudanese who returned from Israel, and emphasized the existence of a heightened risk for returnees from Israel. HRW considered that a stay in Israel creates a situation of sur place refugee. A number of testimonies from Sudanese repatriated from EU countries, including Italy, France and the UK, mentioned arrest, detention, ill-treatment and, in some cases, torture. Waging Peace reported the ill-treatment of a number of Sudanese repatriated from the UK and stressed that not only Darfuris are at risk but also members of other ethnic groups. The British Home Office noted that most of these testimonies were given by Sudanese from conflict areas or by politically active Sudanese. Non-governmental sources reported some cases of returnees who entered Sudan without problems but were killed later on.

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<sup>122</sup> CGRS, COI Focus, ‘Sudan risk upon return’, (section 2.3.1), 6 February 2018, [url](#)

'The NISS, whose remit covers political, military, economic and social threats, has virtually unlimited immunity. Various governmental and non-governmental sources accuse the NISS of ill-treatment, torture and other human rights violations. According to various sources, the NISS also shadows the diaspora, although it does not have the means to monitor everyone.'<sup>123</sup>

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<sup>123</sup> CGRS, (p50), February 2018, [url](#)

## Annex A: Letter from British Embassy, Khartoum

HM Ambassador, British Embassy

Off Sharia Al-Baladiya

P.O. Box 801

Khartoum, Sudan

Tel: +[deleted]

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[www.gov.uk/fco](http://www.gov.uk/fco)

Country Policy and Information Team

Home Office

29 September 2016

Dear Country Policy and Information Team,

### NON-ARAB DARFURIS IN SUDAN

This letter aims to provide an assessment of the situation facing non-Arab Darfuris in Sudan, and whether they face persecution.

The British Embassy is in regular contact with Darfuri groups from civil society, government and political parties. In the course of these contacts, no substantial concerns have been raised over the treatment of non-Arab Darfuris settled in regions outside of Darfur that we would consider ethnic persecution, although many face economic marginalisation having been displaced due to conflict. We are also not aware of reports of systematic targeting of Darfuris from United Nations agencies or other embassies with whom we are in contact

As found in the UK Home Office-Danish Immigration Service FFM report, we do receive reports of discrimination in education and employment. We also receive reports of harassment of individuals or groups perceived to have an anti-government political stance, such as Darfuri student associations. But these issues are not overriding for Darfuris as opposed to other ethnicities. Any individual with a perceived anti-government stance can face harassment. And many Darfuris (including non-Arab) are represented at senior levels in Government, academia, the security forces, the media and in other institutions.

As reported in our letter of February 2015, it remains the case that neither we nor our international partners are aware of substantiated cases of returnees, including failed asylum seekers, being mistreated on return to Sudan.

Michael Aron

[Signature]

Her Majesty's Ambassador

British Embassy, Khartoum

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## Annex B: Landinfo response to UK Home Office query

Landinfo response to UK Home Office query to EU Member States, circulated by the European Asylum Support Office, 9 April 2018

Question/ Subject

1. Information the size, location and socio-economic situation of people from the Nuba mountains (hereafter Nuba) in Khartoum and neighbouring cities
2. Information about the state and societal treatment of the Nuba in a) Khartoum and neighbouring cities; and b) elsewhere in Sudan including the 'Two Areas'
3. Information about freedom of movement from South Kordofan to Khartoum and neighbouring cities.

Context /Background of query (If needed)

The Home Office is required to collate evidence for a forthcoming country guidance (test) case in the UK's immigration courts. The court will be considering the following questions:

- '1. What, if any, is the risk of persecution or serious ill-treatment to a member of the Nuba tribe [sic] returning to Sudan due to his or her ethnicity?
- '2. Whether internal relocation, if there is a risk in the home area, is an available option?'

Preliminary search (Websites and sources checked by the requesting EU+ country)

There is no need to refer to information available in the UK-DIS FFM report for August 2016 and DFAT Country Information Report on Sudan, April 2016.

However any additional information held or known by MSs would be welcome.

**Response:** My answers are based on working on Sudan since 2008, together with my colleague [...] (who has worked on Sudan since the 1990s). We have conducted five fact finding missions to Sudan:

- April-May 2008 [...]
- September-October 2012 [...]
- October 2014 [...]
- November 2015 [...]
- November 2017 [...]

All fact findings were to the capital Khartoum, they lasted a week each, and had a focus on patterns of persecution, the situation for political activists, religious minorities and women.<sup>124</sup> As people with origins in the conflict zones (Darfur more than South Kordofan, and very few from Blue Nile) have constituted a large percentage of the Sudanese asylum seekers in Norway for more than a decade, their situation both in the conflict zones and in the capital area has been of particular concern to us. During our trips, we have especially tried to interview local organisations and activists, as they have important perspectives on the situation, and

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<sup>124</sup> We have also looked at other topics, such as documents, border control, military conscription, etc.

often don't have the necessary resources to distribute information online. They have also been exceptionally open and direct, especially considering the repressive regime ruling Sudan and the pervasive surveillance conducted by the omnipresent National Intelligence and Security Service (NISS).

We have also met with UN organisations and international NGOs working in Sudan, and though they have also been useful sources, they are generally much more restrictive with regards to open quotes than Sudanese sources, as they are very much aware that a number of international NGOs have been expelled for "working outside their mandate" in Sudan. The information collected in Sudan is of course supplemented by open source material from knowledgeable organisations with a particular focus on Sudan and the region. Here I would highlight the very thorough research published by Small Arms Survey's Human Security Baseline Assessment for Sudan and South Sudan (HSBA, <http://www.smallarmssurveysudan.org/>), the Rift Valley Institute (<http://riftvalley.net/region/sudan-and-south-sudan>) and the researchers at the University of Bergen and Chr. Michelsen Institute (CMI, <https://www.cmi.no/countries/sudan>), in close collaboration with Sudanese academics. For human rights reports, I find African Centre for Justice and Peace Studies (ACJPS, <http://www.acjps.org/>) and Sudan Democracy First Group (SDFG, <http://www.democracystudygroup.org/>) especially useful, as they are based on findings collected by local human rights activists on the ground. (Amnesty and HRW are also good, but have not been allowed to do research in Sudan for years.)

1. Information the size, location and socio-economic situation of people from the Nuba mountains (hereafter Nuba) in Khartoum and neighbouring cities

A large share of the population of greater Khartoum live in so-called non-registered settlement areas, that is areas where people build housing without permits, and without the government providing any sort of infrastructure. As far back as in 1995, "about 2 million squatter live in more than one hundred squatter settlements forming what has come to be called "the Black Belt of Khartoum". Out of a total urban area of 500 square kilometres, some 30-50% of the land is taken by squatter settlements." (El-Bushra & Hijazi 1995, p. 508). The growth of these informal areas has continued since the 1990s.<sup>125</sup>

Formally, these areas are either considered to be privately owned agricultural land (and zoned for that purpose) or land owned by the state. People settling on agricultural land may have purchased it from the owners, but without registering the transfer of ownership with the authorities or attempting to rezone it (both would probably involve a lot of bureaucracy, fees, bribes, etc., which is particularly challenging for poor and uneducated people from the periphery). Civilian authorities collect little information about the population in these areas,<sup>126</sup> and have on several occasions not only actively resisted "formalising" such areas (which would give them the responsibility to provide infrastructure – water, sanitation, electricity, roads,

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<sup>125</sup> The main disruption to this pattern was the fairly large number of South Sudanese leaving for South Sudan around its independence in 2011, so that this group now probably constitute a smaller share of the population than it did before 2011.

<sup>126</sup> However, the National Intelligence and Security Services (NISS), probably monitor the population in such area just as closely as they do other segments.

schools, clinics), but even evicted large groups of people and destroying privately built infrastructure (see Landinfo 2008 for elaboration<sup>127</sup>).

There are no reliable available official statistics on the population of greater Khartoum, seeing that it would not include the population living in non-registered areas. Also, official demographic data would not present the ethnic distribution or regional origin of the residents in a given area.

Still, migrants with origins in the Nuba mountains clearly constitute a significant segment of the population in greater Khartoum. In an IDP household survey conducted by IOM in North Sudan in 2006, 33,8 % of the households originated in South Kordofan and 29,6 % identified as Nuba (IOM 2006b, p. vii), but it's difficult to say if this estimate is representative (though the definition of IDP used includes persons migrating for reasons other than security from violence). A field study from the al-Baraka shantytown in Khartoum also identifies Nuba as an important community in that particular area (Bakhit 2014, p. 35–36, cf. also his quotes from a 2003 household survey on p. 33 where researchers found that 20,6 % of the households identified as Nuba). In conclusion, available research indicates that the Nuba are an important community in greater Khartoum, but we do not have access to accurate figures – neither on the accumulated Nuba population, or on their settlement patterns, socio-economic situation, etc.

On the other hand, there is little doubt that the Nuba population in greater Khartoum remains predominantly poor, as it mostly comes from rural areas of South Kordofan, and moving to the capital has not significantly improved its access to education or better paid work.

Regarding “neighbouring cities”, it's not clear whether you here refer to the other two parts of greater Khartoum, Ummduhman and Khartoum Bahri, or to other cities in the north. I have taken it to mean greater Khartoum. However, it's clear from IOM's 2006 household survey that Nubans also form a significant share of IDP households in states outside of Khartoum not currently seeing armed conflict, with the share of IDP households identifying as Nuba varying between 13,6 % in Sennar state and 67,2 % in Nile state (IOM 2006b, p. 50).<sup>128</sup>

2. Information about the state and societal treatment of the Nuba in a) Khartoum and neighbouring cities; and b) elsewhere in Sudan including the ‘Two Areas’

### **State treatment, from a security/conflict perspective**

Based on information from our local oral sources (cf. list at the end), there is a clear pattern with significant differences regarding who is in the focus of NISS inside conflict areas (for Nubans, particularly South Kordofan) and outside them.

### **Greater Khartoum, elsewhere in the north**

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<sup>127</sup> I realise this report is fairly old, but the general information on the informal areas of greater Khartoum is still relevant. There have not been significant positive changes in the informal areas regarding infrastructure, access to state services, etc.

<sup>128</sup> Which goes to show that internal migration patterns in Sudan are considerably more complex than a simple rural>urban movement or periphery>capital tendency. See IOM 2013, p. 31–33 for more information.

In meetings with Landinfo in Sudan, our sources have generally stated that NISS definitely has a special focus on the populations coming from the conflict areas. According to one source, NISS has a special “tribal branch” dedicated to monitoring political activity among populations with origins in the periphery.<sup>129</sup> Activists with origins in South Kordofan have pointed out that NISS in particular monitors four groups among Nubans: people belonging to armed groups, activists, those with higher education, and recent arrivals.

- People belonging to armed groups will face arrest if identified by NISS. This applies especially to persons who have taken up arms and people who provide practical support, but also to political supporters.
- Activists are in focus as they are seen as people who actively influence others to support organisations that are critical towards the regime’s politics regarding the “two areas”. The definition of activist is wide and not limited to members of political parties or the political wings of armed groups. (Activists from conflict areas belonging to civil society organisations or political parties are fairly often suspected and/or accused by NISS of supporting armed groups.)
- People with higher education (high school or more) are followed more closely than others, as they are “potential activists” and people with influence over others within the community.
- Recent arrivals from zones with ongoing armed conflict are followed closely to keep them from sharing information about recent developments, the humanitarian situation and human rights violations committed by Sudanese armed forces or their proxies to activists reporting on the human rights situation.

What is difficult to tell, is whether NISS operatives outside the “two areas” fine tune their monitoring to mainly include people who are known to belong to ethnic groups or other social communities that are perceived as being “in opposition”, or if they focus on people with Nuba origin in general.

### **The “two areas”**

According to our local sources, within zones with ongoing armed conflict, NISS operatives tend to suspect people merely on the basis of belonging to a community perceived as being “in opposition”. Here, however, the Nuba label is useless, as it includes the entire population of the Nuba mountains, which obscures the wide ethnic variation of this region. In a Nuba mountain context, there is variation on group level where local communities on a micro level often are perceived to be siding with either the regime or with militias that have taken up arms against the regime. In South Kordofan, this usually means SPLM-N or its allies. However, a number of local Nuba communities are also perceived to be «regime allies», and would accordingly be expected to support the regime and its local proxies. This might be because of historical ties between the given group and Nile Valley elites, have its origin in more recent alliances for tactical purposes in a current conflict

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<sup>129</sup> Cf. Landinfo 2008, p. 18. This branch is not limited to monitoring Darfuri activists, even though it is mentioned in our report in a segment on reactions from Sudanese authorities on political activity among Darfuris.



situation, or a combination of both. (And like elsewhere in Sudan's conflict zones, sometimes groups also switch sides.)

Our sources, as well as human rights reporting from ACJPS and SDFG as well as international organisations, do report cases where people are subject to grave human rights violations on the basis of belonging to a specific community alone. This can both happen to individuals, i.e. when women belonging to ethnic groups perceived as "in opposition" are raped by Sudanese armed forces, NISS or local proxies, or collectively, when villages populated by such ethnic groups are bombed by the Sudanese air force. And violence justified with group identity is not unique for groups "in opposition" – anti-regime militias like SPLM-N and its allies also target civilians from groups perceived as supporting the regime.

In addition to this pattern, NISS tries to identify active members and supporters of armed anti-regime groups individually. Our sources also point out that in the "two areas", anyone who both belongs to a community perceived to be "in opposition" and has education above primary school level almost automatically is profiled by NISS as an anti-regime activist and strongly suspected of supporting armed groups. (This differs from the pattern seen in Darfur, where a larger share of the population has education above primary school, and profiling on this fairly broad basis would overstretch NISS resources.)

### **State treatment of Nubans outside a security context, and societal treatment**

When discussing the situation of Nubans in Sudan – both with regards to how they are treated by representatives of the state (outside a security context) and societal treatment in general, we need to look at the issue of ethnicity in Sudan. More specifically, there is an "ethnic hierarchy" in Sudanese society, which is far from binary Arab/non-Arab. A better way to picture it, in my opinion, is to see it as a sliding scale between two poles:

One pole is represented by the powerful families and clans in the Nile River Valley, who have monopolised much of political power in Sudan for centuries. They can be seen as a sort of "ideal Arabs" against which other Sudanese are measured – and often measure themselves. The opposite pole to this "ideal" is constituted by members of social groups categorised as African – especially Nilotic groups like Dinka, Nuer, etc., but also other ethnicities that don't use a variety of Arabic as their main language, or who don't identify themselves (or are identified by others) as Arab.<sup>130</sup>

A number of factors influence where on this scale people place themselves and others:

- Looks
  - Skin colour, facial features, styling of hair/beard, body shape, dress
- Language

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<sup>130</sup> This social structure has a long and complex history which I won't expand on here, but see e.g. Johnson 2011, p. 1–19, and Ryle 2011.

- Arabic dialect(s) or other languages as first language; knowledge of formal Arabic<sup>131</sup>
- Religious affiliation
  - Muslim
    - From established Muslim communities where “everyone” has been Muslim for many generations to converts and more recently Islamised communities
  - Christian
  - African religions
- Regional origin
- Clan
- Ethnicity
- Professional background
- Urban/rural
  - Sedentary/nomad
- Modern/traditional
- Level of education
- Social class
- Civilised/uncivilised
- Gender

The dynamic between these factors is complex, and it varies greatly between different social situations which weight the different factors are given, and how individuals and groups are categorised on their basis. Furthermore, people can themselves change a number of these factors, and it's both possible and common to question both the weight given to such factors, and how they are interpreted. Also, it's quite common that people take a critical stance or even dismiss the hierarchical aspects of the model (and/or the relevance of certain factors) simultaneously with relating to it, accommodating it and/or exploiting it, according to circumstances.<sup>132</sup>

Since South Sudan seceded in 2011, Sudanese sources have called Nubans and non-Arab groups from Blue Nile “the new South Sudanese”, i.e. the ones filling the position of “anti-pole” to the “Arab ideal”.<sup>133</sup> Darfuris, on the other hand, generally land somewhere along the middle part of the scale – neither as stereotypically

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<sup>131</sup> What Arabs generally refer to as *fuṣḥā*, where Western scholars differentiate between Classical Arabic (used in the Qur'ān and the premodern era) and Modern Standard Arabic.

<sup>132</sup> Criticism of this model is by no means limited to those who fall short within it. Politically active Sudanese with a very privileged background are often very critical to the hierarchical aspects of this social structure, despite the fact that they benefit greatly from it in their daily lives.

<sup>133</sup> Of course there is still a fairly large people of South Sudanese origin in Sudan, but they are now classified as foreigners.

“African” as the South Sudanese, Nubans or Blue Nile Nilotic peoples, nor “sufficiently Arab” to approach the “Arab ideal.”<sup>134</sup>

The continued political dominance of the Arab elite, and the regime rhetoric presenting Sudan as a homogenous Arab and Islamic nation, is – not surprisingly - perceived as very excluding by both people who don't fit with this restricted view of what it means to be Sudanese and by people who may overlap more with this “ideal”, but who question and criticise its connected values, norms and ideologies. In practice, Nubans and other groups from the periphery understand both the continued economic marginalisation and lack of development of their areas of origin, the regime's actions in the ongoing armed conflicts and their challenges as internal migrants in the capital area and other regions than their region of origin in this context.

There is no institutional, explicit discrimination based on ethnicity regarding access to state services and the like. On the other hand, the regime does very little to level out the deep rooted social and economic differences in Sudanese society, whether these differences follow ethnic (or regional, or religious) divides or not. Therefore, access to public services and resources is generally easier for the urban middle class, which is dominated by Nile River Arabs, than for other segments – especially those with origins in the periphery.

### 3. Information about freedom of movement from South Kordofan to Khartoum and neighbouring cities.

According to our sources, Sudanese authorities do allow movement from South Kordofan (and other conflict areas), both to greater Khartoum, and elsewhere. However, there are two important challenges for people who move between zones of armed conflict and other areas:

- People moving from areas with ongoing conflict, or controlled by anti-regime militias, have to pass checkpoints run by NISS, Sudanese armed forces or their local proxies. Passing such check points might be dangerous, even for people who are neither activists nor parts of anti-regime militias, as they might still be suspected of such affiliations and subjected to harassment and violence. The point of these checkpoints is to stop both anti-regime militia supporters and sensitive information from moving out of the zones of armed conflict.
- People who leave zones of armed conflict are actively stopped from settling in any way that could be perceived as establishing an IDP camp. Representatives of several international NGOs have pointed out that Sudanese authorities are extremely sensitive of anyone referring to any area as being an IDP camp, as admitting to the existence of new IDP camps is seen as an implicit admission of these people's need for

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<sup>134</sup> Darfuris generally speak some variety of Arabic fluently, even though some also use other languages, the educational level in Darfur is higher than in the eastern and southern states (though not as high as the capital area), and the entire population has been Muslims for centuries. And although there is obviously variations between Darfuris because of social variation, this does not necessarily follow an Arab/non-Arab divide: Arab (nomad) Darfuris may score better on “Arabness” as they identify as Arabs and use a variety of Arabic as their first language, but score lower than sedentary non-Arabs for being nomads, “less civilised”, having lower education, and being more rural traditional.

security from attacks from regime-affiliated armed forces. As a consequence, any development where groups of people arriving from conflict areas settling in one place is actively stopped and people told that they either have to blend in among the local population (moving in with relatives, renting existing housing, etc.) or leave – either somewhere else where they are able to blend in, or back into the conflict zone they came from. This applies both to regime-controlled parts of the conflict zones and to areas outside regions with armed conflict.<sup>135</sup>

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<sup>135</sup> Both Sudanese and international sources explain the reasoning behind this behaviour as being a consequence of the regime's experience from the north-south civil war and the Darfur conflict. In both situations, IDPs settled in large camps both in areas with ongoing conflicts, and in regions of the country not subject to armed hostilities – especially greater Khartoum, but also other urban areas. These camps were in themselves seen as a direct consequence of the armed conflicts, and led to bad publicity for the regime. When conflict re-erupted in the “two areas” after South Sudan's independence and the unresolved questions of status for South Kordofan and Blue Nile, our sources state that it seems that the regime decided to actively stop the establishment of new IDP camps in order to be able to claim that reports of deteriorated security in the conflict zones are exaggerated.

# Terms of Reference

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

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

- Ethnicity
  - Diversity and identity
  - Migration
- Darfur
  - Overview
  - Geography
  - Ethnic demography
  - Background to the conflict
  - Displacement of persons and the humanitarian situation
  - Security situation
  - Treatment of non-Arab Darfuris
- Khartoum
  - Ethnic demography
  - Treatment of non-Arab Darfuris
- Access to services and documentation in Khartoum
  - Access to documentation
  - Access to housing / accommodation
  - Access to healthcare
  - Access to education
  - Access to employment
  - Access to humanitarian assistance
  - Internally Displaced Person (IDP) camps
  - Societal discrimination
- Freedom of Movement
- Return of rejected asylum seekers from Darfur

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **26 September 2018**

## Changes from last version of this note

Updated country information and revision of policy guidance

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