

CORI

country of origin research and information

CORI Thematic Report Darfur, March 2012

Commissioned by the United Nations High Commissioner for Refugees, Division of International Protection.
Any views expressed in this paper are those of the author and are not necessarily those of UNHCR.



Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

CORI Country Reports are designed to aid decision making within RSD. They are not intended to be general reports on human rights conditions. They serve a specific purpose, collating legally relevant information on conditions in countries of origin, pertinent to the assessment of claims for asylum. Categories of COI included within this report are based on the most common issues arising from asylum applications made by Sudanese nationals from Darfur. This report covers events up to 31 March 2012.

COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

CORI provides information impartially and objectively, the inclusion of source material in this report does not equate to CORI agreeing with its content or reflect CORI's position on conditions in a country. It is acknowledged that all sources have a bias, it is for decision makers to place a weight on sources, assessing relevance to each individual application.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. Any translations made are unofficial translations made by CORI, as with all sources referenced, please see the full text of the original article. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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A. Background Information

Throughout this report we have indicated the regional location (North, South or West Darfur) of villages and towns in square brackets, where not referenced by the source. Information on geographical locations has been drawn from UN maps.¹ It should be noted that geographic areas of Darfur can be described in terms of three regional areas; North, South and West Darfur and also as five States; North, South, Central, East and West Darfur.² Therefore, there may be variation in classification of areas and use of the terms North, South, West, etc., by sources. Some areas, such as Jebel Marra, straddle several regions and states. For this reason, if a source does not give a specific location in Jebel Marra, we have not indicated the regional area.

1. Organization/ Structure/ Current Status of Key Actors

a. Government of Sudan

Sudan has a bicameral Parliament with 354 directly elected members in the National Assembly, the Government is led by President Omar Hassan al-Bashir whose National Congress Party won disputed elections in April 2010.³

In its 2011 country report covering the events of 2010, the *US Department of State (USDOS)* reported that prior to elections in April 2010, Sudan was governed in accordance with a power-sharing agreement established under the 2005 Comprehensive Peace Agreement which was agreed upon at the end of 22 years of civil war. Prior to the 2010 election, Sudan was governed by an interim Government of National Unity comprising Islamists from the North and the Sudan People's Liberation Movement from the South, who are predominantly Christian or practitioners of indigenous religions. According to *USDOS*, the 2010 elections did not meet international standards and in particular, the ongoing conflict in Darfur did not provide an environment conducive to elections,

"Sudan, a republic with an estimated population of 40 million, is governed according to a power-sharing arrangement established by the 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the North and South and established an interim Government of National Unity (GNU). The GNU is composed of the National Congress Party (NCP), dominated by Islamists from the North and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), led predominantly by Christians and practitioners of traditional indigenous religions from the South.

From April 11 to 15, the country held its first nationwide, multiparty elections in 24 years. The elections, which several Northern opposition parties boycotted, did not meet international standards. Observers reported problems including the restriction of civil liberties; inadequate logistical preparations; intimidation and threats of violence, particularly in the South; that ongoing conflict in Darfur did not permit an environment conducive to elections; and that the tabulation process was not transparent and did not follow procedural safeguards, raising

¹United Nations, Darfur Planning Map, 2007, <http://www.un.org/Depts/Cartographic/map/profile/Darfur%20Regional%20profile.pdf>, accessed June 2012; United Nations Map no.4458 Rev.2, March 2012, <http://www.un.org/Depts/Cartographic/map/profile/sudan.pdf>; accessed June 2012

² OCHA, Sudan: Darfur – Administrative Map 2012,

http://reliefweb.int/sites/reliefweb.int/files/resources/sud04_darfur_region_referencemap_a0_29mar12.pdf, accessed June 2012

³ Inter Parliamentary Union, Sudan: National Assembly, http://www.ipu.org/parline-e/reports/2297_A.htm, accessed 20 March 2011, BBC, Sudan: Country Profile, 26 December 2011, <http://www.bbc.co.uk/news/world-africa-14095116>, accessed 20 March, USDOS, Background Note: Sudan, 10 January 2012, <http://www.state.gov/r/pa/ei/bgn/5424.htm>, accessed 20 March 2012

"questions about the accuracy of the election results." President Bashir was reelected, and his political party won 323 out of 450 seats in the National Assembly.

The SPLM is the ruling party of the semiautonomous Government of Southern Sudan (GOSS), which ratified a separate constitution in 2005. A referendum to determine whether the South would become an independent entity was scheduled for January 2011. A CPA-mandated simultaneous referendum on the status of the Abyei area was indefinitely postponed."⁴

US human rights NGO, *The Enough Project* reported in April 2010 on the irregularities that took place during the 2010 elections in Sudan,

"In the days leading up to the voting period, almost every major opposition party boycotted elections to various degrees, including the NCP's main political opponents, the SPLM. On March 31, the southern ruling party announced the withdrawal of its presidential candidate, Yasir Arman, as well as its decision to boycott elections in Darfur, citing continued violence and election irregularities in the region. Most major northern opposition parties also boycotted the elections, citing the state's monopoly over the media, its manipulation of electoral legislation, and the oppressive media and campaigning environment in place."⁵

In its 2011 country report covering the events of 2010, the *USDOS* reported on the irregularities in the executive and legislative elections that took place in April 2010, stating that intimidation and threats of violence occurred,

"The country's first multiparty national and state-level executive and legislative elections in more than 20 years occurred on April 11-15. The elections, which several Northern opposition parties boycotted, did not meet international standards. The SPLM candidate for president of Sudan, Yasir Arman, withdrew from the race just ahead of the polling. Basic freedoms were circumscribed throughout the process. Despite significant technical and commodities assistance from the international community, logistical preparations were inadequate. Intimidation and threats of violence occurred, particularly in the South.

The conflict in Darfur did not permit a conducive electoral environment. The counting and tabulation process was disorganized, not transparent, and did not follow procedural safeguards put in place by the National Elections Commission. According to the Carter Center, problems with counting and tabulation process raised "questions about the accuracy of the election results."

President Omar Hassan al-Bashir (NCP) was reelected, as was first vice president and GOSS president Salva Kiir Mayardit (SPLM). Ali Osman Taha was reappointed to his position of second vice president.

In the National Assembly, the NCP won 323 seats, the SPLM won 99 seats, other parties and independents won 24 seats, and four constituencies were vacant. NCP gubernatorial candidates won all elected governor posts in the North (this did not include Southern Kordofan) with the exception of Blue Nile State, where the SPLM incumbent won."⁶

⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁵ The Enough Project, *Grading the Benchmarks*, April 2010, p.9, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

In its 2011 country report covering the events of 2010, the *USDOS* reported numerous problems with election procedures in Darfur, including limitations on freedom of speech, assembly and the press. *USDOS* noted that, in Darfur, participation of IDPs in the election was low,

"Key Sudanese groups observing the elections included TAMAM, KACE, the Sudanese Group for Democratic Elections, the Sudan Domestic Election Monitoring and Observation Program, and the Sudanese Network for Democratic Elections (SUNDE). International monitoring missions included the Carter Center, the Intergovernmental Authority on Development, and the European Union Election Observation Mission.

Observers noted numerous problems with the preelection environment. The legislative framework did not protect basic freedoms such as assembly, speech, and press. GOS and GOSS security forces restricted the actions of opposition parties, including through the arrest of opposition members and supporters. There was insufficient voter information, and logistical preparations for the vote were not adequate.

During voting, observers found incorrect or incomplete voter registries and noted that this resulted in disenfranchisement. The locations of polling centers were not sufficiently clear. Many centers did not open on time and received polling material late. Mistakes on ballots were also a problem. Observers noted problems with safeguards at polling centers, such as not following procedures pertaining to indelible ink, voter identification, and ballot box seals. Observers also reported intimidation and harassment, [].

In Darfur participation of IDPs in the election was low.

[]

Observers noted "parallel tabulation operations" in Khartoum and South Darfur. In these cases observers were able to access official centers, but there were also other places where access was limited while tabulation was underway."⁷

In April 2010, US broadcaster *CNN* reported on the Sudanese elections in April 2010 and noted that very few IDPs in Darfur were registered to vote,

"The European Union on Wednesday pulled its observers from Darfur ahead of elections in Sudan, an EU spokeswoman told *CNN*.

The removal of the election observers could bring a halt to the election, said Jendayi E. Frazer, professor at Carnegie Mellon University and former U.S. assistant secretary of state for African affairs. "I think that it really suggests that the election, especially in Darfur, is not likely to go forward," she said. "I know that the National Congress Party will continue to push for that election and many of the international community would feel that it's unfortunate that the election is not going forward." But, she added, "I think the situation in Darfur really is not opportune for an election. My understanding is [that] a little more than 100,000 of the IDPs, internally displaced persons, have actually registered, of 2.6 million. ... Really, the conditions are not there."⁸

US NGO *Freedom House* reported in January 2011 that the Sudanese Government influenced press reporting in relation to the elections of April 2010,

⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁸ *CNN*, EU pulls election observers from Darfur, 7 April 2010, <http://www.cnn.com/2010/WORLD/africa/04/07/sudan.election.observers/>, accessed 13 March 2012

"During the run-up to the elections in April 2010, the Sudanese saw slight relaxations of censorship and restrictions to the media. In September 2009, following internal pressure from media owners and unions and the increasing presence of international organizations ahead of the national elections, Bashir eliminated the previously common practice of censorship of newspapers by the National Intelligence and Security Service (NISS).

According to International Media Support, the tone of the election coverage was in general neutral or positive, although during the final month of the campaign it did become more aggressive. Cases of hate speech and inflammatory language were registered. The media in the North tended to privilege the NCP, while the media in the South were biased toward the SPLM, both in terms of the amount of time allocated to the party and the positive tone of the coverage."⁹

In May 2011, *International Crisis Group* reported that a small number of government officials control decision making and that the recommendations of the political bureau are often ignored,

"The four main sectors – political, economic, organisational affairs and cultural – are chaired respectively by Ahmed Ibrahim al-Tahir, speaker of the National Assembly; Awad al-Jaz, industry minister; Nafie Ali Nafie, assistant to the president; and Ibrahim Mohammed Omer, former NCP secretary general and head of the Shura council. Each sector has a number of secretariats. [] The function of a sector is to consider recommendations received from its sub-secretariats and produce a paper for decision by the leadership bureau. Although this system still exists, decision-making is now in the hands of a very few security hardliners, who often disregard the deliberations and recommendations of the political bureau.

With the stakes raised after the 2010 elections and the South's referendum, the leadership has promoted many junior members and committed Islamists. They now hold important ministerial positions, including finance (Ali Mahmud); foreign affairs (Ali Karti); information (Kamal Ebied); youth (Magid Hassan Sowar); state minister, humanitarian affairs (Mutrif Sidig); and state minister, foreign affairs (Kamal Hassan Ali). Some of these figures also command security organs, such as party militias embedded in bodies like the army, the police, the PDF and security and intelligence, or are responsible for youth mobilisation in case of threats to the capital or party."¹⁰

In May 2011, *International Crisis Group* reported that the ruling National Congress Party (NCP) had enriched persons connected to the party and allowed a corrupt patronage system to expand, whilst poverty has deepened for ordinary Sudanese,

"Despite its national Islamist aspirations, the NCP central leadership is dominated by individuals from the Riverine tribes, who continue to rule through highly centralised decision-making, coercion and excluding opposition parties. Instead of building a new nation state based on the Arab-Islamic paradigm, it has expanded a corrupt patronage system, supported by firm security control. Decisions are taken in secret, dominated by security hardliners. The Shuras have largely collapsed and function only at the central level. The leaderships' exclusionary policies have deepened political instability. Because of newly exploited oil wealth, the period after the split and before the CPA saw high economic growth and unprecedented wealth accumulation among Islamists, but poverty deepened for ordinary Sudanese."¹¹

⁹ Freedom House, Freedom of the Press 2011 - Sudan, January 2011, <http://www.freedomhouse.org/report/freedom-press/2011/sudan>, accessed 13 March 2012

¹⁰ International Crisis Group, Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174, 4 May 2011, p.13, <http://www.crisisgroup.org/>, accessed 13 March 2012

¹¹ International Crisis Group, Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174, 4 May 2011, p.13, <http://www.crisisgroup.org/>, accessed 13 March 2012

In its 2011 country report covering the events of 2010, the *USDOS* reported that women participated in the country's political system and held office,

"Women have the right to vote. As required by the 2008 National Elections Law, 25 percent of the seats in the national, Southern Sudan, and state assemblies were filled from state-level women's lists. Women won 114 of the 450 seats in the National Assembly. Women held five of 46 seats in the Council of States. One woman served as a federal minister, and five women served as state ministers."¹²

a. Sudanese Government Forces

In its 2011 country report covering the events of 2010, the *USDOS* reported that government forces included the National Intelligence and Security Services (NISS), the Central Reserve Police and the Border Intelligence Force. According to *USDOS*, security forces acted with impunity in the course of their official duties,

"Several government entities have responsibility for internal security, including the police, the NISS, the Ministry of Interior, and the Ministry of Defense; all had active security forces. The NISS maintains security officers in major towns and cities throughout the North, including Darfur, and has a presence in the South. The NISS also controlled the Central Reserve Police (CRP). The Ministry of Defense's Border Intelligence Force (border guards), a loosely organized force composed largely of former janjaweed fighters, also operated in Darfur.

Security force impunity was a serious problem. The 2010 National Security Act provides NISS officials with impunity for acts involving their official duties. Abuses by security forces were not generally investigated. Security force corruption was a problem, and security force members sometimes supplemented their incomes by extorting bribes."¹³

In May 2011, *International Crisis Group* reported that there are numerous security forces in Sudan and that NISS is the major security agency,

"The NISS remains the major security and intelligence institution, but there are a plethora of others, including for security of installations/construction projects, economic security and popular security; the police are broken into regular, public order and popular police, the central contingency force and transhumance route police. The Jaali section of the top elite reportedly has a private force (the "Precious Stones"), under Bashir's command. During each working shift, approximately 6,000 personnel are deployed to patrol Khartoum's strategic areas. A further 12,000 are based outside the capital. This special force, together with the operation units and the PDF, is viewed as the Islamists' most loyal fighting element in the event regime survival is seriously threatened. In March 2011, Bashir announced the establishment of yet another select force called, the "Strategic Unit". Nafie and Mandour al-Mahdi, deputy NCP chairman in Khartoum State, described it as the force that would crush any revolt against the regime."¹⁴

¹² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

¹³ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

¹⁴ International Crisis Group, *Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174*, 4 May 2011, p.14, <http://www.crisisgroup.org/>, accessed 13 March 2012

In January 2012, *Human Rights Watch* reported that the Sudanese government forces led attacks on civilian populated areas in Darfur, in 2010 and 2011, which displaced populations and destroyed property,

"In December 2010 and early 2011 a surge in government-led attacks on populated areas in North and South Darfur killed and injured scores of civilians, destroyed property, and displaced more than 70,000 people, largely from ethnic Zaghawa and Fur communities with perceived links to rebel groups. The fighting followed a break between the government and Minni Minawi, the only major Sudan Liberation Army (SLA) rebel leader to have signed the 2006 Darfur Peace Agreement.

Much of Darfur remained off limits to the African Union/UN Mission in Darfur and aid groups, curtailing the peacekeepers' ability to protect civilians or monitor the human rights situation. The vast majority of Darfur's displaced population, estimated at 2.5 million people, remained in camps in Darfur and Chad. On several occasions, security forces carried out violent search-and-cordon operations, arresting dozens of camp residents. Government forces were also responsible for sexual violence against displaced women and girls."¹⁵

Amnesty International reported in February 2012 that arms imports into Sudan were being used by the government against civilians in Darfur, further contributing to displacement,

"China, Russia, and Belarus continue to supply weapons and munitions to Sudan despite compelling evidence that the arms will be used against civilians in Darfur. Exports include supplying significant quantities of ammunition, helicopter gunships, attack aircrafts, air-to-ground rockets and armoured vehicles.

An estimated 70,000 people were displaced from eastern Darfur in 2011 in a wave of ethnically targeted attacks against the Zaghawa community by Sudanese government forces and militias.

"China and Russia are selling arms to the Government of Sudan in the full knowledge that many of them are likely to end up being used to commit human rights violations in Darfur," said Brian Wood an expert on military and policing for Amnesty International.

"The Darfur conflict is sustained by the constant flow of weapons from abroad. To help prevent further serious violations of human rights, all international arms transfers to Sudan should be immediately suspended and the UN arms embargo extended to the whole country."¹⁶

In its 2011 country report covering the events of 2010, the *USDOS* reported that Sudanese government forces were involved in torturing persons held in detention,

"Government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. These persons were often subsequently released without charge."¹⁷

Human Rights Watch reported in June 2011 that Sudanese government forces shot at civilians seeking sanctuary in IDP camps,

¹⁵ Human Rights Watch, World Report 2012, 22 January 2012, <http://www.hrw.org/world-report-2012>, accessed 13 March 2012

¹⁶ Amnesty International, Darfur: New weapons from China and Russia fuelling conflict, 8 February 2012, <http://www.amnesty.org/en/news/darfur-new-weapons-china-and-russia-fuelling-conflict-2012-02-08>, accessed 13 March 2012

¹⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

"The fighting displaced an estimated 12,000 people from the area, with about 10,000 taking refuge near the UNAMID compound in Khor Abeche [South Darfur]. Some villagers told Human Rights Watch they fled initially to Wadi Hiraz, but government aerial bombardments drove them back to the UNAMID compound at Khor Abeche until they made their way to other camps.

Human Rights Watch also received credible reports that government forces shot at civilians moving toward the UNAMID compound, presumably to prevent them from entering, and that government troops positioned themselves in front of the camp, also in an apparent effort to block civilians seeking safety."¹⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that Sudan Armed Forces had attacked towns and villages in 2010 using aerial bombardments,

"On February 17 and 19, respectively, the government reportedly attacked Feina [South Darfur and bombed and attacked the town of Deribat [South Darfur].

[]

On September 1, the SAF carried out ground attacks in Katur village, close to Deribat, South Darfur. In the days leading up to the attacks, the SAF reportedly carried out aerial bombardment campaigns."¹⁹

In November 2010, *The Small Arms Survey* reported that an estimated 40,000 troops from the Sudan Armed Forces are based in Darfur, with a similar number of Border Guard, police and militia forces,

"Western military sources estimate that 40,000 regular troops from the Sudan Armed Forces (SAF) are dedicated to the Darfur area, and probably the same number of Border Guard, police, security, and militia forces. Additional SAF units are based in Darfur but focused on the border between Northern and South Sudan. Capability is dependent on enabling assets, particularly air support, which vary depending on threat levels and other activities in Sudan.

Control over the SAF in Darfur was centralized in Khartoum in 2009 with the abolition of the Western Military Command in al Fasher, the capital of North Darfur State. Since the beginning of the insurgency in Darfur in 2003, the commander of the 6th Infantry Division in al Fasher [North Darfur] had had overall command responsibility for all SAF forces operating in Darfur, including the air force. With the reform, all three sectors-in North Darfur, the 16th Infantry Division in Nyala in South Darfur, and the 22nd Brigade in al Geneina in West Darfur, reported to be a division in all but name-report directly to Khartoum. Subordinate brigades are located in major towns in Darfur, which in turn deploy battalions in smaller towns, and so on down to the company level."²⁰

The Small Arms Survey further reported in November 2010 on the weapons and equipment available to the Sudanese government forces,

"Russian Mi-17 and Mi-32 helicopter gunships, Sukhoi and MiG-29 fighter jets, and Chinese-made A-5 'Fantan' jets have all been sighted in Darfur, as well as white Antonov 26 transport aircraft used as crude bombers. The UN Panel has provided evidence that Antonovs have been painted white-the colour of many UN and relief agency planes flying in Darfur. One had 'UN' painted on a wing in a clear attempt to disguise its identity.

¹⁸ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.13, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf> , accessed 13 March 2012

¹⁹ US Department of State, *2010 Human Rights Reports: Sudan*, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

²⁰ *The Small Arms Survey, The Sudan Armed Forces and Allied Forces*, November 2010, <http://www.smallarmssurveysudan.org/facts-figures-armed-groups-darfur-sudanese-army.php>, accessed 13 March 2012

Morale among SAF soldiers in Darfur has been undermined by counterinsurgency operations-Sudan's regular forces proved unable to adapt to the mobile style of warfare imposed by the insurgents-and by collaboration with the government-supported 'janjaweed' militias, which many professional officers feel have undermined both standards and discipline within the force.

Indeed, Sudanese army troops have developed a reputation for being ineffective, poorly-motivated, and politically unreliable. Speaking privately, senior government officials have told Western diplomats in Khartoum they have used paramilitary forces and militias, including the 'janjaweed' in Darfur, because of the weakness of the regular army. After the signing of the Darfur Peace Agreement in May 2006, Western military sources said the army was given 'one last chance', to crush the factions that had refused to sign the agreement. Large numbers of troops and amounts of ammunition were flown in to al Fasher. In the subsequent offensive against non-signatories in North Darfur, however, it suffered a series of crushing defeats."²¹

In its 2011 country report covering the events of 2010, the *USDOS* reported that Sudanese government forces continued to supply weapons to militias,

"Government forces provided support, weapons, and ammunition to government-aligned militias, and the government seldom took action against soldiers or militia members who attacked civilians."²²

b. National Intelligence and Security Services (NISS)

In its 2011 country report covering the events of 2010, the *USDOS* reported that most of the 2,500 Darfuri's detained by NISS following a 2008 JEM attack had been released, although the whereabouts of approximately 200 persons remained unknown,

"The US Department of State further reported in April 2011 that there had been no developments in relation to previous NISS activity in 2008 pertaining to the detention of Darfuris,

"There were no further developments in the cases of up to 2,500 Darfuris detained by the NISS following the 2008 JEM attack. Most had been released by the end of 2008. According to information in a July Amnesty International report, there may be approximately 200 persons whose whereabouts remained unknown."²³

Human Rights Watch reported in January 2012 that the NISS confiscated publications critical of the Sudanese government and suspended some newspapers with links to South Sudan,

"NISS officials confiscated editions of major newspapers for their coverage of conflicts or because of articles critical of the ruling party. Authorities also suspended a dozen newspapers, including opposition paper *Ajras al Hurriya*, citing their links to South Sudan."²⁴

²¹ The Small Arms Survey, *The Sudan Armed Forces and Allied Forces*, November 2010, <http://www.smallarmssurveysudan.org/facts-figures-armed-groups-darfur-sudanese-army.php>, accessed 13 March 2012

²² US Department of State, *2010 Human Rights Reports: Sudan*, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

²³ US Department of State, *2010 Human Rights Reports: Sudan*, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

²⁴ Human Rights Watch, *World Report 2012*, 22 January 2012, p.184, <http://www.hrw.org/world-report-2012>, accessed 13 March 2012

The UN Human Rights Council reported in August 2011 that fundamental freedoms are restricted in Darfur, noting that in October 2010, NSS detained two IDPs who took part in a UN meeting and detained two UNMAID staff in 2011 without charge,

"The state of emergency in Darfur and the application of the NSS Act 2010 and the Emergency and Public Safety Protection Act 1997 continue to curtail fundamental rights and freedoms. The law grants wide discretionary powers of arrest and detention to the State governors of Darfur without any effective judicial review. In October 2010, two IDPs who took part in a meeting with a visiting UN Security Council delegation to Abu Shouk IDP camp were arrested and detained by the NSS. They were subsequently released but never charged with an offense. One of them was rearrested in November but released again. Two UNAMID staff arrested in April and May this year in South and North Darfur were detained for several weeks, without being charged with an offense."²⁵

In its 2011 country report covering the events of 2010, the *USDOS* reported that the NISS made arbitrary arrests and detained people without charge, with 140 such cases documented by UNMAID in 2010,

"The NISS conducted numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer. In Darfur, UNAMID documented more than 140 cases during the year in which the NISS, military intelligence, Sudanese Armed Forces (SAF), or SLA/MM arbitrarily arrested and detained persons."²⁶

In June 2011, *Human Rights Watch* reported that the NISS harassed, intimidated, arrested and detained human rights activists and journalists who criticized the government,

"One of the primary tools of government repression in Sudan is the National Security and Intelligence Service (NISS), which uses its broad powers to harass, intimidate, arrest and detain human rights activists, journalists, and those who speak out against the ruling National Congress Party or those who are suspected of links to rebel movements.

Other security forces, such as military and police officials, also carry out arrests, then transfer detainees into NISS custody. NISS is well-known for ill-treating and torturing political detainees, documented in many cases by Human Rights Watch including the January crackdown on peaceful protesters."²⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that in northern Darfur, NISS had detained a female activist and journalist and several Darfuri students who were members of the United People's Front, held since April 2009, remained in detention,

"On September 21, in El Fashir, the NISS reportedly arrested Awatif Ishag Ahmed, an activist and editor of Alrahil magazine. She was detained for several hours and questioned regarding the International Criminal Court (ICC).

²⁵ UN HRC, Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27, 22 August 2011, p.8, http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-18-40-Add1_en.pdf, accessed 13 March 2012

²⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

²⁷ Human Rights Watch, Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p. 22, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

There were reports that some businessmen were held in detention without due process for failure to repay large loans from Sudanese financial institutions. Two financial prisoners died in January while serving long detentions for failing to pay debts.

Several Darfuri university students who were arrested in April 2009 remained detained without charge or legal representation at Kober Prison [Khartoum North]. The students were members of the United People's Front party. According to representatives from HAND, one of the students may have been released for health reasons."²⁸

In May 2011, *International Crisis Group* reported that most of the security forces are effectively under the control of one person, Nafie Ali Nafie, an advisor to the President,

"According to a majority of sources, most security agencies are in effect subordinate to and report to Nafie Ali Nafie, though his official functions as adviser to the president involve no responsibility for oversight of any part of the security apparatus. An NCP hardliner, Nafie has enormous power. Apparently, no director of a security structure, including the recently established National Committee for Security Advice, can take a major decision without his approval. He also commands a sophisticated secret network that controls many aspects of consultation and decision-making within the party. Reportedly, all rapporteurs of the various security secretariats are part of this network. They monitor performance and discussions during policy deliberations and report to a secretariat Nafie heads. The NISS director general also apparently reports to him. According to an ex-leadership bureau member, "the latent [secret] security organ of the party is first and last in decision-making regarding top strategic issues in the state and the NCP – it is the state"."²⁹

In July 2010, *Amnesty International* reported that a doctor who criticised rape in Darfur and the expulsion of humanitarian organisations was tortured by the NISS. *Amnesty* noted that family members of those targeted by NISS were subject to harassment by the NISS and that women have been sexually assaulted whilst in NISS custody,

"Ahmed Ali Mohamed Osman, a doctor also known as Ahmed Sardop, was arrested by the NISS on March 20, 2009 in Khartoum after criticizing rapes in the Darfur region and the government's decision to expel humanitarian organizations from Sudan and rapes in the Darfur.

"They leaned me over a chair and held me by my arms and feet while others hit me on the back, legs and arms with something similar to an electrical cable," he told Amnesty International. "They kicked me in the testicles repeatedly while they talked about the report on rape in Darfur."

Ahmed Sardop filed a complaint with the police and was examined by a doctor who confirmed his allegations of torture. A few days later, he started receiving telephone death threats: "We will soon find you and we will kill you." He now lives in exile.

Family members are often threatened and harassed by NISS agents to put further emotional pressure on the victims. Women have also been harassed and intimidated by law enforcement agents and the NISS, and sexually assaulted while in their custody."³⁰

²⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

²⁹ International Crisis Group, Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174, 4 May 2011, p.15.; <http://www.crisisgroup.org/>, accessed 13 March 2012

³⁰ Amnesty International, Sudan: Government's intelligence and security service carrying out brutal campaign of killings, torture, arbitrary arrests against opponents, 19 July 2010, <http://www.amnestyusa.org>, accessed 13 March 2012

The US Department of State reported in April 2011 on several incidents taking place in 2010 in Khartoum in which NISS law enforcement officials were involved in the mistreatment of students and activists supporting Darfuri's and the separation of South Sudan from Sudan,

"For example, on October 9, in Khartoum, NISS officials arrested Simon Noye Agot and 11 others at an event organized by the Student Campaign to Support South Sudan Separation. Security forces tortured Agot. He was beaten and threatened with being arrested again, and his genitals were squeezed with metal objects. Authorities released him the following day but took his shoes, cell phone, and money. A court sentenced Agot to 15 days' imprisonment for disturbance of public peace.

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On several occasions during the year, authorities arrested, held incommunicado, and beat members of the activist group Girifna. Authorities forced some of those arrested to sign confessions. In all cases authorities charged the individuals but then released them within days of their arrests without taking them to trial. Those arrested reported that security forces attempted to compel them to act as NISS informers from within Girifna as a condition for their release.

For example, on March 15, authorities reportedly detained and tortured Girifna member Abdallah Mahdi Badawi. An individual claiming to be a new Girifna member had arranged to meet with him; however, he was instead taken to an office where 13 men interrogated and abused him.

On July 5, in Khartoum, police reportedly arrested Girifna members Hassan Ishag, Azzi Eldine Al-Anssari, and Hassan Mohamed while they were distributing the group's magazine. They were released the following day after being taken to national security offices, where they were questioned, reportedly tortured, and asked to become informants."³¹

c. Darfur – Regional and Other Local Authorities; Tribal Associations/Local Governance

Amnesty International reported in its 2011 annual report that North Darfur is under a state of emergency, "North Darfur has been under a state of emergency since 2006, which gives extraordinary powers to the state governor and other officials to arrest and detain people without charge."³²

International Crisis Group reported in May 2011 that state governments exercised a great degree of control at the expense of local government, and noted that changes in governance structure had caused conflict in Darfur in particular,

"Over time the state governments have become increasingly powerful, at the expense of local government. Governors have sometimes used force (financial and physical) against the NCP organisation in their states. Corruption is prevalent at state levels, as is impunity and absence of auditing, conditions of which the national government is well aware. Federalism has come to mean, in effect, a decentralised system of political corruption rather than a decentralised system of governance. The fraudulent nature of this federal system has both weakened the NCP and its Islamic state and contributed to the rise of insurgencies.

³¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³² Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

Increasingly the primary functions of state governments are security and political mobilisation, rather than service delivery. Khartoum retains 55 per cent of total national revenue and divides the remaining 45 per cent among the states. Of these funds the large majority is allocated to salaries of federal civil servants. National development projects are still largely focused in the centre, rendering the rhetoric of devolution and distribution of resources meaningless.

In addition, the 1995 dispensation that many believe was designed to accommodate the South included the decision to redraw the map, converting the nine regions into 26 states, in preparation for total social change. From the start, however, there was considerable controversy, such as over the degree of independence of the Federal Governance Divan (council) and the relationships between federal and state ministers, as well as increased conflict.

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The efforts of tribal leaders to acquire important posts triggered numerous local disputes. This and historical grievances over land ownership and use and local governance were major reasons for the outbreak of war in Darfur. Disputes centred on which cities or towns would become state or locality capitals also aggravated relations between tribes, particularly those whose hakura (tribal-owned land) was divided by the new maps."³³

In its 2011 country report covering the events of 2010, the *USDOS* reported on the Darfur Peace Agreement-mandated Transitional Darfur Regional Authority and its role in promoting coordination and cooperation among the three Darfur states,

"The 2006 Darfur Peace Agreement created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi, leader of the Darfur rebel group SLA/MM. President Bashir did not reappoint Minawi to the position of senior assistant following the elections. The Darfur Peace Agreement-mandated Transitional Darfur Regional Authority, charged with implementing the agreement and promoting coordination and cooperation among the three Darfur states, was established in 2007. Minawi served as head of the transitional authority until December 8, when President Bashir issued a decree declaring the wali of West Darfur as its head."³⁴

International Crisis Group reported in May 2011 that the system of patronage dominates relationships between the Sudanese Government and the governors of the Sudanese states on a regional level,

"Clan economic interests can come to the fore within the patronage system and strain elite cohesion. Awad al-Jaz as energy minister enabled members of his Shaigiya tribe to dominate the oil sector. Similarly, the Jaaliyya came to dominate the cement industry and telecommunication sector. NCP members from the periphery rarely participate in this system. According to one from East Sudan: Only those of us close to the Riverines can benefit from the top elites' control of the economy. The governors of the states benefit from the money sent to the states, and they have their own system of corruption supported by deliberate lack of auditing and accountability. The corruption and nepotism are beyond your comprehension.

However, most oil money does not go toward development. Although the CPA has provisions for oil revenue sharing and auditing between North and South, there is no transparency for the portion that goes to the North. According to an ex-chair of a National Assembly committee, military and intelligence elements control this money. A Bank of Sudan official explained that the annual budget mainly applies to the first and second lines of the national budget, notably

³³ International Crisis Group, *Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174*, 4 May 2011, p.20, <http://www.crisisgroup.org/>, accessed 13 March 2012

³⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

salaries; expenditures for the military and security forces, including the purchase of arms and other goods, are never revealed, and few know the source of funding."³⁵

International Crisis Group reported in May 2011 that corruption by means of a patronage network, in national and regional areas, is widespread,

"In the absence of accountability, the leadership enjoys absolute freedom and has institutionalised corruption to its benefit, in the process rewarding political barons who can deliver their constituencies by giving them lucrative government positions to maintain their loyalty. The governors of each state run their own patronage network within their respective regions."³⁶

International Crisis Group reported in May 2011 that a system of patronage exists that rewards allegiance to key power brokers in the Sudanese Government,

"Since independence Sudan has always been ruled by Riverine elites. They dominate other groups and extract economic resources from the periphery with the help of local political barons, who receive patronage from Khartoum that they dispense in turn to their supporters in the states. This system of rule is no different from that of previous regimes. The traditional political parties, for example, long used a patronage-baron system with native administration tribal leaders of the Ansar or Khatemiya religious orders, acting on behalf of the party/sect leaders and managing selection of representatives to parliament. Today this system is managed by security structures loyal to the regime."³⁷

UK independent institute *Chatham House (Royal Institute of International Affairs)* reported in January 2010 on the influence of ethnic and tribal divisions on voting in local and regional government elections in Darfur,

"The NCP may calculate that it can win elections without a Darfur peace deal, and this will complicate matters for the region, which is highly armed, and distorted by massive displacement. The 2008 census provides some clues to these NCP calculations – over half of the population live in South Darfur state. These results will shape constituencies – the census means that there will be more constituencies in areas where the NCP hopes it can mobilize Baggara voters through its Baggara supporters in the military and political elite in Khartoum and through an appeal based on its versions of Arab culture and Islamic religion.

Some Baggara groups successfully resisted involvement in the current conflict; other Arabized or non-Arabized groups in the region were pitched into it. These groups may have become reliant on the NCP because of their deep alienation from their neighbours. And finally, the NCP believes that it can mobilize the urban vote – government forces have retreated from many parts of the countryside, but its powerful security apparatus still exercises control over the burgeoning towns.

Other political actors have few options. The SPLM has representation in state parliaments (in accordance with the CPA) and it could still conceivably try to challenge the NCP in Baggara areas and in the towns. But this would require a political decision to compete with the NCP in the elections, and that would cost it dearly in its negotiations on the referendum law. The displaced population is estimated by the UN at 2.6 million (government estimates are 470,000).

³⁵ International Crisis Group, *Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174*, 4 May 2011, p.19, Available at: <http://www.crisisgroup.org/>, accessed 13 March 2012

³⁶ International Crisis Group, *Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174*, 4 May 2011, p.1, Available at: <http://www.crisisgroup.org/>, accessed 13 March 2012

³⁷ International Crisis Group, *Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174*, 4 May 2011, p.17, Available at: <http://www.crisisgroup.org/>, accessed 13 March 2012

Many refused to take part in the census and this was taken by many commentators to indicate that they will probably refuse to vote (although voter registration in Darfur was unexpectedly high in December 2009). 'A boycott is a gift to the government,' said one official from the Minawi faction of the Sudan Liberation Movement (SLM) that signed the DPA."³⁸

Chatham House reported in January 2010 on the way in which successive Sudanese regimes have manipulated the tribal groups in Darfur,

"Tribal authorities that have been manipulated, militarized and sometimes even criminalized are still the main rural administrative presence in the peripheries. They need to be engaged in the complex processes established by the CPA to deal with the crises on the North–South borders [].

In Darfur, many people displaced by the conflict refused to cooperate with the census, believing that it might be used to deny their residency in the villages that they had left, with implications for their rights to return and property restitution. In spite of this widespread non-compliance, South Darfur's population increased by over 90%. Northern Sudan's nomad population increased by over 300%. One official expressed doubts about the results:

In South Darfur we thought the population was inflated. The increase in population was over 90%, in an area where in some camps there was no access for enumerators. It's the same with nomads ... a 324% increase in nomadic population from 1993 census. All previous censuses showed a decline in nomadism.

Because results will shape the geographical constituencies in the forthcoming elections, much speculation focuses on the electoral consequences of these results – South Darfur is home to groups like the Habbaniya and Rizeigat Baggara, large groups who identify as Arabs and who may be a potential constituency for the government in Darfur elections, where ethnicity is seen as a major factor in voting decisions. In these groups traditional leaders help to enumerate nomads: unlike other leaders, they may be quietly allowed to provide lists of voters rather than requiring them all to present themselves in person. Elections in nomadic constituencies are thus less transparent than elsewhere."³⁹

The Enough Project further reported in April 2010 on the irregularities in voting that led to manipulation of power across the regional governance structure in Darfur,

"In Darfur, elections were engineered to consolidate NCP control over the region. NCP manipulation of the vote could be found in the counting of the 2008 census, the way in which electoral districts were drawn, the registration process, and the bribery of local leaders. Not only did the 2008 census not take into account a majority of Darfur's 2.6 million displaced, it inflated the proportion of pro-NCP groups, even counting new arrivals into Darfur. Electoral districts were drawn in a way that gave areas with greater NCP support more seats. The rebel stronghold of Jebel Marra, with an estimated population of 1 million, was allocated zero seats in the national assembly.

Government security forces were frequently stationed outside of registration centers, creating an environment of intimidation during the registration process for Darfuris used to the harassment and abuses committed by these same authorities. The NCP also offered money,

³⁸ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.28, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

³⁹ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.13, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

gifts, and government positions to local leaders to solidify electoral alliances and put in place candidates that were pro-NCP."⁴⁰

International Crisis Group reported in May 2011 in detail on the political divisions and rivalries that affect the governance of Darfur,

"The party leadership cannot compromise with its grassroots members without angering its security supporters. For now, Bashir convinced Nafie to leave Taha and Ghazi al-Atabani alone, but they want full autonomy to deal with their big issues – reform (Taha) and Darfur (Atabani). Atabani, for example, has persuaded Bashir the negotiations in Doha are not the final stage of the Darfur peace process and has laid out a new strategy to “domesticate” that endeavour.

Particularly since the 2010 elections, decision-making is now in the hands of a few, and the Shura mechanism is failing. After the first day of the National Shura Council, 2 December 2010, Bashir and Nafie apparently proposed that it declare war on the SPLM, saying a new conflict was inevitable, whether or not the South’s self-determination referendum was held, because the SPLM was supporting the Darfur insurgency, refusing to compromise over Abyei and proving reluctant to genuinely discuss post-referendum issues. The same day Bashir authorised the governors to expel foreign organisations or persons disrespecting Sudan’s sovereignty or disregarding its security and legal institutions. The next day, the Shura reportedly held a serious discussion, Taha and others rejected the proposal, and Bashir had to adjourn the session. The leadership bureau held a similarly inconclusive discussion.

According to a National Shura Council member, there have been few deliberations on the papers presented by the political sector in December. Most delegates had to rubber stamp the president’s positions. Similarly, the leadership bureau on 3-4 December had to endorse the NCP strategy papers for continued unity and its Darfur strategy paper (formulated in August). Since the elections, he added, it is dangerous for a member to object at these senior meetings, because he would risk isolation or become enmeshed in the Taha-Nafie disputes. In the days that followed the early December sessions, Nafie pushed Abdel Hamid Musa Kasha, the Southern Darfur governor, to publicly attack Taha, in a renewed attempt to sideline his foe."⁴¹

Human Rights Watch reported in June 2011 that two further states had been created by the Sudanese Government in Darfur,

"In a further controversial move in May, the government created two additional states in central and southeast Darfur – which rebel groups and some observers view as an attempt to further weaken ethnic power bases through divide-and-rule tactics."⁴²

d. Janjaweed militia

In June 2011, the *US Congressional Research Service* reported that the Janjaweed are armed and protected by the government and stated that atrocities have been committed by the Janjaweed against Darfur civilians, humanitarian workers, and African Union peacekeepers,

⁴⁰ The Enough Project, Grading the Benchmarks, April 2010, p.10, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

⁴¹ International Crisis Group, Divisions In Sudan’s Ruling Party And The Threat To The Country’s Future Stability - Africa Report N°174, 4 May 2011, p.16, Available at: <http://www.crisisgroup.org/>, accessed 13 March 2012

⁴² Human Rights Watch, Darfur in the Shadows
The Sudanese Government’s Ongoing Attacks on Civilians and Human Rights, June 2011, p.13,
<http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

"Darfuri leaders link the Janjaweed to a manifesto called the Quresh. The principal objective of the Quresh, they argued, was to create a region called Dar-el-Arab, Land of the Arabs. The architects of the manifesto and those who signed it are senior members of the National Islamic Front government, currently known as the National Congress Party.

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Darfuris who experienced the atrocities in the mid-1980s, in large part, are the ones currently fighting the Janjaweed and the government of Sudan. The groups that were targeted in the mid-1980s are the same ones currently being attacked by the Janjaweed and the government of Sudan: the Fur, Massaliet, and Zagawa.

In the current crisis in Darfur, the Janjaweed are armed and protected by the government, and their attacks against civilians are coordinated with the Sudan Armed Forces, the Popular Defense Force, and other government-supported militia groups. Senior Sudanese government officials and leaders of the Janjaweed admit this collaboration between the Janjaweed and the government. As was the case in the mid-1980s, one of the main objectives of the Janjaweed is to push out African Darfuris in order to take control of areas belonging to non-Arabs.

Human rights groups, foreign governments, and Sudanese groups have documented the atrocities committed by the Janjaweed against Darfur civilians, humanitarian workers, and African Union peacekeepers."⁴³

In June 2011, the *US Congressional Research Service* reported on the background to the Janjaweed militia and noted the group's links with the Sudanese government,

"Since the crisis in the Darfur region began in 2003, the name Janjaweed (also spelled as Janjawid, Janjawad, Jingaweit, Jinjaweed) has become a very familiar name to many in the international community. The Janjaweed and the government of Sudan have been accused of committing genocide against civilians in Darfur by the United States government in 2004 as well as crimes and crimes against humanity by the United Nations and other governments.

The existence of the Janjaweed goes back over a decade. In the mid-1980s, the government of Sudan began to arm Arab militias in order to prevent African Darfuris from joining the Southern Sudanese rebellion against the government. In 1983, the Sudan People's Liberation Movement/Army (SPLM/A) began its armed struggle against the government of Sudan. Attacks against Darfuri African tribes and Nubans increased in intensity for most of the 1980s."⁴⁴

International Crisis Group reported in May 2011 that corruption and the patronage system has influenced the Janjaweed militia's alliance with the Sudanese government,

"Pervasive corruption, the weakness of the Shura and the concentration of decision-making have disappointed many committed Islamists, who have either distanced themselves from the party or been sidelined. It has also led many others to join so as to profit from the patronage system. Their loyalty is limited; if the party loses the ability to provide benefits, they could easily abandon it.

Recently, disgruntled Janjaweed (Arab militia) groups in Darfur joined the rebels. This is one reason why wealth sharing is so important for the NCP, which needs oil money to lubricate its patronage system. Disagreements over resource allocation of many kinds are becoming extremely divisive, with the threat described above of Southern Darfur – a state with an NCP

⁴³ Congressional Research Service, Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement, 15 June 2011, p.28, <http://www.crs.gov>, accessed 13 March 2012

⁴⁴ Congressional Research Service, Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement, 15 June 2011, p.27, <http://www.crs.gov>, accessed 13 March 2012

governor and a majority Arab, normally pro-NCP constituency – to use force if deprived by Khartoum of its share of national financial resources symptomatic. These disputes will likely escalate after the South's secession, when government revenues will be even more limited."⁴⁵

The Small Arms Survey reported in October 2010 that the Sudanese government supplied arms to Janjaweed factions and that fighting between these groups was also a cause of violent death in Darfur,

"Due in large part to the weapons supplied by the Government of Sudan to combat the insurgency, armed groups from Arab communities would, if united, constitute the greatest fighting force in Darfur, with the strongest military capability. Since 2006, the largest single cause of violent death in Darfur has not been 'ongoing genocide' of non-Arabs, but fighting among former government collaborators—the so-called 'janjaweed'. The heaviest, and most recent, fighting has pitted camel-herding Abbala pastoralists from the Northern Rizeigat group of tribes against cattle-herding Baggara associated with the Missiriya tribe. It has taken place on and around the fringes of Jebel Marra and is underlaid, paradoxically, by some of the same racial stereotypes that fuelled the counter-insurgency."⁴⁶

In April 2010, *The Enough Project* reported that armed groups associated with the Janjaweed remain a threat to Darfuri's,

"The overall security landscape in Darfur is characterized by low-level yet persistent and widespread insecurity. The heavy presence of nomadic groups who were formerly associated with the Janjaweed, armed by the Government of Sudan, and promised land by the government as reward for their participation in the conflict, offer the most serious threat to the average Darfuri. Continuing to bear arms, these groups secure land that does not belong to them, harass the displaced who return to try and reclaim it, and engage in general banditry.

No attempt has been made by the Sudanese government at disarming these groups, despite repeated commitments in past peace agreements. In such a volatile security environment, it will be very difficult for the nearly 3 million people who remain displaced within Darfur or are living as refugees in neighboring Chad to return home safely any time soon. In spite of this, the NCP and some of its international partners continue to discuss efforts to close displaced camps, regardless of the residents' security concerns."⁴⁷

News agency *Reuters* reported in February 2010 on an attack by the Janjaweed on a refugee camp in Darfur in which IDPs were killed and injured,

"Militias raided a Darfur refugee camp, shooting dead two people and injuring at least 10 in an escalation of tensions in Sudan's restive west, witnesses and U.N. officials said Wednesday. The raid followed the murder of a militia member's relative who appeared to be searching the camps in Kass, South Darfur for the suspect, U.N. officials in Darfur said.

"The Janjaweed (militia) came in on horses and camels and were looting and shooting," Adam Ali, a resident in the Baytari camp in Kass town, told Reuters by telephone. "They burned many huts and looted the people's belongings."

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⁴⁵ International Crisis Group, *Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174*, 4 May 2011, p.19, Available at: <http://www.crisisgroup.org/>, accessed 13 March 2012

⁴⁶ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.9, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

⁴⁷ The Enough Project, *Grading the Benchmarks*, April 2010, p.5, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

A patrol of U.N./African Union UNAMID peacekeepers on Tuesday saw armed horsemen riding into the camp, while others surrounded the settlement, one senior U.N. official said on condition of anonymity.

"They were members of an Arab militia, apparently related to the man who was killed. They were shooting sporadically when they entered the camp," the official told Reuters.

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"Ten IDPs (internally displaced people) were taken to Kass hospital. Another two were shot dead," said OCHA spokesman Samuel Hendricks.

"It is concerning because it shows the level of tension. Things can easily escalate and get out of control," he added."⁴⁸

In July 2010, the *Sudan Tribune* reported that the Janjaweed militia was responsible for the kidnap of a Russian citizen working on a UN contract in Darfur and noted that the relationship between the group and the Sudanese government was more strained after disagreements,

"A senior official in Moscow today revealed that a crew member of a Russian helicopter operating under a UN contract in Darfur region who has gone missing on Monday was being held by the notorious Janjaweed militias.

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Margelov said that the militia "has for a long time received no money from the central government," tried "to express discontent with the attitude of the official Khartoum to them". A U.N. spokesman said today that the missing Russian pilot and the three rebel commanders who were on-board the helicopter were beaten "at the scene". "Subsequently the crew and passengers, with the exception of the pilot, were taken to a government military camp" U.N. spokesman Martin Nesirky said. he expressed concern about fate of the Russian pilot.

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"The commander of the crew is being held. Very active consultations with the Janjaweed continue. Influential representatives of different Darfur tribes and groups of influence have joined the talks. I have a feeling that the crisis may be settled in the foreseeable future," he said.

The Russian official defended the Sudanese government saying they have nothing to do with the militia that carried out the kidnapping saying that at some point the Janjaweed supposed to obey Khartoum stopped doing that.

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Rebels in Sudan's western region of Darfur rose up against the government in February 2003, saying Khartoum discriminated against non-Arab farmers there.

Khartoum mobilized proxy Arab militia to help quell the revolt. Some militiamen, known locally as Janjaweed, pillaged and burned villages, and killed civilians.

The Sudanese government initially denied any links to the Janjaweed.

however In 2005 [sic], Sudan's former spy chief Salah Gosh admitted that his government armed the Janjaweed militias adding that they would not make the same mistake in the country's east where the local populating began to take arms against the central government."⁴⁹

⁴⁸ Reuters, Militias raid Darfur camp, kill two refugees, 10 February 2010, <http://www.reuters.com/article/2010/02/10/us-sudan-darfur-idUSTRE6191W420100210>, accessed 13 March 2012

⁴⁹ Sudan Tribune, Russia says its helicopter pilot in Darfur held by pro-government Janjaweed militia, <http://www.sudantribune.com/Russia-says-its-helicopter-pilot.35787>, accessed 13 March 2012

The Sudan Tribune reported in February 2012 that the leader of the Janjaweed claims to be able to travel abroad despite a travel ban imposed by the United Nations Security Council,

"The man believed to be one of the notorious Janjaweed leaders denied that he is unable to travel abroad. Musa Hilal, who heads the Mahameed clan in Darfur, is on a United Nations Security Council (UNSC) sanctions list since April 2006 freezing his financial assets and imposing a travel ban on him.

Hilal was quoted as saying by al-Sudani newspaper as saying that he has made trips to four countries recently. Hilal has been named by numerous eyewitnesses in Darfur as leading terror campaign against the African tribes in the war ravaged region. But the tribal figure has denied the allegations. His daughter has recently been wed to Chadian president Idriss Deby and the reception was attended by head of UN Darfur peacekeeping mission Ibrahim Gambari.⁵⁰

In February 2012, *The Sudan Tribune* reported that the U.N./African Union Special Representative to UNMAID attended the wedding of the daughter of Musa Hilal, the head of the Janjaweed in Darfur, to the Chadian President,

"The man who had been presiding over the slaughter of civilians in the Tawila area, Janjaweed leader Musa Hilal, was now presiding over the wedding of his daughter to the Chadian President Idriss Déby (January 20, 2012). There were a number of ironies in this wedding, including the fact that Déby is a member of the non-Arab Zaghawa tribe, the same ethnic group that has been slaughtered in horrific fashion in places such as Tawila and elsewhere in Darfur.

But more than ironic, indeed deeply perverse, was the presence at this wedding party of the U.N./African Union Special Representative to the peacekeeping force in Darfur known as UNAMID: Nigeria's Ibrahim Gambari. Newswire photographs have appeared that show Gambari in attendance, indeed chatting it up with the leader of the Khartoum regime, President Omar al-Bashir. Al-Bashir's presence was both predictable and in its grim way appropriate: It was his regime that had released Hilal from prison (he was serving time for serious felony convictions) and put him to work[LH1] creating militias from his Um Jalal and other Arab tribal groups in North Darfur. The Khartoum regime provided him with weapons, logistics, intelligence, and most important, protection. His instructions were clear: destroy the non-Arab people of Darfur. The Janjaweed, now often recycled into other paramilitary or "police" forces, have continued their brutal predations, if now on a lesser scale; they also continue to enjoy complete impunity, total protection from international justice efforts."⁵¹

e. Political Opposition and Rebel Groups

Global Security.org reported on the SPLM/Army in an overview of the group that details the origins of the organisation following the resumption of civil war in Sudan in 1983,

"The civil war resumed in 1983 when President Nimeiri imposed Shari'a law, and has resulted in the death of more than 1.5 million Sudanese since through 1997. The principal insurgent faction is the Sudan People's Liberation Movement (SPLM), a body created by the Sudan People's Liberation Army (SPLA). The SPLA was formed in 1983 when Lieutenant Colonel John Garang of the SPAF was sent to quell a mutiny in Bor of 500 southern troops who were resisting orders to be rotated to the north. Instead of ending the mutiny, Garang encouraged

⁵⁰ Sudan Tribune, Darfur Janjaweed leader says he traveled abroad despite UNSC sanctions, 5 February 2012, <http://www.sudantribune.com/Darfur-Janjaweed-leader-says-he,41521> , accessed 13 March 2012

⁵¹ The Sudan Tribune, UNAMID boss attends celebration hosted by Darfur janjaweed leader, 2 February 2012, <http://www.sudantribune.com/UNAMID-boss-attends-celebration,41486>, accessed 26 March 2012

mutinies in other garrisons and set himself at the head of the rebellion against the Khartoum government.

Garang, a Dinka born into a Christian family, had studied at Grinnell College, Iowa, and later returned to the United States to take a company commanders' course at Fort Benning, Georgia, and again to earn advanced economics degrees at Iowa State University. By 1986 the SPLA was estimated to have 12,500 adherents organized into twelve battalions and equipped with small arms and a few mortars. By 1989 the SPLA's strength had reached 20,000 to 30,000; by 1991 it was estimated at 50,000 to 60,000.

Since 1983, the SPLA has been divided into 3 main factions: the SPLA Torit faction led by John Garang; the SPLA Bahr- al-Ghazal faction led by Carabino Kuany Bol; and the South Sudan Independence Movement led by Rick Machar. These internal divisions have intensified fighting in the south, hampering any potential peace settlement. The SPLA remains the principal military force in the insurgency.

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Many opposition Sudanese factions outside Sudan welcomed the 26 February 2002 merger decision between the rebel Sudan People's Liberation Movement, led by John Garang, and the forces of Sudan National Alliance [SNA] led by Rtd Brig-Gen Abd-al- Aziz Khalid into a one political organization."⁵²

The Carnegie Endowment reported in January 2011 on the background to the formation of the Sudan People's Liberation Movement/Army in 1983, and noted the group's allegiances to different rebel groups as a national movement,

"The Sudan People's Liberation Movement/Army (SPLM/A) was formed in 1983 in response to the breakdown of the 1972 Addis Ababa agreement, which marked the end of the first period of the civil war.

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A member of the Anya Nya rebel movement during the first civil war who had been assimilated into the Sudanese army after the 1972 peace agreement, Garang chose instead to join the rebellion rather than suppress it and took its leadership, forming the core of the Sudanese People's Liberation Army and of the associated political movement it spawned, the Sudanese People's Liberation Movement.

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The SPLM/A, as the politico-military movement came to be identified, defined itself as a national movement rather than a strictly southern independence movement. Its platform promoted the concept of the "New Sudan," a secular state that provides social, economic and political justice for all communities. However, the SPLM/A attracted little support in the north except among marginalized communities, as in the Nuba Mountains.

The 2005 Comprehensive Peace Agreement (CPA) ended the civil war between north and south Sudan and guaranteed the SPLM/A prominent position in the Sudanese government. Garang became first vice president in the national government and president of the autonomous south Sudan state, but died in a helicopter crash three weeks after taking office. He was succeeded by his military chief of staff and co-founder of the SPLM/A Salva Kiir Mayardit, who remains first vice president of the government of National Unity (GoNU) and president of the government of southern Sudan (GoSS).

The power-sharing agreement also guaranteed parliamentary seats to the southern states. In the 2010 elections, SPLM presidential candidate Yassir Arman received 21.7 percent of the

⁵² Global Security.org, Sudan People's Liberation Army (SPLA) Sudan People's Liberation Movement (SPLM), <http://www.globalsecurity.org/military/world/para/spla.htm> , accessed 13 March 2012

vote despite the party's official withdrawal from the race over fears of electoral fraud by the government. The party won 99 of the 450 seats in the National Assembly, becoming the strongest opposition presence."⁵³

Jane's World Insurgency and Terrorism reported in October 2011 on the aims of the SPLM/Army movement,

"The SPLM/A was established when Colonel John Garang, then serving in the SAF, travelled to Jonglei and joined the mutinous troops. Garang took command of the two mutinous battalions and began organizing the SPLM/A in league with a number of other Southern officers who were mostly veterans of both the Anya Nya I separatist campaign and the SAF.

The SPLM/A's political wing - the Sudan People's Liberation Movement (SPLM) - and its military wing - the Sudan People's Liberation Army (SPLA) are referred to collectively as the SPLM/A since there is much overlap of key personnel. Garang served as the commander-in-chief of the SPLM/A until his death in July 2005. He was succeeded as commander-in-chief by his second-in-command Salva Kiir Mayardit. Following the declaration of independence by South Sudan in July 2011, the SPLM announced that it was initiating the process of transforming its armed wing into a professional army.

The SPLM/A's original stated objectives were to establish a united, secular Sudan. However, after a two-decade campaign there are clearly elements in the organisation that seek full independence for Southern Sudan, as provided for following a referendum scheduled for 2011 in the 2005 Comprehensive Peace Agreement (CPA). Independence has not been espoused as official SPLM/A policy, mainly due to external opposition and the provisions of the CPA, which specify that all parties must work to make unity attractive. The tensions between autonomy and independence are further reflected in divisions within the SPLM/A leadership. The former leader of the SPLM/A, John Garang, strove towards a vision of a "New Sudan" in which the south was fully integrated into a diverse, secular Sudan. However, following his death in July 2005 and the passing of the leadership to Salva Kiir Mayardit, those who still support such a vision have been marginalised in favour of those who seek southern independence."⁵⁴

CNN reported in February 2011 on the statements made by the SPLM/Army that affirmed the group would target government-run airports in Darfur and further noted the response made by UNAMID warning the group to consider the implications of attacks on peacekeepers,

"A major Darfur rebel group in Sudan has issued a warning to international organizations and U.N. peacekeeping forces that government-managed airports have become legitimate military targets, a newly issued statement reads.

The Sudanese Liberation Movement/Army warned the peacekeepers and other groups "deployed in Darfur and other parts of Sudan to evacuate airports in Darfur and elsewhere immediately because these sites are now strategic military targets for SLM/A forces."

The statement went on to say that the Sudanese air force represents 60% of the Sudanese government's war effort in Darfur, while ground offensives account for only 40% of attacks.

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⁵³ Carnegie Endowment, Background on the Sudanese People's Liberation Movement/Army, 4 January 2011, <http://sudan.carnegieendowment.org/2011/01/04/background-on-the-sudanese-peoples-liberation-movementarmy> , accessed 13 March 2012

⁵⁴ *Jane's World Insurgency and Terrorism*, Sudan People's Liberation Movement/Army (SPLM/A), October 2011, <http://articles.janes.com/articles/Janes-World-Insurgency-and-Terrorism/Sudan-People-s-Liberation-Movement-Army-SPLM-A-Sudan.html> , accessed 13 March 2012

2005 in Abuja, Nigeria. But its leader, Minni Minnawi, defected from Khartoum earlier this year. Specifically mentioned in the warning is the African Union/United Nations Hybrid operation in Darfur, the largest international peacekeeping force in the world. It was established in 2007 to help support the Darfur peace agreement.

In response to the liberation movement's threat, the peacekeeping group issued this response: "UNAMID notes with grave concern the recent 'warning statement' ... that airports in Sudan in general, and Darfur in particular, have been designated by this movement as military targets and susceptible to attacks."

"UNAMID should like to reiterate that it is, and will remain, impartial in the Darfur conflict. The Mission should like to emphasize that, owing to the region's geographic conditions and lack of infrastructure, most humanitarian relief such as food, water, shelter and medical supplies is transported by air.

"Any attack against UNAMID peacekeepers, given their role in Darfur, would be a war crime under international law," the statement said.⁵⁵

The Sudan Tribune reported in July 2011 that the SPLM had been involved in major clashes in South Kordofan State resulting in the deaths of Sudanese government forces,

"At least 17 soldiers have been killed and several others have sustained injuries in clashes between north Sudan army and the opposition Sudan People's Liberation Movement in Kadugli, the capital of South Kordofan state, according to an SPLM official.

Arnu Yusuf, the SPLM's secretary general for information and communication in South Kordofan State, on Tuesday told Sudan Tribune that Sudan Armed Forces (SAF) of north Sudan carried out an attack on their premises and a house belonging to the deputy chairperson of the SPLM's northern sector, Abdel Aziz Adam El-Hilu. "The Sudan Armed Forces and their police staged an attack directed at our premises today. They wanted to forcefully disarm soldiers guarding our premises," said Yusuf.

The SPLM official denied that the fighting which took place today was initiated by armed elements associated with the SPLM. "Our people did not initiate any fighting. The Sudan Armed Forces launched a direct attack on our premises as part of the offensive operation. They started attacking villages on Sunday through Monday without success. They lost in Talodi and in Miri. They also lost the fight in Umm Dorien, so they decided to resume it in town this morning", said Yusuf, who declined to indicate his whereabouts.

Although South Kordofan is part of north Sudan, it has strong ties with the South and their struggle for independence. Ahmed Haroun of the north Sudan's ruling National Congress Party was declared winner of the state's gubernatorial election in May, an outcome which the SPLM strongly disputes, citing claims of vote rigging.⁵⁶

Amnesty International reported in its 2011 annual report that fighting took place in West Darfur between government troops and the Sudan Liberation Army (SLA) Abdel Wahid faction in February 2010,

⁵⁵ CNN, Darfur rebel group: Government-run airports could be targets, 22 February 2011, http://articles.cnn.com/2011-02-22/world/sudan.darfur.warning_1_darfur-peace-agreement-minni-minnawi-sudanese-air-force?_s=PM:WORLD, accessed 13 March 2012

⁵⁶ Sudan Tribune, SPLM says 17 killed in north Sudan army's "attack" in South Kordofan, 7 July 2011, <http://www.sudantribune.com/SPLM-says-17-killed-in-north-Sudan.39132>, accessed 13 March 2012

"In February, as the prospect of a peace agreement was being discussed in Doha by the government and various armed groups from Darfur, the government launched a military campaign in Darfur. Armed clashes between government troops and the Sudan Liberation Army (SLA) Abdel Wahid faction, mainly in the Jebel Marra area in West Darfur, led to the displacement of an estimated 100,000 people between February and June. The joint UN-AU Mission in Darfur (UNAMID) and humanitarian organizations were denied access to the Jebel Marra area for several months. Fighting between various communities also escalated and was exacerbated by divisions within armed groups. Inter-communal fighting and clashes between government troops and the SLA/Abdel Wahid and the JEM led to hundreds of civilian casualties."⁵⁷

The Sudan Tribune reported in December 2010 that the Sudanese President had removed the head of Sudan Liberation Army (SLA) Minni Arcua Minnawi from his position as head of the Transitional Darfur Regional Authority (TDRA) after Minnawi's troops had violated the DPA Security arrangements,

"The Sudanese president Omer Hassan Al-Bashir has reportedly removed the head of Sudan Liberation Army (SLA) Minni Arcua Minnawi from his position as head of the Transitional Darfur Regional Authority (TDRA) only few days after the Sudanese army said that it considers his forces a military target.

The TDRA is defined by the Darfur Peace Agreement (DPA) as principal instrument for the implementation of that Agreement and as a means of enhancing coordination and cooperation among the three Darfur states; West Darfur, South Darfur, and North Darfur.

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Abdel-Hakam was quoted by SMC as saying that his appointment to this post is to support the DPA and to fill the constitutional void left by Minnawi since he chose Juba as his voluntary exile since a few months back.

The governor said that the DPA states that in the event of the absence of the TDRA chief, the governors of Darfur shall meet and pick one of them to run the body formed in the wake of the Abuja agreement signed more than six years ago. The development is yet another setback to the DPA which was signed by Minnawi as head of the most powerful military faction at the time.

On Friday, the Sudanese army said that Minnawi's troops have violated the DPA Security arrangements by moving from their assigned areas and are heading towards the South. "We consider them a target now. We are searching for them and will engage them," he said, adding the SLA intended to rejoin their former rebel allies in the south. The SLA denied its troops were moving towards south Sudan."⁵⁸

The Small Arms Survey reported in September 2011 on the leadership and areas of operation of the Sudan Liberation Army-Minni Minawi,

"After signing the DPA Minawi had no access to rebel-controlled areas of Darfur, but was able to move freely in government-controlled areas. Most of his forces were divided into companies (approximately 100 men) and stationed in the Zaghawa homeland in North Darfur—around the state capital, al Fasher, and the town of Um Berro—and in a pocket south-east of Nyala, the capital of South Darfur state. In the April elections, which were boycotted by DPA non-signatories, SLA-MM won parliamentary seats in North Darfur (Kutum) and South Darfur

⁵⁷ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

⁵⁸ Sudan Tribune, Bashir removes Minnawi from chairmanship of Darfur Transitional Authority, 5 December 2010, <http://www.sudantribune.com/Bashir-removes-Minnawi-from.37181>, accessed 13 March 2012

(Gereida). On 3 December 2010, after Minawi's move to Juba, a Sudanese army spokesman declared that his forces had become a 'legitimate target'. SLA-MM immediately came under heavy attack in North and South Darfur. Some of Minawi's men moved into the northern fringe of South Sudan, reportedly after defecting from SLA-MM to JEM.

Until Minawi moved to Juba, many of his men enjoyed government salaries and other benefits stemming from the DPA, including vehicles. The SLA-MM office in Khartoum was subsidized to the tune of USD 1 million per month and SLA-MM fighters received logistical support from the government. In December 2010, however, all support to SLA-MM ceased. Offices, financial assets, and vehicles were seized and Minawi himself was removed as head of the TDRA. Many former loyalists declared themselves against him and made overtures to JEM.

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In returning to the armed opposition, SLA-MM has sought to build bridges with other groups to its narrow ethnic Zaghawa base and remain relevant militarily. The blossoming alliance with SLA-AW and SPLM-North is useful step in this direction. But SLA-MM is still seriously divided over the Doha agreement and more generally the national versus Darfur-specific agendas. Some SLA-MM cadres may elect to join the Liberation and Justice Movement rather than continue fighting. Its military command also remains very loose, and is better characterized as four separate commands."⁵⁹

In its 2011 country report covering the events of 2010, the *USDOS* reported that Minni Minawi rebels had been involved in various attacks in North Darfur,

"The Minni Minawi faction of the Sudan Liberation Army (SLA/MM) continued to operate detention centers in North Darfur, including in Dar al Salaam, Zam Zam, Um Baru, and Shangil Tobaya. UNAMID reported that detainees were held in poor detention conditions. The SLA and other rebel groups allowed the ICRC access to some detainees. UNAMID visited the SLA/MM detention center in Zam Zam for internally displaced persons (IDPs) camp during the year. On August 2 and August 17, respectively, UNAMID was denied access to the SLA detention centers in Zam Zam and Um Baru. According to the Human Rights and Advocacy Network for Democracy (HAND), the SLA/MM summarily executed six civilian prisoners in Dar el Salam, Tabit, and Um Gunga."⁶⁰

Human Rights Watch reported in June 2011 that Minni Arko Minawi resumed armed conflict after four years and attacked Sudanese government forces in Darfur,

"In December 2010, the Sudanese government and Sudan Liberation Army (SLA) rebels loyal to Minni Arko Minawi resumed armed conflict after four years of restive partnership. The SLA and the Justice and Equality Movement (JEM) had taken up arms against the government in 2003, opposing the government's marginalization and repression of Darfur's non-Arab communities.

Minawi, an SLA commander at the time, formed a new faction (SLA/Minawi) in 2004 when he split with SLA leader Abdel Wahid el-Nur. He was the only major rebel leader to sign the DPA in 2006. Under the terms of the DPA, Minawi has nominally participated in government since then as head of the Transitional Darfur Regional Authority (TDRA), the body established to implement the DPA, and as a senior assistant to President al-Bashir. Yet relations were often tense between Minawi and the government, particularly when he supported the call for a hybrid

⁵⁹ The Small Arms Survey, Sudan Liberation Army-Minni Minawi (SLA-MM), 6 September 2011, <http://www.smallarmssurveysudan.org>, accessed 13 March 2012

⁶⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

UN/AU peacekeeping mission in 2007, and on at least one occasion his forces clashed with government forces in Khartoum.

Relations deteriorated even more after the April 2010 elections, particularly in November when Minawi refused to integrate his forces into the Sudan Armed Forces as required by the security accord of the DPA, which his faction signed in October 2010 after a four-year delay. On December 3, a Sudan Armed Forces spokesperson declared Minawi an “enemy of the government,” and on December 8, al-Bashir dismissed Minawi as chair of the TDRA, replacing him with the West Darfur governor. Around the same time, security officials arrested 18 of the TDRA’s staff, detaining five people for three weeks.”⁶¹

French news agency, *Agence France Presse (AFP)*, reported in February 2012 that the Sudan Liberation Army faction of Minni Minawi had claimed responsibility for a violent attack that took place in North Darfur, killing at least ten people,

“Fresh fighting in Sudan’s Darfur region has killed 12 government soldiers, according to a rebel statement received on Friday, but an official said 10 civilians were the victims.

The Sudan Liberation Army faction of Minni Minawi said it attacked a government position at Alawna, south of the North Darfur state capital of El Fasher, on Wednesday. A dozen soldiers were killed and various types of weapons were seized by the rebels, it said.

The official SUNA news agency made no mention of military or rebel casualties but said the Minawi faction killed six civilians and wounded four in an attack on the Alawna area.

SUNA’s report cited Abdul-Allah Banaga, the head of Dar El Salam district.

The African Union-United Nations peacekeeping mission in Darfur (UNAMID), whose mandate is to protect civilians, told AFP it was trying to send a patrol to the area to check what happened.”⁶²

The Small Arms Survey reported in September 2011 that the Sudan Liberation Army-Minni Minawi had been weakened under attack by government troops and aerial bombardment. According to *The Small Arms Survey*, under a new alliance with other factions, it had pledged to join military and political forces to overthrow the National Congress Party and establish a secular, liberal state,

“SLA-MM evolved from a Fur–Zaghawa split in the SLA and is led by members of the Zaghawa tribe who took up arms less to oppose the government in Khartoum than to fight the ‘janjaweed’, their rivals in the lucrative camel trade in North Darfur. The split between Minawi and the Fur leader Abdul Wahid Mohamed al Nur was the first in a series of divisions along tribal lines that fatally weakened the SLA insurgency. It led to personal power struggles that undercut the credibility of the two groups among their own grassroots supporters.

By 2011 SLA-MM and SLA-Abdul Wahid (SLA- AW)—both much weakened and both under attack by government troops and aircraft—were reportedly considering a new era of cooperation fuelled by the new conflict between the Sudan People’s Liberation Movement-Northern Sector (SPLM- North) and the Government of Sudan. This culminated in the signing of a formal alliance between SLA-MM, SLA-AW, and SPLM-North on 7 August 2011 under the banner of the Sudan Revolutionary Front Alliance. The parties pledged to join military and political forces to overthrow the National Congress Party and establish a secular, liberal state.

⁶¹ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government’s Ongoing Attacks on Civilians and Human Rights*, June 2011, p.9, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

⁶² AFP, *Fresh fighting in Sudan’s Darfur*, 24 February 2012, <http://www.afp.com>, accessed 13 March 2012

The Justice and Equality Movement (JEM) was poised to join this agreement as well, but withdrew at the last moment over the issue of a secular state."⁶³

The Small Arms Survey reported in March 2012 on the background to the Liberation and Justice Movement and noted the group's limited strength, stating that the force did not have a unified military command,

"The LJM was created in February 2010 as a negotiating umbrella for two coalitions formed at international urging—the Libyan-backed Sudan Liberation Revolutionary Forces (SLRF, popularly known as the Tripoli Group) and the Addis Ababa Group that is identified with former US special envoy to Sudan Scott Gration. The LJM has no unified military command; its component parts are relatively insignificant militarily.

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Tijani Sese, a member of the Fur tribe whose involvement satisfies the mediation's urgent desire for Fur representation in Doha, leads the LJM. Some groups initially contested his leadership because he played no part in the uprising, having lived outside Sudan for 20 years. Yet Sese, a former member of the Umma Party of Sadiq al Mahdi and a former economics professor at Khartoum University, has experience rarely found in the armed movements—as both state minister of finance and governor of Darfur in the Mahdi government (1986–89). Sese's brother, Fadul Sese, is the second-highest-ranking Fur in the Native Administration, the hierarchy of local chiefs and parallel courts established by the British before independence. The LJM structure announced in March 2010 includes five deputy chairmen—two Masalit, one Zaghawa, one Fur, and one Arab—with Bahr Abu Garda as secretary-general; Ali Carabino as commander-in-chief; and Tajuddin Bashir Nyam, JEM's deputy chief negotiator in Abuja, as secretary for peace negotiations.

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There is at best limited coordination among the factions represented in the LJM. Their total strength is estimated at 2,000 fighters with fewer than 40 vehicles.

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The LJM, an artificial alliance brought into being by outside pressure, enjoyed the political backing of the mediation, the United States, and Libya. Early support from Libya waned as the LJM took on a life of its own in Doha, not Tripoli, and a Libyan intelligence officer in Doha, Mohammed Garsala, encouraged defections to JEM."⁶⁴

Amnesty International reported in its 2011 annual report that the agreement between the Justice and Equality Movement and the Sudanese government collapsed in 2010, leading to further fighting,

"The governments of Sudan and Chad formed a joint force to patrol their borders and the government of Chad denied Khalil Ibrahim, leader of the JEM which was mainly based in eastern Chad, access to its territory. While Khalil Ibrahim took refuge in Libya, the JEM re-entered Darfur. The agreement between the JEM and the Sudanese government collapsed, leading to military confrontations including in the Jebel Moon area [West Darfur]."⁶⁵

The Small Arms Survey reported in October 2010 that the Justice and Equality Movement has been recruiting Arabs and that it has a presence in South Darfur,

"Since losing its Chadian support, JEM has been actively recruiting Arabs, both in Darfur and among Missiriya in Kordofan. A South Darfur Baggara, Ali al Wafi Bashar, is the movement's

⁶³ The Small Arms Survey, Sudan Liberation Army-Minni Minawi (SLA-MM), 6 September 2011, <http://www.smallarmssurveysudan.org>, accessed 13 March 2012

⁶⁴ The Small Arms Survey, Liberation and Justice Movement (LJM), 1 March 2012, <http://www.smallarmssurveysudan.org/pdfs/facts-figures/armed-groups/darfur/HSBA-Armed-Groups-LJM.pdf>, accessed 13 March 2012

⁶⁵ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

military spokesman. At the time of the Missiriya–Rizeigat fighting, JEM was on the run from a government offensive against its main base in Jebel Mun in West Darfur. Scattering its commanders and forces across South Darfur, it needed freedom of movement across territory controlled by Arab militias.

Arabs who have liaised with the armed movements in South Darfur say there is a precedent for JEM support to the Baggara. In 2007, at a time when it was seeking to establish a strong foothold in South Darfur, JEM supported the Terjem in their war with the Abbala.⁶⁶

In March 2012, *The Small Arms Survey* reported that there are strong rivalries between the Liberation and Justice Movement and the Justice and Equality Movement in Darfur,

"The LJM is the chief interlocutor of the international community and its main partner in peacemaking efforts. It is fiercely opposed by JEM, the strongest rebel group militarily and the most coherent politically, and by SLA-AW, which exerts strong, albeit waning, influence over the displaced in camps. The LJM's test will be whether it can maintain its tenuous cohesion into the implementation phase of the Doha peace agreement, and indeed whether the agreement can be implemented at all.

Many of the SLA commanders who initially joined the LJM, but grew disenchanted with it, continue to support reunification efforts. Saleh Mahmoud, a leading Fur MP and relative of Abdul Wahid, led efforts to reunite the rebels from Doha during the summer of 2011. These efforts enjoyed the support of the United States and, to a lesser degree, Qatar and the mediation but did not achieve conclusive results. A more successful unification effort was that of the Fur Shura. This civilian body linked to the Fur Traditional Authority structure had been divided into three branches, variously aligned with the Government of Sudan or against it.

Defections and desertions have affected LJM since its inception. SLM-AW dissidents Abdalla Khalil and Ali Haroun never formally joined the LJM. The same is the case with SLA-Carabino (led by Ali Carabino) and SLA-Field Leadership (led by Ali Mukhtar).

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On 5 January 2012, the deputy chairman of LJM, Ahmed Abdel Shafi, announced his withdrawal from the movement and the Doha Document for Peace in Darfur (DDPD). Two major differences with LJM Chairman Sese appear responsible for the rift: Shafi's disagreement over certain appointments to the Darfur Regional Authority (DRA) and LJM's interaction with the ruling National Congress Party (NCP). Apparently Shafi sought the governorship of the new state of Central Darfur but was rebuffed. Regarding the NCP, Shafi had advocated a stronger stance and a more distant working partnership; a complaint shared by other LJM cadre.⁶⁷

Human Rights Watch reported in January 2012 that the signing of a peace agreement between the Sudanese government and the Liberation and Justice Movement had not ended fighting in Darfur,

"A peace agreement signed in July by the Sudanese government and one rebel group, the Liberation and Justice Movement, did not stop sporadic fighting or address ongoing human rights abuses and impunity. The government, with support from AU/UN peacekeepers, pursued controversial plans for a "domestic political process" to end the Darfur conflict."⁶⁸

⁶⁶ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.27, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

⁶⁷ The Small Arms Survey, *Liberation and Justice Movement (LJM)*, 1 March 2012, <http://www.smallarmssurveysudan.org/pdfs/facts-figures/armed-groups/darfur/HSBA-Armed-Groups-LJM.pdf>, accessed 13 March 2012

⁶⁸ Human Rights Watch, *World Report 2012*, 22 January 2012, p.182, <http://www.hrw.org/world-report-2012>, accessed 13 March 2012

The Sudan Tribune reported in March 2012 that the Liberation and Justice Movement had formed a recent alliance with two factions of the Sudan Liberation Movement (SLM) led by Abdel Wahid al-Nur (SLM-AW) with the purpose of deposing the Sudanese government,

"Last Friday, the head of the Darfur Regional Authority (DRA), Tijani el-Sissi who is also LJM chairman, criticised UNAMID for delaying the implementation of the security arrangements which had to start after the establishment of the ceasefire body last August.

The hybrid mission this weekend ended the verification of military sites held by the LJM fighters, announced UNAMID, in a press release extended to Sudan Tribune on Sunday. The process which started on 5 March is seen as a key measure to disengage and redeploy troops of the Sudanese army and former rebel group.

"The verification is crucial in the final security arrangement of the DDPD because it determines the number of the combatants, and will also determine what is required in terms of logistic support," said UNAMID's Force Commander, Lt. Gen. Patrick Nyamvumba.

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The Rwandan general further pointed out that the "outcome of the exercise will subsequently be used in the other phases, including demobilization and reintegration". Sudan and the former rebel group signed the DDPD on 14 July 2011 after more than two years of talks in the Qatari capital Doha. Another rebel group, Justice and Equality Movement (JEM), refused to sign the peace document and asked for more talks.

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Holdout rebel groups clashed recently with the army after more nine months of calm in the region, since July 2011. JEM and two factions of the Sudan Liberation Movement (SLM) led by Abdel Wahid al-Nur (SLM-AW) formed a new alliance with the Sudan People's Liberation Movement North aiming to topple the regime."⁶⁹

South Sudan 24 news agency reported in February 2012 that the Sudanese President had announced an amnesty for Liberation and Justice Movement members,

"Sudanese President Omar al- Bashir declared Wednesday an amnesty for members of Darfur Liberation and Justice Movement (LJM), which signed with Khartoum the Doha Document for Peace in Darfur (DDPD). "Today I declare amnesty for all the imprisoned and convicted members of the Liberation and Justice Movement," said al-Bashir when addressing a rally in El Fasher, capital of North Darfur State."⁷⁰

In January 2012, South African security publication, *DefenceWeb*, reported that the Justice and Equality Movement had elected a new leader who vowed to continue fighting Sudan government forces in Darfur,

"A rebel group, the strongest in Sudan's Darfur region, will press efforts to overthrow the country's Arab-dominated government after electing the brother of its slain leader as chairman, said an official. Last month, government forces killed Khalil Ibrahim, head of the Justice and Equality Movement (JEM), dealing a heavy blow to Darfur's nearly decade-long insurgency in which hundreds of thousands of people are believed to have been killed.

⁶⁹ Sudan Tribune, UNAMID verifies LJM positions, 11 March 2012, <http://www.sudantribune.com/UNAMID-verifies-LJM-positions-in-41876>, accessed 13 March 2012

⁷⁰ South Sudan 24 , Sudanese president declares amnesty for Darfur LJM members, 8 February 2012, <http://www.southsudan24.com/sudanese-president-declares-amnesty-for-darfur-ljm-members/> , accessed 13 March 2012

Some political analysts questioned whether JEM - seen by as the most militarily powerful of Darfur's various rebel groups - might splinter into rival factions after Ibrahim's death, Reuters reports.

JEM's spokesman Gibreel Adam Bilal played down that possibility, saying over 100 of the group's leaders from inside and outside Sudan met in the South Kordofan state on January 24 and 25, and elected Ibrahim's brother as their new chief.

An alliance known as the Sudanese Revolutionary Front between JEM and other insurgents in Darfur and two border states would also continue, he said. The leaders elected Dr. Jibril Ibrahim as chairman of the Movement, and decided to continue on the same route to depose the government and coordinate with the Revolutionary Front to achieve this goal," Bilal said by satellite phone.

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In July, Sudan's government signed a Qatar-sponsored peace deal with the Liberation and Justice Movement (LJM), an umbrella organisation of small rebel groups. JEM and other insurgents - including two factions of the Sudan Liberation Army (SLA) - refused to join.

Rabie Abdelati, a senior member of Sudan's ruling National Congress Party, said he hoped JEM's new leader would be more willing to negotiate.

"The government is hoping that the next phase will be the phase of peace and not the phase of war," he said.

"They can reach peace and we can also reach peace, but this will not happen unless they put down arms and come to the negotiating table."⁷¹

SwissInfo news agency reported in February 2012 that the Justice and Equality Movement militia fighters had captured UNAMID forces it claimed were allied to the Sudanese government forces,

"Rebels in Sudan's Darfur region said on Monday they had captured 52 international peacekeepers, most of them from Senegal, and accused them of cooperating with the country's security service.

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"We are holding the UNAMID soldiers because they entered our territory without permission and because they were accompanied by three Sudanese we suspect work for the security services," Gibreel Adam Bilal, a spokesman for the rebel Justice and Equality Movement (JEM), told Reuters. Bilal said JEM fighters had stopped the soldiers late on Sunday in Shagied Karo in north-western Darfur. JEM suspected UNAMID of helping Sudan's security services spy on territory held by the rebels, he added. "If it is true that UNAMID works with Sudan security agents, then we will ask the U.N. to fire the head of the UNAMID force," he said, adding JEM was holding peacekeepers from Senegal, Yemen and Ghana.

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JEM is part of an alliance of Sudanese rebels groups in Darfur and southern border states which have vowed to overthrow the government of Sudanese President Omar Hassan al-Bashir. International efforts to broker peace in the region have so far faltered, hindered by fighting and rebel divisions.

In July, Qatar brokered a peace deal between Sudan and the Liberation and Justice Movement (LJM), an umbrella group of rebel factions. JEM has refused to sign it. [] Rebel groups such as

⁷¹ DefenceWeb, Darfur's strongest rebel group elects new chief, 27 January 2012, http://www.defencweb.co.za/index.php?option=com_content&view=artic...ongest-rebel-group-elects-new-chief&catid=54:Governance&Itemid=118, accessed 13 March 2012

JEM have accused the head of UNAMID, Ibrahim Gambari, of being close to the Sudanese government. Gambari, a former Nigerian foreign minister, has dismissed the criticism and said he is willing to meet JEM and other rebels to persuade them to join the Qatar agreement."⁷²

Reuters reported in November 2011 that three main rebel groups in Darfur had formed an alliance to counter the Sudanese government forces,

"Darfur's main rebel groups -- the Justice and Equality Movement (JEM) and the Sudan Liberation Army (SLA) -- and the SPLM-N, which fights the army in South Kordofan and Blue Nile, said they had formed a political and military alliance.

The alliance called "Sudanese Revolutionary Front" is focused on "toppling the regime of the (Sudan's ruling) National Congress Party with all possible means" and replace it with a democratic system, the groups said in a joint statement sent to Reuters on Saturday. A joint military committee will be formed to coordinate military action against Khartoum, it said, without elaborating. "This is a military and political alliance. We will coordinate fighting to end this government which wants no peace," said Ibrahim el-Hilu, a spokesman for one faction of the SLA.

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"The sponsoring of South Sudan's government of the so-called Sudanese Revolutionary Front is a clear sign of aggression of the southern state against Sudan," SMC quoted a security official as saying.

Analysts say the alliance may mean no immediate military threat to Bashir but dashes hopes of a political resolution to insurgencies in Darfur and southern border regions."⁷³

GlobalSecurity.org reported in November 2011 on the background and history of Sudan's Umma Party,

"During the last period of parliamentary democracy, the Umma Party was the largest in the country, and its leader, Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989. Originally founded in 1945, the Umma was the political organization of the Islamic Ansar movement. Its supporters followed the strict teachings of the Mahdi, who ruled Sudan in the 1880s. Although the Ansar were found throughout Sudan, most lived in rural areas of western Darfur and Kurdufan. Since Sudan became independent in 1956, the Umma Party has experienced alternating periods of political prominence and persecution. Sadiq al Mahdi became head of the Umma and spiritual leader of the Ansar in 1970, following clashes with the Nimeiri government, during which about 3,000 Ansar were killed. Following a brief reconciliation with Nimeiri in the mid-1970s, Sadiq al Mahdi was imprisoned for his opposition to the government's foreign and domestic policies, including his 1983 denunciation of the September Laws as being un-Islamic.

Despite Sadiq al Mahdi's criticisms of Nimeiri's efforts to exploit religious sentiments, the Umma was an Islamic party dedicated to achieving its own Muslim political agenda for Sudan. Sadiq al Mahdi had never objected to the sharia becoming the law of the land, but rather to the "un-Islamic" manner Nimeiri had used to implement the sharia through the September Laws. Thus, when Sadiq al Mahdi became prime minister in 1986, he was loath to become the leader who abolished the sharia in Sudan. Failing to appreciate the reasons for non-Muslim antipathy toward the sharia, Sadiq al Mahdi cooperated with his brother-in-law, NIF leader Turabi, to

⁷² SwissInfo, Rebels say holding 52 peacekeepers in Sudan's Darfur, 20 February 2012, http://www.swissinfo.ch/eng/news/international/Rebels_say_holding_52_peacekeepers_in_Sudans_Darfur.html?cid=32155244, accessed 13 March 2012

⁷³ Reuters, Sudan rebels in Darfur, border states sign alliance, 13 November 2011, <http://af.reuters.com/article/topNews/idAFJ0E7AC01320111113?sp=true>, accessed 13 March 2012

draft Islamic legal codes for the country. By the time Sadiq al Mahdi realized that ending the civil war and retaining the sharia were incompatible political goals, public confidence in his government had dissipated, setting the stage for military intervention. Following the June 1989 coup, Sadiq al Mahdi was arrested and kept in solitary confinement for several months. He was not released from prison until early 1991. Sadiq al Mahdi indicated approval of political positions adopted by the Umma Party during his detention, including joining with the SPLM and northern political parties in the National Democratic Alliance opposition grouping."⁷⁴

Radio Dabanga reported in August 2010 that the Umma Party had opposed plans for a referendum over the administrative status of Darfur,

"The National Umma Party opposes the plan to hold a referendum on the 'administrative status' of Darfur. The National Congress Party wants a plebiscite on whether the region should be united into one province or to remain divided as three state governments. Rebels from the region reject the plan as a way to subvert the Doha peace negotiations, during which they have demanded a single region, Greater Darfur. The Umma Party, which formerly counted Darfur an electoral stronghold, now likewise prefers an 'administrative decision' on the matter rather than a vote.

An Umma Party figure revealed that they would ask the National Congress Party during dialogue sessions between the two parties to cancel all the procedures relating to conduct of the referendum. Siddig Ismail, Secretary General of the Party and Chairman of the Negotiating Committee, told *Radio Dabanga* that the party would demand the restoration of Darfur to the status of a province through an administrative decision and not a referendum. He considered that the issue of the province would aggravate ethnic tensions during the referendum.

The Sudanese government legitimizes the planned referendum on the grounds of the Abuja Peace Agreement, which called for the poll. However, Siddig Ismail pointed out that the peace deal is "gone with the wind" (the deal was never implemented and the main signatories are again at war). According to Professor Abdulrahman Bushara Dossa, the referendum would increase the complexity of the crisis in Darfur. He described the proposed measure as illegitimate and called for resolving the issue through negotiation and listening to stakeholders. Dossa expressed amazement at the government's other proposal to add two new states within Darfur. He questioned why the government does not create more states in other parts of Sudan, but rather only in Darfur."⁷⁵

In April 2010, *The British Broadcasting Corporation (BBC)* reported that the Umma Party was preparing to boycott presidential, parliamentary and state polls unless the government could assure the elections would be free and fair,

"A key northern opposition party in Sudan has issued an ultimatum to President Omar al-Bashir to ensure free and fair elections this month. Ex-Prime Minister Sadiq al-Mahdi's Umma party says if its terms are not met by Tuesday it will boycott presidential, parliamentary and state polls. Its eight conditions include a delay of four weeks for a new body to supervise the election commission to be set up. Most major parties have already withdrawn from the presidential race.

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The BBC's James Copnall in the capital, Khartoum, says the Umma party's eventual decision is likely to influence what several other northern opposition parties do. Some parties have

⁷⁴ GlobalSecurity.org, Political Parties, 7 November 2011, <http://www.globalsecurity.org/military/world/war/sudan-political-groups.htm>, accessed 13 March 2012

⁷⁵ Radio Dabanga, Umma Party opposes ruling party's Darfur referendum plan, 7 April 2011, <http://www.radiodabanga.org/node/13065>, accessed 13 March 2012

already said they will boycott the 11-13 April elections completely, while others are unsure. Our reporter says if the main northern opposition do drop out, the credibility of the elections will be damaged hugely.

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The Umma ultimatum came after Mr Mahdi had met with the US special envoy to Sudan, Scott Gration. Mr Gration had said earlier that if the main opposition withdrew from the legislative elections it was not clear whether they would still be held. The Umma party say it wants a new body to oversee the National Electoral Commission, which it accuses of bias in favour of Mr Bashir's National Congress Party. It also asked for "oppressive national security laws" to be frozen for the elections and demanded fair access to state media as well as caps on campaign spending."⁷⁶

Radio Dabanga reported in August 2010 that the Umma Party had rejected the national government's strategy toward Darfur,

"Dr. Ghazi Salah Al Din, Adviser to the President and the official in charge of the federal government's Darfur dossier, spoke at a press conference in Khartoum yesterday in support of the government's new Darfur strategy. The new approach lays less emphasis on a peace deal with rebel forces. The ruling party official said that the strategy put forward by the government to address the Darfur issue is the culmination of different visions, and it takes into account the developments that have occurred in Darfur recently, as well as lessons from past experiences. Ghazi also said that the peace process, which is taking place at Doha, is moving ahead rapidly.

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In contrast, the Umma Party rejected the national government's strategy toward Darfur. In an interview with *Radio Dabanga*, spokeswoman Mariam Al Sadiq Al Mahdi said that the party leadership rejects the strategy as a way to impose peace by force. She said the strategy depends on the political forces that created a rigged election."⁷⁷

The Sudan Tribune reported in November 2011 on the Umma Party leader, Sadiq al-Mahdi's, attitude towards the National Congress Party (NCP),

"The political position of the National Umma Party (NUP) leader, al-Sadiq al-Mahdi, in relation to the genocidal regime of the National Congress Party (NCP), continues to be flawed. Apparently, lessons from the kind of insults and humiliations inflicted by the NCP regime upon his National Umma Party (NUP) and the atrocities it committed against the National Umma Party constituents in Darfur have not yet been learnt by Sadiq al-Mahdi.

Some political observers believe that the attitude of the Imam might be attributed to his mixed feelings of threat from and envy towards the Darfur rebel movements who are the future political parties when a just and sustainable peace is achieved. The real threat felt by al-Sadiq is the potential loss of the traditional constituents who used to cast their ballots papers automatically to the Umma Party."⁷⁸

The Sudan Tribune reported in December 2011 that the Umma Party disagreed with the Sudanese government's choice of cabinet members,

⁷⁶ BBC, Sudan:- Umma opposition party gives Bashir ultimatum, 2 April 2010, <http://news.bbc.co.uk/2/hi/8601160.stm> , accessed 13 March 2012

⁷⁷ Radio Dabanga, Government promotes new Darfur strategy, Umma Party rejects, 11 August 2010, <http://www.radiodabanga.org/node/3121> , accessed 13 March 2012

⁷⁸ The Sudan Tribune, Statements of 's Mahdi add insult to injury, 10 November 2011, <http://www.sudantribune.com/Statements-of-Sudan-s-Mahdi-add.40689> , accessed 13 March 2012

"The National Umma Party (NUP) on Saturday criticized the newly formed cabinet describing it as "dead" and would not rise to the challenges facing the country.

"The [ministerial] formation came with the same faces and parties as the National Congress [Party] retained two-thirds of the seats and more than half of the ministers kept their membership in the new cabinet in a clear denial of the claims of innovation and provide opportunities even for the other leaders of the ruling party.,," the opposition party said in a statement. The NUP further said that the new cabinet ignored many "active" political and military powers creating an imbalance. It called for the formation of national interim government for the sake of implementing democratic transformation and comprehensive peace."⁷⁹

In February 2010, *The Economist* reported that Mohammed Ibrahim Nugu, leader of Sudan's Communist Party, would contest Al Bashir in the presidential elections,

"As to the other presidential contenders, the Sudanese Communist Party, which was strong in the 1960s and 1970s, has chosen its own very ageing long-time leader, Mohammed Ibrahim Nugud, to run against Mr Bashir."⁸⁰

NGO, *Waging Peace*, reported in September 2010 that members of Sudan's Communist Party were targeted by the Sudanese authorities,

"11 April 2010 - Security agents in Managil, Jazeera, arrested another member of the Communist Party and detained him for four hours for distributing pamphlets in support of the opposition boycott.

9 April 2010 - national security officers arrested and briefly detained a group of five Communist Party members for distributing pamphlets in the Port Sudan market. Another eight party members were detained that day in Kosti for the same reason.

8 April 2010 - security officials arrested and detained the head of the Communist Party and a member of the Umma Reform and Renewal Party in Nyala, South Darfur, for publishing fliers urging voters to boycott the elections."⁸¹

Radio Dabanga reported in May 2011 on a the Doha civil society conference and noted the presence of the Sudanese Communist party,

"The conference, which will end on Tuesday, aims to address outstanding issues in the Darfur-Sudan negotiations, such as power-sharing, wealth-sharing, human rights and freedoms, victims' compensation, land ownership and women's participation in the peace process.

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One conference participant, Mohammed Ibrahim Nugud, the secretary-general of the Sudanese Communist Party (SCP), said that that they would propose solutions to the Darfur crisis for discussion at the conference. Nugud also expressed his confidence in providing reasonable opportunities for reaching to a compromise in stopping the war."⁸²

Bloomberg reported in March 2012 that the Sudanese authorities had confiscated copies of the Sudanese Communist Party's newspaper,

⁷⁹ The Sudan Tribune, Sudan: Umma Party Criticizes New Cabinet, 11 December 2011, <http://allafrica.com/stories/201112121127.html> , accessed 13 March 2012

⁸⁰ The Economist, A vital election, 10 February 2010, <http://www.economist.com/node/15491703> , accessed 13 March 2012

⁸¹ Waging Peace, The Human Rights situation in north Sudan: Regression to Repression 10 September 2010, 10 September 2010, Available at: <http://www.wagingpeace.info> , accessed 13 March 2012

⁸² Radio Dabanga, Darfur civil society conference begins in Doha, 28 May 2011, <http://www.radiodabanga.org/node/14650> , accessed 13 March 2012

"State security agents seized today's edition of the Sudanese Communist Party's al-Midan newspaper in the latest move against media critical of the government, an assistant to the editor-in-chief said. "We were given no explanation for the raid, but the assault is part of an intensive crackdown on media in Sudan," Adel Ibrahim said by phone from Khartoum, the capital. Al-Midan was suspended from June to August 2010 for its election coverage and reports of alleged corruption in President Umar al-Bashir's ruling National Congress Party, he said.

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Sudan's 2009 press law gives security agents the right to decide "whether a certain topic represents a threat to public security and order," Murawih said Oct. 26. The Press and Publications Council has the power to shut down newspapers for three days without a court order. Al-Bashir, in a March 11 interview with the Qatari newspaper al-Rai, said the Sudanese press is free to criticize the government. "Freedoms are guaranteed for the people in Sudan, our regime doesn't suppress freedoms," he said. "People have the freedom to speak out, criticize and even slam the government. There's no such repression in Sudan."⁸³

The Small Arms Survey reported in November 2010 on the Sudanese Revolutionary Front (SRF) and noted the background of its initial leader Khater, who led the organization in Darfur,

"The Sudanese Revolutionary Front (SRF) became known early in 2007, led by Anwar Khater, a 31-year-old computer engineer with a history of political activism dating back to his student days in Omdurman, when he was arrested, for the first time, for protesting against underdevelopment in his native Darfur. Although unknown outside Darfur, Khater, a member of the Awlad Eid clan of the Mahamid section of the Northern Rizeigat, had cachet among the Arabs of Darfur: his father had been advisor to Sheikh Hilal Abdalla, the father of Musa Hilal, the paramilitary leader of North Darfur, and was a highly respected traditional leader in his day.

Unlike most other Arab 'rebels', Khater had never carried arms for the government. His rebellion raised hopes that it might be possible to attract young Arabs away from the government's proxy militias. (The Awlad Eid are a sub-section of Musa Hilal's Um Jalul.) Khater's strategy took Arab sensibilities into account: his plan was not to attack other Arabs, but rather to attempt to capture those most responsible for recruiting Arabs into the militias."⁸⁴

The Small Arms Survey further reported in November 2010 on divisions that formed within the Sudanese Revolutionary Front over alliances with other rebel movements in the Darfur region,

"Told in December 2006 that the Sudanese Government wanted him dead, Khater fled to a mountainous area west of Jebel Marra. Within weeks he was joined there by scores of paramilitaries (his supporters claim 200) who had deserted from Musa Hilal's Misteriha barracks. The group was most active on the border of South and West Darfur, attacking government establishments, military positions and police posts in the Zalingei area much as the SLA and JEM had at the start of the insurgency in 2003. In September 2007 alone, the SRF attacked five government establishments in Zalingei, looting weapons and killing government officials and police.

But Khater's rebellion was short-lived. First, the SRF split, divided over the wisdom of signing a 'Charter of Unification' with the Sudan Liberation Army (SLA) in Juba, capital of Southern

⁸³ Bloomberg News, Sudanese Authorities Seized Edition of Communist Party Newspaper, 13 March 2012, <http://www.businessweek.com/news/2012-03-13/sudanese-authorities-seized-edition-of-communist-party-newspaper>, accessed 13 March 2012

⁸⁴ The Small Arms Survey, Sudanese Revolutionary Front, November 2010, <http://www.smallarmssurveysudan.org>, accessed 13 March 2012

Sudan. Khater was opposed to signing the November 2007 agreement. He argued that Darfur's emerging Arab groups would be vulnerable to manipulation by others—including southerners—unless they organized themselves, among themselves, before joining a wider unification process. Then, in December 2007, he and his men came under heavy aerial bombardment in South Darfur.

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Khater agreed to put down his arms. In ending his rebellion, he criticized the international community bitterly for failing to give to Arab insurgents the same support, and sympathy, that it had given to non-Arabs.

Khater's surrender also ended efforts by a number of young Arab intellectuals, including in the diaspora, to unite Arab opposition groups around a common platform and, if possible, as part of a single organization.

SRF fighters who disagreed with the decision to abandon armed struggle scattered to the United Revolutionary Forces Front (URFF) and the Justice and Equality Movement (JEM) led by Khalil Ibrahim. Khater had previously refused to join his forces to JEM's, arguing that JEM was a 'tribal' movement in which Arabs would be marginalized. He also refused to make an alliance with the powerful paramilitary leader of South Darfur, Mohamed Hamdan Dogolo, nicknamed 'Hemeti', who he said had committed human rights abuses that made cooperation impossible.⁸⁵

In November 2011, US NGO, *Act for Sudan*, reported on the foundation of the Sudanese Revolutionary Front, which is also known as the Kauda Alliance, and quoted the new group's political manifesto,

"The Sudanese Revolutionary Front (SRF), aka the Kauda Alliance, is a newly formed political movement that brought together the armed oppositions from throughout Sudan. The SRF is reaching out to all Sudanese political parties, political formations, and civil society organizations to work together to create a robust, viable democratic alternative to the existing regime and to give a more powerful, unified voice to marginalized peoples throughout Sudan. The SRF is committed to attaining its political objectives, including a national solution to ongoing violence in South Kordofan, Blue Nile, the Nuba Mountains, and Darfur, a democratically-elected government, the protection of human rights, and a friendly and cooperative relationship with our neighbors in South Sudan—and hope to obtain these changes through peaceful means. However, the present regime's violent tactics and persisting egregious human rights abuses belies its assertion that it wants to be a genuine peace partner. International support for the SRF is in urgent demand.

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SRF members participated in earnest and articulated a willingness to negotiate to achieve sustainable peace as long as the process is holistic and adheres to international best practices. The SRF disseminated a counter-draft to the DDPD that JEM initially put forth during the Doha negotiations, which demonstrates the seriousness, sophistication, and commitment SRF has to attain peace through a political solution. The Sudanese government, however, rejected the invitation to engage in an open, honest discourse about the way forward in Sudan on neutral ground. The regime believes that its execution of the DDPD is all that is required to placate the international community, and refuses to undertake meaningful, inclusive negotiations with diverse stakeholders to create peace and stability in Sudan.

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⁸⁵ The Small Arms Survey, Sudanese Revolutionary Front, November 2010, <http://www.smallarmssurveysudan.org>, accessed 13 March 2012

The SRF respectfully requests international commitment to a sophisticated, professional peace process through competent, unbiased mediation."⁸⁶

In November 2011, *Radio Dabanga* reported on the formation of the Kauda Alliance/Sudanese Revolutionary Front from the groups of the Sudan People's Liberation Movement-North (SPLM-N), Justice and Equality Movement (JEM), Sudan Liberation Army-Abdel Wahid (SLA-AW), Sudan Liberation Army-Minni Minnawi (SLA-MM),

"Leaders of the four opposition parties formed the Sudan Revolutionary Front (SRF) on Friday and declared that they would overthrow the regime of the National Congress Party (NCP) "using all available means."

The parties participating in the second meeting of the SRF were the Sudan People's Liberation Movement-North (SPLM-N), Justice and Equality Movement (JEM), Sudan Liberation Army-Abdel Wahid (SLA-AW), Sudan Liberation Army-Minni Minnawi (SLA-MM).

In a statement, the SRF stressed on the need to converge civil political action and the armed struggle. They also announced the formation of high-level committees, political as well as military, to undertake the day-to-day work of the SRF. This is a step towards formalizing the Kauda collation/alliance formed by the four participating parties.

"The NCP regime, in spite of its continuous attacks and daily atrocities against the daughters and sons of our people through unending violations of human rights, including war crimes and ethnic cleansing, is presently at its weakest - economically, politically and militarily," the statement said.

It added, "The SRF is calling upon all Sudanese political forces to reject the path of partial political settlement with the NCP regime and adopt a holistic approach for changing the regime's seat of power in Khartoum." The SRF also called upon the international community to take a clear stand on the NCP's use of food as a weapon of war.

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Meanwhile, the JEM also stressed on the importance of the formalization of the Kauda alliance. Spokesperson Jibril Adam Bilal said, "The coalition alliance is a step in the right direction towards overthrowing the regime in Khartoum. All marginalized forces should join in."⁸⁷

In March 2012, *Radio Dabanga* reported on support for the Sudanese Revolutionary Front amongst young Darfuris in IDP camps in West Darfur,

"Young men and women of displaced camps in West Darfur held a conference over two days to 'unify a vision' for the future of the state.

The committee released a statement saying 270 representatives of the youth in West Darfur displaced camps attended the conference.

The conference 'stood behind the vision of the Sudan Revolutionary Front and called on all displaced people to unite to find a comprehensive and sustainable solution for the whole of Darfur', as opposed to the Doha agreement which they feel excludes them.

The statement also said all those responsible for crimes in Darfur must be brought to justice.

⁸⁶ Act for Sudan, Sudanese Revolutionary Front – Briefing, 28 November 2011, <http://actforsudan.org/wp-content/uploads/2011/12/SRF-founding-principles.pdf>, accessed 13 March 2012

⁸⁷ Radio Dabanga, Sudan Revolutionary Front formed, 13 November 2011, <http://www.radiodabanga.org/node/20913>, accessed 13 March 2012

The committee called for Daruri youth to stand against president Bashir's mobilisation for jihad in the Nuba Mountains and not to be swayed by government officials offering money and power."⁸⁸

In October 2010, *The Small Arms Survey* reported that it is difficult to gain consensus and reconciliation among tribal groups. In addition, it was reported that the allegiances of militarized individuals are often influenced by money rather than conviction,

"On 16 September 2010, 38 Baggara tribes in Kass signed, under oath, a reconciliation agreement with the Rizeigat. The Missiriya and Saada refused to sign and further heavy fighting is expected in the coming months despite the arrest of Haroun Imam, who stands accused of obstructing the peace by rejecting the Kass agreement of 16 September. Highlighting the inadequacy of state-wide agreements between tribes that are not constrained by state borders, Imam argued that he did not need to approve the agreement in Kass (in South Darfur) since he had already endorsed its predecessor in Zalingei (in West Darfur).

The Abbala–Baggara conflict has highlighted the divide within Arab communities between elders who fear the consequences of continued militarization and a younger generation characterized by the fluidity of its allegiances, with individuals frequently changing allegiances and fighting on different sides for cash rather than out of conviction. While militia leaders are able to raise huge armies in a relatively short time, traditional leaders who until recently prioritized the regularization of the 'janjaweed', demanding their full incorporation into SAF, now say their main concerns are development and services. They are bitterly critical of the government, charging that it did nothing to stop the fighting when it first erupted and subsequently failed to act vigorously to halt it."⁸⁹

2. Peacekeeping Operations (UNAMID)

[See also Section B. Main Political Developments; 1.d. United Nations Security Council, UN Panel of Experts, UNAMID, UNMIS and Section I. Further Human Rights Considerations; 8. Access to Assistance including status of humanitarian space]

In June 2011, *Human Rights Watch* reported that the Sudanese government restricted UNAMID and humanitarian access to areas of Darfur,

"Sudan continues to restrict UNAMID peacekeepers and humanitarian organizations from accessing large swathes of territory in Darfur, seriously undermining efforts to protect and monitor civilians affected by the fighting.

Despite its efforts to increase patrols, the government has kept UNAMID out of conflict zones, usually on the pretext that the affected areas are insecure. On average this year, and depending on the number of attempts made by UNAMID, the government blocked more than a dozen ground patrols per month (more than 20 in January) in defiance of the Status of Forces Agreement granting the peacekeepers access to the whole area.

These restrictions persist in spite of temporary access granted to some locations, including in Jebel Mara where after more than a year of international pressure the government allowed

⁸⁸ Radio Dabanga, Displaced youth committee backs Sudan Revolutionary Front, 20 March 2012, <http://www.radiodabanga.org/node/27162>, accessed 23 March 2012

⁸⁹ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.29, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

access for a three-week trial period. The restrictions not only prevent UNAMID from effectively carrying out its protection of civilians mandate in areas most affected by conflict, but also from being effective monitors."⁹⁰

The Enough Project reported in April 2010 that UNAMID and other UN agencies were prevented from accessing vulnerable areas in Darfur by the Sudanese Government,

"The U.N. secretary general has rebuked the Sudanese government for denying UNAMID access to sites of recent fighting and vulnerability, including camps for the displaced. In recent months, UNAMID, other U.N. personnel, and humanitarian aid agencies continue to have little to no access to vulnerable areas in Darfur because of high insecurity, or claims of high insecurity, largely perpetrated by the Sudanese government. Meanwhile, the gap in services for Darfur's most vulnerable, including survivors of sexual violence and children, remains."⁹¹

The Fletcher Journal of Human Security reported in 2010 that UNAMID's objective of establishing a stabilized humanitarian situation was jeopardized by its complex relationship with the Government of Sudan,

"Many coordination efforts, initiated in the latter half of 2009 and underway now, seek to integrate UNAMID's mandate with the broader humanitarian community's objectives and the Guiding Principles on Internal Displacement. The Humanitarian Country Team endorsed the creation of a mechanism to "verify the voluntary return of IDPs, as well as to ensure safety and security in return areas, in accordance with international humanitarian principles."

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UNAMID entered into the protection picture on January 1, 2008, replacing the AMIS observer mission.⁷⁰ Although the GoS retained the right to guarantee field access for UNAMID and approve troop-contributing countries in order to maintain the mission's "predominantly African character," this was a major step forward in establishing the necessary security for IDP protection and return.

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The latest mandate renewal in July 2009 included the important creation of a benchmark-based work plan to track UNAMID's progress. The two priority areas pertinent to IDP return emphasize stability. The first calls for "the achievement of a secure and stable environment," assuming "the Government of Sudan will continue to cooperate with UNAMID and permit the Mission to conduct all of its mandated activities." The second priority is aimed at "the achievement of a stabilized humanitarian situation" with the assumption that "the security situation...will enable the continued deployment and functioning of the Mission.

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The priority areas have not achieved their goals of reinforcing UNAMID's role in maintaining good relations with the GoS and bringing about a "stabilized humanitarian situation."⁹²

The Enough Project reported in April 2010 that the Sudanese government hindered UNAMID in its role in securing Darfur and noted that hijackings and abductions are frequent in the region,

"Freedom of movement for peacekeepers in Darfur remains limited, in contravention of the Status of Forces Agreement signed between the U.N./A.U. hybrid peacekeeping force, or UNAMID, and the Sudanese government.

⁹⁰ Human Rights Watch, *Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.18, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

⁹¹ *The Enough Project*, *Grading the Benchmarks*, April 2010, p.7, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

⁹² *The Fletcher Journal of Human Security*, *Darfur's Displacement Dilemma: Operational Coordination and Aid Reform for IDP Returns*, 2010, Available at: <http://fletcher.tufts.edu/Praxis>, accessed 13 March 2012

In November and January, the U.N. secretary general reported on 63 combined incidents in which a UNAMID patrol was denied passage by the Sudanese Armed Forces, its auxiliary forces, or armed rebel movements. UNAMID continues to be blocked from doing its job because of fighting perpetrated by rebel groups, government militias, and the military. It also continues to operate in an environment in which hijackings and abductions are too frequent. The secretary general's report, which noted that violations of the U.N. arms embargo continue to be committed by most major armed actors, does not bode well for the future of effective peacekeeping in the region."⁹³

In June 2011, the *US Congressional Research Service* reported on the deployment of UNAMID security forces in Darfur,

"In July 2007, the U.N. Security Council passed Resolution 1769, authorizing the deployment of a robust peacekeeping force to Darfur. The resolution calls for the deployment of 26,000 peacekeeping troops to Darfur and authorizes the United Nations African Union Mission in Darfur (UNAMID) to take all necessary measures to protect its personnel and humanitarian workers. As of April 30, 2011, UNAMID deployed a total of 23,129 peacekeeping personnel. As of April 2011, 89 peacekeeping personnel have been killed in Darfur."⁹⁴

The Enough Project reported in April 2010 on the harassment and abduction of U.N. personnel,

"Harassment and abduction of U.N. personnel have become more blatant and frequent. On March 5, a UNAMID assessment patrol on its way to investigate the security and humanitarian situation in Deribat, in the Jebel Marra region [South Darfur], was ambushed by unidentified armed men. Alarming, about 60 peacekeepers were abducted and released the next day, stripped of their weapons, ammunition, and vehicles. In response, the Sudanese government chastised UNAMID for ignoring the advice of the military to not go into that area, underscoring the government's unwillingness to facilitate UNAMID movement throughout the region."⁹⁵

CNN reported in July 2010 that the UNAMID force had been hampered by a lack of cooperation from the Sudanese government and a lack of troops,

"The United Nations Security Council has renewed the mandate of its mission in the Darfur region of Sudan for another 12 months.

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They demanded that the parties involved in the conflict immediately end the fighting as well as attacks on civilians, peacekeepers United Nations Security Council Darfur Sudan and humanitarian personnel.

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May was the most fatal month in Darfur since the U.N. mission deployed there three years ago, and violent incidents in recent months have surpassed the bloodshed in the same period last year, members said.

Ban had recommended that Security Council members renew the mission to "expand the work that it has painstakingly begun."

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⁹³ The Enough Project, *Grading the Benchmarks*, April 2010, p.6, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

⁹⁴ US Congressional Research Service, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*, 15 June 2011, p.1, www.crs.gov, accessed 13 March 2012

⁹⁵ The Enough Project, *Grading the Benchmarks*, April 2010, p.7, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

The U.N. mission, known by its acronym UNAMID, took over from African Union peacekeepers in Darfur in late 2007. The force has been hampered, however, by a lack of cooperation from the Sudanese government and a lack of troops, according to the United Nations.⁹⁶

The *Fletcher Journal of Human Security* reported in 2010 that UNAMID's mission was compromised by its need to balance its objectives of assuring the safety of IDPs in Darfur with the long term goal of developing a working relationship with the Government of Sudan (GoS),

"DPs in Darfur are uniquely vulnerable for three reasons. First, the types of movements taking place in such an insecure environment make IDP protection more difficult because it is impossible for UNAMID to follow all IDP movements.

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The return process will be further jeopardized if UNAMID continues to blur the lines between its mandate and civilian functions. UNAMID has one of the largest operational budgets of any agency operating in Darfur and is the international military coordinating body in the region; its role cannot be underestimated.

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It is also nearly impossible to protect civilians in an area the size of Darfur when humanitarian and UNAMID staff are specifically targeted by armed groups and prevented from fulfilling their duties.

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Most humanitarian actors consider UNAMID to be responsible for alleviating the region's security problems. In the latest Darfur Humanitarian Profile, published in January 2009, the international community asked the hybrid peacekeeping force to refocus its efforts on the protection of civilians. Consensus among the All Darfur Protection Working Group members centered around three critical points. The first underlined the importance of seeing UNAMID implement its Chapter VII mandate—to prevent and respond to the acute and chronic protection needs of civilians through well-defined roles for the military and police actors on the ground. The second point stressed the need to ensure the consistent participation of UNAMID in Working Groups and other coordination mechanisms to promote transparency in activity planning and implementation methodology. The third point emphasized the need for increased engagement with government authorities, underscoring UNAMID's primary responsibility to protect civilians. These priorities highlight the tension between UNAMID and humanitarian actors who expect the mission to be able to fulfill its mandate and keep both civilians and aid workers safe. Given the complexity of displacement, UNAMID's mandate is realistically difficult to achieve with the hybrid force's limited capacity, equipment, and number of troops. It is therefore impossible to guarantee all IDPs the level of security necessary to return; circumstances, rather than human security needs, dictate the areas that allow IDPs to return in safety and dignity.

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UNAMID's decision to engage in more infrastructure-based IDP return support, such as school construction or water projects, is often attributed to the lofty, unrealistic goals in the broader mandate. In practice, the reasoning behind the QIPs approach is twofold: flexible funds can better respond to emerging returnee needs and UNAMID does not want to appear disengaged with the civilians it purports to protect. Public (IDP and returnee) opinion of UNAMID's success is generally low, given IDPs' initial expectation of disarming the Janjaweed through the now-defunct African Mission in Sudan (AMIS) and their inability to discern between civilian and military components of UNAMID. For instance, in coordination forums such as the Gender-Based Violence (GBV) Working Group, several NGOs in West Darfur mentioned that IDP women did not feel comfortable reporting rape cases to UNAMID because male soldiers accompanied the civilian gender officers to interviews with IDPs.

⁹⁶ CNN, U.N. extends Darfur peacekeeping mission, 31 July 2010, <http://edition.cnn.com/2010/WORLD/africa/07/31/un.sudan.mission/>, accessed 13 March 2012

Weak divisions between military and civilian components' tasks create confusion not only for beneficiaries, who may have preconceived notions about weapons and uniforms, but also for humanitarian agencies intent upon maintaining a clearly civilian status.

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Political returns present yet another dilemma for international actors, in particular UNAMID, who may want to develop a better relationship with the GoS. Denying government requests to provide food, water, and other assistance to "returnees" can be a sensitive issue. In one instance, UNAMID approved funding for a school construction project in response to a government request regarding an area of West Darfur that did not have the "free and voluntary IDP returns" needed to meet standards set by the international community.

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The GoS is reluctant to engage with the international community on politically- sensitive topics. It believes that it is the state's prerogative as a sovereign nation to keep internal issues off the table if it so chooses. UNAMID and other actors require explicit permission from the GoS to handle the protection of IDPs. Supporting political return therefore serves as a rapprochement tactic. Negotiating directly with the GoS allows UNAMID to improve that critical relationship and, in so doing, to meet its mandate objectives. Official reports do not openly accuse the Government of restricting access, but patrol constraints are often referenced in Secretariat reports. In many cases, the Government does not cooperate with UNAMID or international actors on protection issues."⁹⁷

⁹⁷ The Fletcher Journal of Human Security, Darfur's Displacement Dilemma: Operational Coordination and Aid Reform for IDP Returns, 2010, pp.62-70, Available at: <http://fletcher.tufts.edu/Praxis>, accessed 13 March 2012

B. Main Political Developments (since January 2010)

1. Sudan (Khartoum and Darfur)

a. Sudanese Government's "New Strategy"

In September 2010, the independent expert on the situation of human rights in the Sudan reported to the UN Human Rights Council that the government had launched a new strategy to resettle IDPs,

"The Government has at the same time unveiled a new strategy for achieving peace in Darfur that will allow a wider spectrum of the Darfur society to participate in the political process. The plan seeks to achieve peace through expediting the process of returning IDPs to their homelands and providing support through developmental projects in their areas of origin."⁹⁸

In August 2010, *The Small Arms Survey* reported on the Sudanese government's new strategy—aimed at bringing peace to Darfur, focusing on security; development; resettlement; reconciliation and negotiation. *The Small Arms Survey* cited excerpts of the English language translation of the Sudanese government's strategy,

"The situation in Darfur is complicated by the divisions among the rebel movements and impacted on dividing the civil society in a parallel way. The growing obstinacy of the movements and its continuous split, beside the inflexibility in positions of the Darfur effective civil and armed parties in general, led to disagreement among the movement to reach a common ground for their demands. The continuous competition among the armed groups further complicated the negotiation process.

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In general, there was a change in the violence pattern in Darfur. The rebellion maintained low profile and vanishing sometimes, and in many cases the takes the shape of criminal activity. However, there are pockets of insecurity due to banditry and lack of commitment to the ceasefire by armed factions. The month of May 2010 has witnessed an incidental increase in violence as a result of collapse of ceasefire agreements signed between Justice and Equality Movement and the Government. It became obvious that signing agreements with the armed rebel movements alone is not enough to address security problems. Therefore, it is necessary for us to take a new approach in dealing with the root causes of insecurity and not only conciliating with the divided rebel factions.

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Taking all these developments into account, the government realizes the necessity of establishing a new realistic and effective strategy for achieving peace, security and stability in Darfur. The government knows that it is responsibility in the first hand to achieve that as sovereign government, and will take the lead in initiating and implementing the new strategy and its set objectives. However, the government will welcome any constructive proposals from the regional and international partners, taking into consideration that, the current situation represents a challenge and an opportunity for all concerned parties to reach an internationally recognized and supported peace agreement. Meantime, continuous support and development of new initiatives should be directed to help in accomplishing the political process in Darfur.

⁹⁸ UN Human Rights Council, Report of the independent expert on the situation of human rights in the Sudan, Mr. Mohammed Chande Othman, A/HRC/15/CRP.1, 14 September 2010, http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.CRP.1_en.pdf, accessed 26 March 2012

Without simplifying the causes of the conflict or the target solutions, the government suggests finding a peaceful solution to the situation through efforts based on five axes: Security; Development; Resettlement; Reconciliation; and Negotiation. Based on the above, the comprehensive political process should work towards addressing the causes of the conflict including development, environmental degradation, arms flow, and the political claims such as inclusive and fair distribution of wealth and power. The political process will also address the conflict effects such as insecurity, displacement, divisions among Darfur society and armed movements in cooperation with the partners and people of Darfur.”⁹⁹

In August 2010, *The Small Arms Survey* further reported that a priority of the new strategy is to achieve security and provide assurances and incentives for IDPs to return to their homes,

“The main objective of the new strategy is to achieve comprehensive and peaceful settlement that restore life in Darfur and enable efforts for development in the area. The priority is to achieve security for all people of Darfur, and to provide assurances and incentives for IDPs to return to their homes and to provide development support to people in their areas of origin.

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Considering the mentioned objectives, the peace process requires radical re-direction taking into account challenges and opportunities concerning Darfur conflict. Since the lasting peace is not expected without participation of those who are not directly parties to the conflict but suffer its effects, the peace process in Darfur should be managed internally by involving the real affected persons in addition to peace makers in Darfur with the Government of Sudan leading the efforts.

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The government, and with its serious endeavor for negotiation towards new settlements, remains obliged with the previous signed agreements and its implementation particularly the parts related to security, integration and political participation. Inconsistency between these obligations and any agreement to be reached through Doha forum must be avoided. The overall objective is to make peace through multiple axes that accommodate all Darfur components in order to achieve an accepted political settlement. The government, beside the already signed agreements, reiterates its commitment to the Sudan People’s Initiative that represents the views of the majority of Sudan people, and seeks to use it as a ground for Darfur Consultative Forum.

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Reconciliations and justice processes require support and promotions that prevent the future eruption of conflict. The Darfur Consultative Forum will be the ideal forum to deal with reconciliation and justice issues. The reconciliation and justice processes should be led by the societies of Darfur to address the root causes of the conflict and continuous mistrust and divisions among Darfur people. The government will work to establish new forums for reconciliations, with the already existed mechanisms taking into consideration the traditional mechanisms and its contribution to conflict resolution throughout the history. In addition, the government will work to activate the role of the local elected officials to strengthen and promote the mechanisms of reconciliation and conflict resolution.

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The relief in Darfur became necessary due to emergencies and mass displacement. According to the norms, the relief is temporary measure and not permanent in Darfur. It is a top priority for the government to re-direct the humanitarian efforts towards rehabilitation and shifting from depending on the relief to development and self-reliance.

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⁹⁹ The Small Arms Survey, Darfur: Towards New Strategy to Achieve Comprehensive Peace, Security and Development August 2010, August 2010, <http://www.smallarmssurveysudan.org/pdfs/facts-figures/darfur-peace-process/HSBA-Darfur-Peace-Process-New-Strategy.pdf>, accessed 13 March 2012

The detailed plans for achieving this strategy are currently underway. As soon as consultations were finalized with the partners, and in the framework of government institutions, the start up of these projects can commence through practical and calculated steps on the ground. It is important for the national agencies and institutions to initiate the implementation of the strategy, and the government will affirm the good implementations of and commitment to the strategy at all authority levels including the local levels. The government will carry out unilateral decisive procedures when needed and is obliged to establish Darfur Consultative Forum and will inaugurate initiatives for achieving security, stability and development."¹⁰⁰

In September 2010, *Sudan Radio* reported on the Sudanese government's plans outlined in the new strategy that had been approved by cabinet ministers, but noted that rebel groups opposed the plans,

"The government of Sudan has endorsed a new strategy to resolve the Darfur conflict. The strategy was endorsed during the council of ministers weekly meeting on Friday chaired by President Omar Hassan al-Bashir in Khartoum. The spokesperson to the cabinet of ministers, Dr. Omer Mohamed Salih said that the strategy has been presented to Ghazi Salah Eldin who is charge of Darfur issues. The strategy seeks to achieve comprehensive peace in Darfur through improved security and development in the region.

[Omer Mohamed Salih]: "The council deliberated around the new strategy to achieve comprehensive peace, security and development in Darfur. [] The main aim of this strategy is to achieve a comprehensive peace settlement that will normalize life in Darfur and allow for the execution of the intended development. The new strategy is based on priorities headed by the settlement of political processes based on mobilization of civil, political and social forces to make initiatives for permanent and comprehensive peace in Darfur."

Salih said that the new strategy is an attempt by the government to directly transform Darfur through development program. Meanwhile, the Darfur anti-government group, the Justice and Equality Movement has strongly rejected the new strategy saying it is a call to war.

JEM senior member Dr. Al-Tahir Al-Fakie spoke to SRS on Friday from London. [Al-Tahir Al-Fakie]: "The Justice and Equality Movement is not seeing anything in this. They are pretending to want to solve the Darfur problem yet it is the beginning of another rebellion. This new strategy is a call for war more than it is for peace. If we focus on the new strategy, it is all about security and this all is about the JEM and other Darfur movements. Second are the issues of reconciliation which will never happen except through talks. Thirdly, this development the government is talking about where they have put in about 1.9 billion pounds for development will be a waste of resources if there is no stability. This strategy will not bring peace. This is a call for war. Therefore JEM strongly rejects it.

The opposition parties in Sudan have also rejected the strategy, terming it as a government strategy which is not in the interest of the people of Darfur."¹⁰¹

In August 2010, *ReliefWeb* reported that the AU and the UN supported the Sudanese governments new startegy to resettle IDPs, but that the leader of the Sudan Liberation Movement expressed concern that the IDP camps would be dismantled and doubted the governments willingness to resettle and provide assistance to IDPs,

¹⁰⁰ The Small Arms Survey, Darfur: Towards New Strategy to Achieve Comprehensive Peace, Security and Development August 2010, August 2010, <http://www.smallarmssurveysudan.org/pdfs/facts-figures/darfur-peace-process/HSBA-Darfur-Peace-Process-New-Strategy.pdf>, accessed 13 March 2012

¹⁰¹ Sudan Radio, GOS Endorse New Darfur Strategy Amidst Rejection By Opposition, 17 September 2010, <http://www.sudanradio.org/gos-endorse-new-darfur-strategy-amidst-rejection-opposition>, accessed 13 March 2012

"Representatives of the African Union (AU), UNAMID and United States voiced today their support to Sudan's new strategy to resettle displaced persons and develop the restive region.

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"We strongly support this strategy to resolve the conflict in Darfur," said Mbeki in statements to reporters following the meeting. He said they discussed the Sudanese government new strategy "including security, reconciliation, development and resettlement of the IDPs and refugees as well as how to ensure delivery of humanitarian assistance to the needy".

Mbeki urged the government to speed up the implementation of its strategy adding they would continue their consultations to achieve peace in Darfur. He further said that Sudan and UNAMID "need to do all things necessary to ensure that the security situation in Darfur is improved".

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UN Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, told the Security Council that Sudanese government should not forcibly relocate the IDPS to new camps. He added that the situation remains "tense and fragile, with Government talk of moving IDPs out of Kalma and dismantling the camp ongoing".

Ghazi, for his part, told reporters that the meeting focused on what can be done directly to the civilians in Darfur to alleviate their suffering and create a climate for development and recovery. On the relocation of the IDPs camps, Ghazi said the meeting agreed that this process should to be peaceful and in a way to not cause damages to the residents.

"If there are security threats inside the IDPs camps, it must be dealt within the framework of the law," he said, stressing the need to disarm the camps. He stated that all parties involved at the meeting share the same opinion with the Government in this regard, especially UNAMID. He also reiterated the Sudanese government support to the Doha as official venue for the negotiations with rebels groups and hailed the efforts exerted by the Qatari officials to resolve the seven year conflict in Darfur.

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Reacting to the remarks made by Mbeki supporting Sudanese government new strategy in the troubled region, the leader of the rebel Sudan Liberation Movement (SLM) Abdel Wahid Al-Nur said he does not "expect from the former South African president more than what he said because he used to support the government of National Congress Party" (NCP). "The government that killed hundreds of thousands in Darfur would continue its genocide policy but this time with Mbeki's support," he underlined. The rebel leader casted doubts on Khartoum willingness to resettle IDPs in their homeland and villages, as he demands. He also believes that the IDPs camps would be dismantled and aid workers prevented to deliver needed relief."¹⁰²

In August 2010, *The Sudan Tribune* reported the concerns of Darfuri observers that under the new strategy, IDP camps would be dismantled, preventing humanitarian organisations from providing support,

"The people of Sudan in Darfur are quite sure that the plot so-called 'Peace from Inside' which has been hatched by the National Congress Party (NCP) under the code name of the 'New Strategy' is intended to bury the Darfur issue through the dismantling of camps for the Internally Displaced Persons (IDPs) as part of its continuing war crimes, crimes against humanity and genocide for which the Fugitive Omer Hassan Ahmed al-Bashir has been indicted by the International Criminal Court (ICC) at The Hague, the Netherlands. This distasteful plot would not fool the wit of the Sudanese people in Darfur and will fail and be

¹⁰² ReliefWeb, AU, UNAMID and US support Sudan's new strategy in Darfur, 26 August 2010, <http://reliefweb.int/node/365792> , accessed 13 March 2012

thrown into the dustbin of history which the coming generations consider it as a disgraceful stigma, and antipathetic.

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'Peace from within' strategy is the same recipe that the notorious National Islamic Front (NIF) tried to fool those who split off from the Sudan Peoples Liberation Army/ Movement (SPLA/M) lead by the late Dr. John Garang de Mabior: they were Dr Lam Akol, Kerubino Kuanyin, Arob Tung and Dr Riek Machar who after been bamboozled by (NIF) to signed the so-called Khartoum Peace Agreement in 1997, went back to their senses and rejoined the mother revolution, the SPLA/M, to successfully negotiate and achieve the Comprehensive Peace Agreement (CPA) on January 9th 2005 for the people of Southern Sudan.

Jaafar Subki, writing from London, reported words and statements attributed to Mr. Mahjoub Hussein of the Liberation and Justice Movement (LJM) that there have been signs of rift among the members of (LJM) on the actions of the former governor of Darfur region, Dr. Tigani Sessei, current Head of the Movement; the actions are considered to be in favour of the government of Sudan (GoS) and they do not serve the demands of the people of Darfur.

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Mr. Subki's report said that Mr. Mahjoub Hussein has noted that the (LJM) committees that were working on portfolios described as 'Red Lines' such concerning reconciliations, compensations and reparations and prosecutions have come to a standstill after the government decided not to be discussed. Hussein has been reported to have criticized the 'new strategy' to resolve the Darfur crisis and saying «this invasive strategy, in reference to the Ghazi Salah al-Din, will be doomed to the same fate as the "Kenana Forum". and that the strategy simply attempts to dismantle the IDP camps in which security and humanitarian situation has been deteriorating, especially that the government wants to impose on the displaced a Blockade to prevent humanitarian organizations from entering the camps to provide basic needs of food, water and healthcare.

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Observers consider the most positive and noteworthy part of what was quoted to have been said by Mr. Mahjoub Hussein is his statement that "there would be no peace in Darfur without the participation of all parties like the leader of the Justice and Equality (JEM) Khalil Ibrahim, and the leader of the Sudan Liberation Movement (SLA/M), Abdel Wahid Mohammed Nur".¹⁰³

In July 2010, *The Sudan Tribune* reported that JEM was critical of the governments new strategy, denouncing it as a military campaign,

"The ruling National Congress Party (NCP) has approved a new strategy on Darfur and promised to present it to other political parties in order to garner as much national consensus as possible for the strategy. Sudan's official news agency, SUNA, reported that the meeting of the NCP's leadership bureau on 29 July, chaired by president Al-Bashir, approved the new Darfur strategy as presented by the presidential adviser Ghazi Salah Al-Deen who is in charge of the Darfur dossier.

The strategy will be presented to the legislative councils of Darfur's three states in line with the strategy's direction of domesticating the solution to all issues related to Darfur problem, including security, development, reconciliations, humanitarian situation and political negotiations. Ghazi Salah Al-Deen declared that the strategy would be presented to political forces and national personalities in order to explore their views and muster as much national consensus as possible for the strategy.

¹⁰³ The Sudan Tribune, "New Strategy for Darfur Peace" is doomed to Failure, 22 August 2010, <http://www.sudantribune.com/New-Strategy-for-Darfur-Peace-is-36045> , accessed 13 March 2012

However, two Darfur rebel figures excoriated the new strategy as a plan for “a new security and military campaign that include, among other things, dismantling the IDP camps. “The regime now believes the international community gave them the green light to do whatever they want in Darfur since the focus now shifted to the South Sudan referendum” Justice and Equality Movement spokesperson Ahmed Hussein told Sudan Tribune.

“Their vision is to domesticate the Darfur peace by finding what they called peace from within and got [US special envoy Scott] Gration’s approval. They have tried this before in the South and failed” he said, adding that “Khartoum believes that resolving the crisis entails taking down the camps for the displaced and forcing their return to their villages.”

Echoing a similar opinion, JEM’s top military commander Suleiman Sandal also accused the Sudanese government of seeking to launch a new military campaign in Darfur and in Kordofan, stressing that their target is “the marginalized people”. “The National Congress Party is lying and deceiving the Sudanese people. The fugitive president wants to start a new genocide campaign in Darfur” Sandal said.¹⁰⁴

In November 2010, *The Enough Project* reported its belief that the new strategy had little chance of bringing peace and stability to Darfur. *The Enough Project* also cited that the Sudanese government had called for the charges against the Sudanese President to be dropped by the ICC,

“The government of Sudan is moving forward with a new strategy for Darfur that prioritizes nationalization, returns, development and reduced international involvement. While the strategy has some elements that are noteworthy, there is little chance that it will bring peace and stability to Darfur for two reasons: one, because it is not built on a realistic vision of the current state of Darfur; and two, because its core function is to mask the government’s true intentions for the region.

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On 16 September of this year, the government of Sudan officially ratified its “New Strategy for Darfur,” whose objective is supposedly, “to achieve [a] comprehensive and peaceful settlement that restores[s] life in Darfur and enable[s] efforts for development in the area.” The strategy focuses on four key themes. First, it de-emphasizes the internationally-guided peace process in Doha, calling instead for a “nationalized” process with the National Congress Party (NCP) at the helm. Second, it places a tremendous amount of emphasis on the “safe, voluntary, and sustainable” return of the displaced to their places of origin, and calls on the international community to assist in this process. Third, the strategy calls for a shift in focus from relief to development, which it ties to returns in suggesting that the provision of services would be centered around villages of origin. Finally, the strategy outlines a diminished role for the international community, with intervention areas being limited to promoting security, paying compensation, and contributing to development and returns. Most importantly, it calls on the international community to engage more “constructively” in Darfur by halting the spread of “false information” and by abandoning the International Criminal Court case against President Omar Al-Bashir.

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Although there are some elements of the strategy that sound encouraging, such as the government’s recognition of the need for development in the region, the strategy is inherently flawed due to its failure to reflect the reality of the situation on the ground. Many of the people of Darfur have once been or continue to be victims of crimes perpetrated by the government

¹⁰⁴ The Sudan Tribune, NCP approves new “domestication” strategy on Darfur, 30 July 2010, http://www.sudantribune.com/NCP-approves-new-domestication_35809 , accessed 13 March 2012

itself. Given their history, it is difficult to imagine that the NCP, as one of the key perpetrators, would work to produce a deal that truly represents the interests of all parties to the conflict."¹⁰⁵

b. Referendum proposal for Darfur

In January 2010, *Chatham House* reported that the Darfur referendum was agreed by signatories to the Darfur Peace Agreement (DPA) of 2006, with the aim of determining whether all three states of Darfur would reunite into one region,

"In 2006, the signatories to the DPA agreed to a referendum that would give Darfurians the chance to reunite the three states of Darfur into one region, making the Transitional Darfur Regional Authority established to implement the DPA into a permanent political structure. The deadline for holding the referendum is July 2010.

When the NCP leadership took power in 1989, Darfur was a single region. In 1990, the leadership decided to divide it, largely for security and political objectives: the committee recommending division noted that it would probably intensify tribal conflicts, which is what happened. The reunification of Darfur might create a higher-level authority in Darfur with the power and political will to mediate the conflicts, linked to the region's history of 'ethnicized' access to natural resources.

Reunification would make Fur people a majority – they are currently minorities in each of the three states. One senior Rizeigat Baggara politician from the NCP has presented the referendum in starkly ethnic terms, a bid for tribal dominance by the Fur-dominated faction of the SLM/A: 'The idea of a single region is based on the principle of dedication of this region to the ownership of one tribe ... and aims at [creating] first-class and second-class groups.' His views were reflected in comments by other regime hardliners. But they may be over-stating the case. Administrative arrangements in Darfur are a contributing factor to the conflict, but there had been little popular demand for the referendum before the agreement."¹⁰⁶

In January 2010, *Chatham House* reported that the referendum was unlikely to take place,

"The DPA promises a referendum on the future status of Darfur by the middle of 2010 and also presents the elections as a peaceful means for change. The DPA is not functioning and international mediators are working to replace it with another peace agreement. This mediation might also be a starting-point for Darfurians to set out a common future for themselves. The core demands of the opposition – for viable representation in the state, compensation for war damage, justice for war victims, investment – are all in principle achievable. But there is a serious likelihood that none of these mechanisms will be able to provide Darfur with an exit from its current predicament next year. No one believes the referendum will take place: can elections take place without a resolution of the conflict?"¹⁰⁷

In January 2010, *Chatham House* further reported on the issues surrounding the referendum and the divisions existing in northern Sudanese politics,

"The suspicious allies in the Government of National Unity lack a vision for Sudan's future. That is one reason why both parties have displaced political energy into delaying tactics on

¹⁰⁵ The Enough Project, *Intentions Unmasked: The Real Strategy for Darfur*, 10 November 2010, <http://www.enoughproject.org/blogs/intentions-unmasked-real-strategy-darfur>, accessed 13 March 2012

¹⁰⁶ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.28, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

¹⁰⁷ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.27, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

procedural questions. Delays and lack of faith have made secession more attractive: many SPLM leaders, and many Southerners, sought secession from the outset of their struggle. Others have come to support secession for a long list of reasons: the continuing conflict in Darfur; the lack of central government investment in Southern development; alleged NCP support for violence and instability in Southern Sudan; or the failure to make good the transformative aspects of the CPA.

But even those in the SPLM supporting unity – such as the Northern Sudanese cadres who joined the movement out of a desire to transform the North – are resorting to secessionist positions as the deadline for the referendum draws near, and the possibility of attractive unity fades. Because the CPA requires the SPLM to promote the unity of Sudan, secessionist positions are garbled into a call for a referendum law whose procedures will make secession inevitable.

Many in the NCP accept the likelihood of secession and acknowledge that for it to be smoothly effected will require generosity from both sides. But for now, inflexibility appears to be the tactic of choice for both sides."¹⁰⁸

In March 2011, *Al Jazeera* stated that the Sudanese government planned to hold a referendum on unifying the three states of Darfur, reporting that the government has previously resisted reunification of the region, fearing that it would give Darfuris a large power base and encourage separatism,

"Sudan will hold a referendum on whether to unify the three states of its Darfur territory into one region, a presidential aide has said. Ghazi Salaheddin told a news conference in Qatar's capital, Doha, on Wednesday that the vote was part of the Abuja agreement 2006, which was signed by the largest opposition group in Darfur and the Sudanese government but failed to end the conflict.

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"We'll start arrangements for this referendum. It's a referendum on the administrative status [of Darfur] according to the Abuja agreement and this means we'll start procedures that deal with this requirement in a democratic way for those residing in Darfur to decide on the issue," Salaheddin said. "We expect it will take a few weeks because we need a law on how to hold this referendum. This is stipulated in the Abuja agreement that we adhere to and this is not new."

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Sudan's government has long resisted the idea of unifying the territory, for fear of giving Darfuris too large a power base and possibly encouraging separatism, say Sudan analysts. Many from Darfur's large Fur tribe and other groups resent the three-way split, saying it sliced up their territory, turned them into minority players in each state and allowed Khartoum to divide and rule them.

Sudan has said it has been stepping up efforts to resolve the Darfur crisis and will present the vote as a key concession. No one was immediately available to comment from Darfur's rebel groups. Salaheddin laid out the government's Darfur strategy including, he said, negotiations, consultations with Darfuris and development. Organising a Darfur referendum would prove a huge logistical task as fighting has turned large parts of the territory into no-go areas, plagued by bandits, kidnappers and warring tribes."¹⁰⁹

¹⁰⁸ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.21, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf , accessed 13 March 2012

¹⁰⁹ Al Jazeera, Sudan to organise Darfur referendum, 3 March 2011, <http://www.aljazeera.com/news/africa/2011/03/20113363631516906.html>, accessed 13 March 2012

In April 2011, *AFP* reported that the Sudanese government planned to hold the Darfur referendum on 1 July 2011 and noted that rebel groups had warned that such a vote would disrupt ongoing negotiations,

"Sudan's National Election Commission announced on Sunday that a planned referendum on how the war-torn Darfur region should be governed will take place no later than July 1. "The National Elections Commission will work on completing the administrative referendum to determine the permanent status of Darfur no later than July 1, 2011, with voting to take place over a period of two days," the NEC said in a statement. The vote will determine whether Darfur should be granted regional status, which it had before 1994 and which the rebels have called for, as it would lead to a greater degree of autonomy, or whether it should remain as individual states.

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But Darfur rebel groups have warned that to go ahead with such a unilateral move before a political agreement has been reached will torpedo the foundering Doha peace talks.

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Last month, a presidential committee endorsed a recommendation to add two new states to Darfur's existing three, a move that still has to be approved by the local and national assemblies but which the rebels condemned as a policy of "divide and rule." The NEC said it would take the necessary steps to conduct the referendum, including updating the voting register from elections in April last year, as well as raising awareness of and explaining its purpose to voters, and setting out the timetable."¹¹⁰

In June 2011, *The Sudan Tribune* reported that the Sudanese government and LJM had agreed to delay the referendum on Darfur's status for one year as critical issues remain unresolved,

"Sudanese government and Liberation and Justice Movement (LJM) agreed to delay the referendum on Darfur administrative status for one year after the signing of a peace agreement, as others issues remain unresolved.

Since Darfur stakeholders conference the two parties pledged to reach a peace agreement despite the divergences on power sharing and security arrangements they failed to bridge since November 2010. In a bid to break the deadlock unilaterally Khartoum announced that the referendum will be held in July, during the rainy season in the restive region of Darfur. "We agreed to conduct the referendum one year after the signing of the peace agreement," said Tadjeldine Niam LJM top negotiator who underlined that the agreement was concluded on Sunday in a meeting between the two sides held in Doha. "The President of the Republic in coordination with the head of Darfur Regional Authority will establish the referendum commission which will determine its date," he said. "The outcome of the plebiscite will be incorporated in the permanent constitution," Niam further stressed.

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The head of the government negotiating delegation Amin Hassan Omer, Sunday reiterated Sudan's rejection to hold talks on all the chapters of the framework document with the rebel Justice and Equality Movement (JEM) saying it was not serious to reach a negotiated deal.

Amin said they can only discuss the security arrangement to integrate the combatants of the rebel groups and to discuss their participation in the national and Darfur institutions. Niam said the government accepted to give Darfur rebel groups the remaining seats in the National Assembly after the departure of Southern Sudan representatives as the region opted for secession.

¹¹⁰ AFP, Sudan says to hold Darfur referendum on July 1, 24 April 2011, Available at: <http://www.afp.com>, accessed 13 March 2012

He however said the two parties still disagree on the description of the members of Darfur Regional Authority. The NCP led government says they should be named as “secretary” while LJM rebels ask to call them “ministers”. [] The Sudanese government agreed to appoint a vice-president from the region but said only the president will choose a deputy from Darfur without any restrictions.”¹¹¹

c. International Criminal Court Arrest Warrants

In June 2011, the *US Congressional Research Service* reported on the International Commission of Inquiry on Darfur and the subsequent recommendations passed on to the International Criminal Court (ICC) that 51 Sudanese suspects be prosecuted,

“In January 2005, the International Commission of Inquiry on Darfur submitted its report to then U.N. Secretary-General Kofi Annan. The 176-page report provided a detailed accounting of atrocities committed by the government of Sudan and its Janjaweed militia allies. The Commission declared that “based on thorough analysis of the information gathered in the course of the investigations, the Commission established that the government of Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law.”

The Commission found, however, that “the government of Sudan has not pursued a policy of genocide.” The Commission, while acknowledging that government officials and other individuals may have committed genocidal acts, stated that “the crucial element of genocidal intent appears to be missing.” The Commission submitted a sealed document listing 51 suspects for prosecution by the International Criminal Court (ICC).”¹¹²

Amnesty International reported in its 2011 annual report that the AU had agreed not to co-operate with the ICC over the arrest warrant issued for the Sudanese President, accused of genocide against Fur, Massalit and Zaghawa ethnic groups and that two other people (Ahmed Haroun, governor of South Kordofan since May 2009, and Ali Kushayb former Janjaweed leader) for whom the ICC had issued arrest warrants remained free,

“On 8 February, the International Criminal Court (ICC) decided not to confirm the charges against Bahar Idriss Abu Garda, leader of the United Resistance Front, a Darfur-based armed group. Bahar Idriss Abu Garda had been summoned in relation to three war crimes in an attack on Haskanita in 2007 against peacekeepers from the African Union Mission in Sudan (AMIS). He appeared voluntarily before the ICC on 18 May 2009. The pre-trial chamber rejected the ICC Prosecutor’s appeal on 23 April 2010 and again refused to confirm the charges.

On 17 June, Abdallah Banda Abbaker Nourein, Commander in Chief of the JEM Collective Leadership, and Saleh Mohammed Jerbo Jamus, former Chief of Staff of the Sudan Liberation Army- Unity who then joined the JEM, appeared before the ICC. The hearing to confirm the charges against them took place on 8 December.

On 12 July, the ICC issued an additional arrest warrant against President Al Bashir for genocide. The pre-trial chamber found there were reasonable grounds to believe that President Al Bashir was responsible for three counts of genocide against the Fur, Massalit and Zaghawa ethnic communities.

¹¹¹ The Sudan Tribune, Sudan and LJM rebels agree on the date of Darfur referendum, 26 June 2011, <http://www.sudantribune.com/Sudan-and-LJM-rebels-agree-on-the-39344>, accessed 13 March 2012

¹¹² US Congressional Research Service, Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement, 15 June 2011, p.25, <http://http://www.crs.gov>, accessed 13 March 2012

The Assembly of the AU reaffirmed in July its decision not to co-operate with the ICC in relation to the arrest and surrender of President Al Bashir. The Assembly asked AU member states to comply with its decision. President Al Bashir visited Chad and Kenya, both states parties to the Rome Statute, in July and August.

The Sudanese government did not co-operate with the ICC. The three people against whom the ICC had issued arrest warrants – President Al Bashir, Ahmed Haroun, governor of South Kordofan since May 2009, and Ali Kushayb, former Janjaweed leader – also remained free from prosecution in Sudan.¹¹³

In February 2010, UK daily newspaper, *The Guardian*, reported that a ruling stating that there was insufficient proof to charge the Sudanese President with genocide was overturned by the ICC's appeal chamber, and that President Bashir currently faced seven charges of crimes against humanity and war crimes,

"Sudan's president, Omar al-Bashir, could face genocide charges in the international criminal court after a legal ruling over his role in the conflict in Darfur. Bashir already faces an arrest warrant on seven charges of crimes against humanity and war crimes. He is accused of having personally instructed his forces to annihilate three ethnic groups, the Fur, the Masalit and the Zaghawa.

A ruling saying there was insufficient proof to charge him with genocide was overturned by the ICC's appeal chamber today . Legal experts said the prospect of such a charge was now a step closer.

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Bashir rejects the charges against him and has wide support from Arab and African countries to which he travels seemingly without fear of arrest. He was in Qatar discussing Darfur when the appeal ruling was announced. The government in Khartoum dismissed the ruling as political, intended to hinder Sudan's first democratic elections in 24 years, due to be held in April. "This procedure of the [court] is only to stop the efforts of the Sudanese government toward elections and a peaceful exchange of power," said Rabie Abdelati, an information ministry official.

The Justice and Equality Movement, Darfur's main armed anti-government group, welcomed the ruling: "This is a correct decision," Ahmed Tugud, the movement's chief negotiator, said. "We believe that what we have seen on the ground in Darfur The international criminal court's prosecutor, Luis Moreno-Ocampo, included genocide on his original charge sheet, but the pre-trial judges left off the charge when they approved the arrest warrant last March. Moreno-Ocampo appealed, saying the judges' standard for adding the genocide charge was set too high. amounts to a crime of genocide."¹¹⁴

In March 2010, *The Enough Project* reported that an ICC arrest warrant was issued for the Sudanese Defense Minister,

"On March 1, Pre-Trial Chamber I of the International Criminal Court, or ICC, issued an arrest warrant for the Sudanese Defense Minister First Lieutenant-General Abdelrahim Mohamed Hussein on 41 counts of war crimes and crimes against humanity—including murder, rape,

¹¹³ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011> , accessed 18 March 2012

¹¹⁴ The Guardian, Genocide charge put back on arrest warrant against Sudan president, 3 February 2010, <http://www.guardian.co.uk/world/2010/feb/03/sudan-president-darfur-genocide-charges>, accessed 13 March 2012

forcible transfer, torture, destruction of property, pillaging, and attacks against civilians—committed in the Darfur region of Sudan.

The Enough Project supported the Office of the Prosecutor's initial request for an arrest warrant in December of 2011, and is encouraged by the Court's decision to move forward with the case and issue the arrest warrant for General Hussein. Three other individuals who are also the subjects of arrest warrants related to crimes against humanity and war crimes in Darfur, including Sudanese President Omar al-Bashir, still remain at large."¹¹⁵

In April 2010, *The Enough Project* reported that the Sudanese government continues to reject cooperation with the ICC regarding the issue of an arrest warrant for President Bashir,

"The Sudanese government continues its complete noncooperation with the International Criminal Court arrest warrant for President Bashir. Since its inception in October, the African Union High Level Implementation Panel on Darfur, or AUHIP, has yet to make progress on implementing its recommended hybrid court for Darfur.

The panel has instead been devoting increased attention to issues around CPA implementation and the elections. The NCP has also stated, as expected, that Bashir's electoral victory will prove that the allegations against him are false and that the Sudanese, especially the people of Darfur, reject the International Criminal Court's efforts. The complete lack of accountability to date only makes it more likely that the NCP will be undeterred from committing violence and crimes against its civilian population in the future."¹¹⁶

In 2011, the *International Federation for Human Rights (FIDH)* reported that Chadian authorities refused to arrest the Sudanese President despite their being an arrest warrant issued by the ICC and Chad being a signatory to the Rome Statute,

"[] On July 21, 2010, the Sudanese President, Mr. Omar Hassan al Bashir, travelled to Chad to take part in a meeting of the region's leaders, and although he is subject to two arrest warrants issued by the International Criminal Court (ICC) for "genocide", "crimes against humanity" and "war crimes" committed in the Darfur region and although Chad is a State Party signatory to the Rome Statute, the Chadian authorities refused to arrest him. This violation of international obligations occurred several months after the start of a new diplomatic dialogue between the two countries, who signed an agreement normalising their relations on January 15, 2010, after five years of conflict by proxy through rebel groups."¹¹⁷

The *BBC* reported in June 2010 that the ICC's chief prosecutor had urged the UN Security Council to push for the arrest of Ahmed Haroun and Ali Kushayb who have both been indicted for war crimes in Darfur,

"Luis Moreno-Ocampo said Khartoum had failed to apprehend former minister Ahmed Haroun and Janjaweed militia leader Ali Kushayb. The two men were indicted by the ICC in 2007 for war crimes and crimes against humanity. Khartoum has rejected the indictments. Sudan, whose President Omar al-Bashir is also wanted by the ICC, is refusing to co-operate with the court.

¹¹⁵ The Enough Project, ICC issues arrest warrant for Sudanese Defense Minister Hussein, 2 March 2012, <http://enoughproject.org/blogs/icc-issues-arrest-warrant-sudanese-defense-minister-hussein>, accessed 26 March 2012

¹¹⁶ The Enough Project, Grading the benchmarks, 29 April 2010, <http://www.enoughproject.org/publications/grading-benchmarks>, accessed 13 March 2012

¹¹⁷ FIDH, Annual Report 2011, 2011, p.45, <http://www.fidh.org/Steadfast-in-Protest-2011-Report>, accessed 13 March 2012

The government has always denied reports that it had backed the Janjaweed militias accused of widespread atrocities against civilians in Darfur."¹¹⁸

In January 2011, *Amnesty International* reported its concerns that the UN had given assistance to an indictee of the ICC, Ahmed Haroun, the Governor of Southern Kordofan,

"Amnesty International has urged the United Nations not to help fugitives from international justice after a Sudanese official wanted for war crimes in Darfur was provided with a helicopter to fly to a meeting in the Abyei region. Ahmed Haroun, the Governor of Southern Kordofan, who is the subject of an arrest warrant issued by the International Criminal Court (ICC), was given assistance by the United Nations Mission in Sudan (UNMIS) so that he could attend a meeting with members of the Missirya community in Abyei.

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In a letter to UN Secretary-General Ban Ki-moon on Wednesday, Amnesty International called for directives to be issued to "all peacekeeping operations and other UN offices and agencies to refrain from providing such assistance except for the purpose of facilitating the arrest of a person as required by the ICC or other competent judicial body." On Tuesday, UN spokesperson Martin Nesirky said that "Governor Haroun was critical to bringing the Misseriva leaders in southern Kordofan to this meeting that had been arranged in Abyei to stop further clashes and killings."¹¹⁹

In April 2011, the *IWPR* reported that the Sudanese government appeared to be controlling the flow of aid into Darfur and stated that this restriction has been noted by the ICC to constitute a violation of state responsibilities and that prosecutors consider it to be evidence of genocide by attrition,

"Hague prosecutors continue to allege that the Sudanese government is intentionally violating its legal responsibility to provide shelter, health and food services to IDPs.

When charging Bashir in March last year, ICC prosecutor Luis Moreno-Ocampo said that genocide was being masterminded in Darfur through rape, hunger and fear. Prosecutors now say that the current use of the humanitarian affairs office to monopolise and control the flow of aid into Darfur, and expose IDPs to starvation, is another tool of war used by the government against people in the region. In short, prosecutors say it is further evidence of genocide by attrition.

"Genocide needs to be carried out through careful planning, and systematic implementation. What happens in Darfur now is evidence... that there are no separated incidents and things [do not] occur arbitrarily [without a] fixed policy," Shalabi said.

Since the expulsion of the NGOs, the government has granted aid groups and UN agencies only very limited access to the region, arguing that they could be collaborating with the court. Once inside Darfur, the movements of aid workers are strictly controlled by the government. This has made it extremely difficult for the international community to assess the security and humanitarian situation on the ground."¹²⁰

¹¹⁸ BBC News, ICC pushes UN for arrests of Sudanese suspects, 12 June 2010, <http://www.bbc.co.uk/news/10300228>, accessed 13 March 2012

¹¹⁹ Amnesty International, Un Aids Sudanese Official Wanted For War Crimes, 13 January 2011, <http://www.amnesty.org/en/for-media/press-releases/un-aids-sudanese-official-wanted-war-crimes-2011-01-13>, accessed 13 March 2012

¹²⁰ IWPR, International Failures Prolong Darfur's Misery, April 2011, p.7, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

In December 2011, *Al Jazeera* reported the prosecutor of the International Criminal Court has requested an arrest warrant for Sudan's defence minister for alleged crimes committed in Darfur, bringing the total number of Sudanese officials subject to arrest warrants from the ICC to six,

"Luis Moreno-Ocampo asked the court on Friday "to issue an arrest warrant against the current Sudanese defence minister, Abdelrahim Mohamed Hussein, for crimes against humanity and war crimes committed in Darfur from August 2003 to March 2004," the prosecutor's office said in a statement.

Khartoum's interior minister at the time, Hussein is wanted for co-ordinating attacks against civilians in at least six villages in western Darfur. The villages were surrounded, bombed by the Sudanese air force, and then attacked by a combined force of Sudanese troops and Janjaweed militia. "The evidence shows that this was a state policy supervised by Mr Hussein to ensure the coordination of attacks against civilians," said the statement.

If granted, the warrant would bring to six the number of suspects on the run or being prosecuted before the court in The Hague for crimes committed in Darfur. It's highest profile suspect is Sudanese President Omar al-Bashir, who is wanted on three counts of genocide, five of crimes against humanity and two of war crimes for his role in the conflict. They all deny the charges and refuse to surrender to the ICC. Moreno-Ocampo accuses Bashir of having personally instructed his forces to annihilate three ethnic groups, the Fur, the Masalit and the Zaghawa."¹²¹

d. United Nations Security Council, UN Panel of Experts, UNAMID, UNMIS

In January 2010, *Chatham House* reported on the background to UN involvement in Sudan, and noted that the UN had multiple functions based on the broader security situation in the region,

"The UN is involved in Sudan partly because it was invited there. The UN has made enormous peace-keeping investments in the country, where it runs two billion-dollar missions (one is a joint UN/AU mission in Darfur, UNAMID). It is also involved because the situation there affects international peace and security. Sudan is enmeshed in wider conflicts – the Great Lakes conflict, present in Sudan in the shape of the Ugandan rebel Lord's Resistance Army and its Ugandan army pursuers; the Western Sudan conflicts that stretch from Darfur to Southern Libya, Chad, Central Africa and Niger; the Horn of Africa conflicts that draw in Ethiopia, Eritrea and Somalia and which affect Eastern Sudan; and the Middle East conflict – Israeli bombers reportedly attacked lorries carrying weapons destined for Gaza in Eastern Sudan in 2009."¹²²

In April 2010, the *United Nations Security Council* extended the mandate of the United Nations Mission in Sudan (UNMIS) until 30 April 2011, calling on UNMIS to,

"implement a mission-wide civilian protection strategy, comprehensively throughout the mission area, including the implementation of tribal conflict resolution mechanisms, and *urges* UNMIS to enhance its presence in areas at high risk of localized conflict, including by conducting frequent patrols"¹²³

¹²¹ Al Jazeera, ICC arrest warrant sought for Sudan minister, 2 December 2011, <http://www.aljazeera.com/news/africa/2011/12/2011122134452270643.html> , accessed 13 March 2012

¹²² Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p. 34, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf , accessed 13 March 2012

¹²³ UN Security Council, Security Council Resolution 1919 (2010) on the extension of the mandate of the United Nations Mission in the Sudan (UNMIS), 29 April 2010, S/RES/1919(2010), <http://www.unhcr.org/refworld/country.LEGAL.UNSC.,SDN.,4bea73df2.0.html>, accessed 26 March 2012

In April 2011, the *United Nations Security Council* extended the mandate of the UNMIS until 9 July 2011, with the “intent to establish a mission to succeed UNMIS.”¹²⁴

In October 2010, the *United Nations Security Council* extended the mandate of the UN Panel of Experts until 19 October 2011, requesting the Panel of Experts to,

“coordinate its activities as appropriate with the operations of the United Nations/African Union Hybrid Operation in Darfur (UNAMID) and with international efforts to promote the political process in Darfur, and to assess in its interim and final reports progress towards reducing violations by all parties of the measures imposed by paragraphs 7 and 8 of resolution 1556 (2005) and paragraph 7 of resolution 1591 (2005), and progress towards removing impediments to the political process, threats to stability in Darfur and the region, violations of international humanitarian or human rights law or other atrocities, including sexual- and gender-based violence, and other violations of the abovementioned resolutions.”¹²⁵

In July 2011, the *United Nations Security Council* extended the mandate of UNAMID until 31 July 2012, underlining,

“the need for UNAMID to make full use of its mandate and capabilities, giving priority in decisions about the use of available capacity and resources to (a) the protection of civilians across Darfur, including through proactive deployment and patrols in areas at high risk of conflict, securing IDP camps and adjacent areas, and implementation of a mission-wide early warning strategy and capacity and (b) ensuring safe, timely and unhindered humanitarian access, and the safety and security of humanitarian personnel and humanitarian activities, so as to facilitate the unimpeded delivery of humanitarian assistance throughout Darfur; and *requests* UNAMID to maximise the use of its capabilities, in cooperation with the UN Country Team and other international and non governmental actors, in the implementation of its mission-wide comprehensive strategy for the achievement of these objectives.”¹²⁶

In June 2011, the *US Congressional Research Service* reported on the United Nations Security Council adopted Resolution 1769, and explained the basis for the establishment of the hybrid United Nations/African Union force in Darfur (UNAMID),

"On July 31, 2007, acting under Chapter VII of the Charter of the United Nations, the United Nations Security Council adopted Resolution 1769. The resolution called for the deployment of a hybrid United Nations-African Union force in Darfur (UNAMID). The U.N. was expected to fully deploy 26,000 peacekeeping troops to Darfur by mid-2008. As of April 30, 2011, UNAMID deployed a total of 23,129 peacekeeping personnel. As of April 2011, 89 peacekeeping personnel have been killed in Darfur. In March 2008, the United States pledged \$100 million to train and equip African peacekeepers for deployment under UNAMID. In late 2008, the United States helped transport equipment and personnel to Darfur. The resolution:

1. Reaffirms its commitment to stop the suffering in Darfur, and to work with the government of Sudan toward this end.
2. Commends Sudan's acceptance of a hybrid operation to be deployed in Darfur and the ongoing efforts of the African Union Mission in Sudan, AMIS.

¹²⁴ UN Security Council, Security Council resolution 1978 (2011) on extension of the mandate of the UN Mission in Sudan until 9 July 2011 and on preparations for the establishment of a successor mission, 27 April 2011, S/RES/1978(2011), http://www.unhcr.org/refworld/country_LEGAL_UNSC,,SDN,,4dbee6192,0.html, accessed 26 March 2012

¹²⁵ UN Security Council, Security Council resolution 1945 (2010) on extension of the mandate of the UN Panel of Experts Established pursuant to Security Council Resolution 1591 (2005), http://www.unhcr.org/refworld/country_LEGAL_UNSC,,SDN,,4cd13d5d2,0.html, accessed 26 March 2012

¹²⁶ UN Security Council, Security Council resolution 2003 (2011) on extension of the mandate of the AU/UN Hybrid Operation in Darfur (UNAMID) until 31 July 2012, 29 July 2011, S/RES/2003(2011), http://www.unhcr.org/refworld/country_LEGAL_UNSC,,SDN,,4e7706732,0.html, accessed 26 March 2012

3. Refers to the Addis Ababa Agreement that the hybrid operation be predominantly comprised of African troops.
4. Expresses concern about ongoing attacks on civilians in Darfur and the security of humanitarian aid workers in the region.
5. Welcomes the appointment of the AU-UN Joint Special Representative for Darfur, Rodolphe Adada, and Force Commander, Martin Agwai.

In late December 2007, UNAMID officially assumed command and control from the African Union peacekeeping force. The government signed the Status of Forces Agreement (SOFA) with the United Nations in February 2008. In January 2008, a UNAMID supply convoy was attacked by Sudanese government forces in West Darfur.

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In January 2008, President Bashir appointed Musa Hilal, a leader of the Janjaweed, as advisor to the minister of federal affairs. In April 2006, the United Nations Security Council imposed a travel ban and asset freeze on Musa Hilal. Bush Administration officials criticized the appointment of Hilal. President Bashir argued that Hilal is an influential leader in Darfur and that his government does not accept the allegation against Hilal. The appointment of Hilal is seen by observers as another obstacle to peace in the Darfur region.¹²⁷

In January 2010, *Chatham House* reported on the capacities and roles of UNAMID and UNMIS in Darfur,

"What is the UN's role? 'The UN will take the blame, it's our job,' said one senior UN official, referring to the risks of a breakdown in the peace process. It may well do so – the UN Mission in Sudan (UNMIS), mandated to support the CPA, has a 10,000-strong military component, and UNAMID is authorized to have almost 20,000 (it has not yet reached full strength). These armies are far too small and ill-equipped to provide protection to the civilian population if there is an outbreak of violence. In any case, UNMIS does not have the mandate to provide protection except where its forces encounter a direct threat to civilians that they have the military capacity to repulse. Nowhere does UNMIS have an army that can match the heavy weapons of the SAF and SPLA.

The UN has considerable resources that it can invest in averting a conflict. Apart from military resources, the UN has many officials working on political analysis and the protection of human rights. They could promote discussions with local populations, which would help them develop a better understanding of the political complexities ahead. Both missions also have agreements with the government allowing them to operate radio stations across Sudan. But the NCP has resisted allowing UN radio to broadcast in central Sudan in spite of an agreement entirely lacking in ambiguity.

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Some UN officials are reluctant to use the organization's expensive military and political presence for local talking shops, and would like to see a more forthright commitment to protecting civilians – in spite of limitations of capacity and mandate.

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The violence in Darfur and in Southern Kordofan is covered by two different missions and two different peace agreements. In Darfur, the UN is seeking the disbandment of some security forces and the reform of others. In both Darfur and Southern Kordofan, UNMIS and UNAMID face movement restrictions from the Northern security forces: there is no viable political

¹²⁷ Congressional Research Service, Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement, 15 June 2011, p.17, <http://www.crs.gov>, accessed 13 March 2012

framework for security force reform in Northern Sudan. In any case, civilian protection needs political frameworks if it is to go beyond counter-insurgency tactics."¹²⁸

In December 2011, the *UN Secretary General* reported that UNAMID civilian personnel numbered 4,489, military personnel numbered 17,906 and police numbered 2,755,

"As at 13 December, the strength of UNAMID civilian personnel stood at 4,489, of whom 1,104 were international staff, 2,907 were national staff and 478 were United Nations Volunteers. This represented 85 per cent of the approved strength of 5,285. The mission has continued to take steps to mitigate security risks and improve living conditions in order to improve the recruitment and retention of staff.

[] As at 13 December, the strength of UNAMID military personnel stood at 17,906, representing 91.5 per cent of the authorized strength of 19,555. This figure included 17,341 troops, 314 staff officers, 184 military observers and 67 liaison officers.

Also as at 13 December, the personnel strength of UNAMID police stood at 2,755 (81.7 per cent men and 18.3 per cent women), representing 73 per cent of the authorized strength of 3,772. A total of 16 of the authorized 19 formed police units were deployed. An additional unit (Nigeria) was scheduled to be deployed early in 2012. The total number of deployed formed police unit personnel stood at 2,229, or 84 per cent, of the authorized strength of 2,660."¹²⁹

In July 2011, *The United Nations Security Council* reported on UNAMID's efforts to secure the Darfur region for civilians and prevent attacks, but noted that the Sudanese government restricted its activities,

"UNAMID carried out 23,999 patrols between 1 April and 30 June, during which the Mission's movements by land were restricted on 68 occasions. Most of the restricted patrols were either in or seeking to enter areas believed by the Government to harbour forces of the armed movements.

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ongoing intermittent clashes between Government and movement forces continue to adversely affect the humanitarian situation, with displacements of civilians reaching an estimate of between 60,000 and 70,000 since the beginning of the year. Despite this, UNAMID has made good progress in improving the humanitarian situation and facilitating humanitarian access in Darfur. Restrictions of movement in Sector South, imposed by the Government of the Sudan due to the alleged presence of armed movements, were officially lifted on 11 June, and the work of the humanitarian agencies has resumed. Similarly, access for staff and humanitarian relief to the Kalma camp for internally displaced persons (IDPs) resumed without further restrictions.

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UNAMID and the Government of the Sudan continue to consult closely on all issues of concern to peace and stability in Darfur."¹³⁰

The United Nations Security Council reported in July 2011 that UNAMID was achieving some success in stabilizing the conflict in Darfur, but that its peacekeepers were still subject to attack from militia,

¹²⁸ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.34,

http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

¹²⁹ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32_0.html, accessed 26 March 2012

¹³⁰ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2011/422), 22 July 2011, p.5, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SPV%206589.pdf>, accessed 13 March 2012

"[] tribal clashes, a contributing factor in fatality and civilian displacement in Darfur, is now on the decrease due mainly to UNAMID-assisted efforts on the part of all sides to address their causes. Two recorded cases, however, were the 5-6 June fighting between the Zaghawa and Tunjur/Berti/Birgid in areas near Shangil Tobaya, in North Darfur, and the 19 June fighting between the Salamat and Habbaniyah in Nadhif near Buram, in South Darfur. The implementation of the June 2010 truce agreement between the Nawaiba and Misseriya in the Zalingei area of West Darfur is being closely monitored.

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With mitigation measures and robust responses consistently pursued by UNAMID, coupled with the security and patrol mechanisms jointly operated by UNAMID and the Government of the Sudan, incidents of attacks and carjacking against United Nations and associated personnel in Darfur have been drastically reduced. I regret to note, however, that while in numerical terms and frequency there has been a considerable reduction in attacks on peacekeepers and humanitarian actors since my last briefing to the Council, occasional and fatal attacks still occur. For example, on 30 June, a UNAMID minibus transporting five peacekeepers was attacked by unknown gunmen in El Geneina, West Darfur."¹³¹

In October 2011, *Radio Dabanga* reported on an attack on UN peacekeepers and noted that occupants of the IDP camps had criticized the United Nations Security Council for not allowing UNAMID sufficient powers to protect both its peacekeepers and civilians in Darfur,

"Residents from the Internally Displaced Persons Camps across Darfur strongly condemned the killing of three and wounding of six UNAMID soldiers at Zamzam Camp on Monday.

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The camp coordinators called on the UN Security Council to apply the 17 resolutions issued for Darfur, and to grant UNAMID the full power to protect itself and Darfur civilians. Finally, they reiterated their disapproval of the attack, adding that "UNAMID should renew its commitment to responsibility, independence and neutrality".

In Kalma Camp (South Darfur), people blame the soldiers' death on the UN security Council's failure to delegate enough power to the UNAMID to protect itself and the civilians. They believe the mission to be helpless and weak, and expressed their doubts regarding its ability to protect civilians, "let alone themselves".

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The coordinator of the Zalingei Camps (West Darfur) expressed his concerns about the potential consequences of the incident in an interview with Radio Dabanga. He fears the government might use the attacks as a pretext to dismantle the camp and proceed with the annihilation of the displaced, and joined the Kalma Camps Coordinator in his call to the Security Council: "The UNSC should stop releasing statements condemning the situation in Darfur and proceed with immediate and concrete action to protect the civilians and Mission in Darfur," he told Radio Dabanga

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In New York, the UN Security Council strongly condemned the attacks on the peacekeeping forces: "An attack on international peacekeepers is a war crime and we will ensure that justice will be served. This deplorable incident will not deter UNAMID's strong commitment to its mission to protect the people of Darfur," Mr. Gambari said in a statement."¹³²

The *BBC* reported in May 2010 on the killing of two UNAMID peacekeepers in South Darfur and noted

¹³¹ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2011/422), 22 July 2011, p.3, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SPV%206589.pdf>, accessed 13 March 2012

¹³² Radio Dabanga, UNAMID incident stirs up opinions across Darfur, 12 October 2011, <http://www.radiodabanga.org/node/19738>, accessed 13 March 2012

that no group had claimed responsibility for the attack,

"Two Egyptian peacekeepers have been killed by gunmen in Sudan's Darfur region, the joint United Nations-African Union mission (Unamid) says.

It says three other Egyptian soldiers were injured in an ambush near Edd al-Fursan, South Darfur. They were later airlifted to a Unamid hospital. No group has so far claimed responsibility for the attack."¹³³

In January 2012, the *Sudan Media Center* reported that the Sudanese Government believed that the United Nations Security Council should action a reduction in UNAMID forces in Darfur as the conflict was now less grave and that money spent on the mission be assigned to aid projects instead,

"Sudan permanent envoy to UN in New York Dafa Allah AL Haj urges UNSC to reduce hybrid troops (UNAMID) in Darfur based on council resolution No2003 for the year2011 which stipulates the importance of reviewing UNAMID components.

AL Haj made his demand in the light of the major positive development in Darfur peace process and the start of implementing Doha peace decumbent besides large scale peace and stability that was maintained across Darfur region. It reportedly the demand was met with positive response from UNSC members in their close doors discussions. Dafa Allah highlights that reducing of the mission contributes in rationalizing the US\$2B allocated for the mission and be utilized in development and reconstruction of Darfur region."¹³⁴

In January 2010, *The Sudan Tribune* reported on the appointment of a new Independent Expert on the situation of human rights in the Sudan and noted that the Sudanese government had routinely express frustration with the renewal of the human rights expert's mandate and had lobbied extensively to terminate the role,

"The United Nations' Human Rights Council (UNHRC) has decided to renew the mandate of the independent expert on the situation of human rights in Sudan despite Khartoum's lobbying blitz to forestall the move. Last week, the independent expert on the situation of human rights in Sudan, Mohamed Chande Othman, told the Geneva-based council that Sudan needs to reform its security apparatus and address impunity in conflict zones.

At the conclusion of its session on Thursday, the UNHRC noted with concern the humanitarian situation in Sudan's border states of South Kordofan and Blue Nile, where conflicts armed erupted recently between the country's army and forces of the opposition Sudan People's Liberation Movement North (SPLM-N).

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The council also urged members to respond to Sudan's requests for technical assistance in the field of human rights. UNHRC also said it had decided "to renew for a period of one year the mandate of the independent expert on the situation of human rights in the Sudan," requesting him to submit a report to the Council for consideration at its twenty-first session" Sudan's ambassador to the UNHRC welcomed the renewal of the expert's mandate and assured him of the government's cooperation. Khartoum routinely express frustration with the renewal of human rights experts' mandate and has been lobbying extensively to terminate the mandate."¹³⁵

¹³³ BBC, Two Egyptian peacekeepers killed in Darfur, 7 May 2010, <http://news.bbc.co.uk/2/hi/8669064.stm>, accessed 13 March 2012

¹³⁴ Sudan Media Center, Sudan demands UNSC Reducing Hybrid troops in Darfur, 19 January 2012, <http://smc.sd/eng/news-details.html?rsnpid=34884>, accessed 13 March 2012

¹³⁵ The Sudan Tribune, New UN rights expert pays first visit to Sudan, 24 January 2010, <http://www.sudantribune.com/New-UN-rights-expert-pays-first.33890>, accessed 13 March 2012

In February 2010, the *OHCHR* reported that the independent expert on the situation of human rights in the Sudan had expressed concern in his recent report on the ongoing human rights violations being committed in the Darfur region,

"The Independent Expert on the situation of human rights in the Sudan, Mohamed Chande Othman, expressed today his concerns about a number of fundamental human rights issues, despite positive steps by the Sudanese authorities in the country's different regions.

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"I am particularly concerned that eight months after the Independent National Human Rights Commission Act was enacted, the Government of National Unity has not as yet appointed the Commissioners," the UN Independent Expert said. "I encourage the Government to put in place a transparent process to nominate and select Commissioners and to ensure that it becomes operational."

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Mr. Chande Othman noted that "the Government has taken some steps to implement the recommendations of the UN Group of Experts on Darfur, like the deployment of more police personnel in Darfur including women police, and the training of staff of law enforcement agencies on human rights awareness."

However, he drew attention to the continued existence of certain provisions in the National Intelligence and Security Services Law, the Criminal Procedure Law, and the Public Order Act which infringe fundamental rights.

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In Darfur, in spite of the improvement in the security situation, Mr. Chande Othman expressed concerns about "the serious capacity and resource gaps that continue to affect the administration of justice. Access to justice continues to be a major challenge in light of the weak presence of law enforcement and rule of law institutions outside the main urban centers."

The UN Independent Expert also noted, in relation to crimes committed in Darfur since 2003, that very few perpetrators have been brought to trial for crimes committed during the conflict. "The Prosecutor General appointed by the Government to investigate those crimes informed me that investigations are continuing and that no one has been charged and tried as yet," he said."

In March 2011, *The Sudan Tribune* reported that the UN Panel of Experts advised the United Nations Security Council to widen the scope of an existing arms embargo on Sudan's western region of Darfur to include all sales or supply of military equipments to the Sudanese government,

"A five-member panel of independent experts tasked by the UNSC's Committee on Sudan to assess the situation in Darfur concluded in its final report that the arms embargo "remains without discernible impact," citing several cases of violations as well as arguments used by the Sudanese government to justify increases of its army's troopers and deployment of new military aircrafts in Darfur.

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The panel recommended that the embargo be clarified and expanded to include the sale or supply of military materiel to the Sudanese government, "whether the materiel is for use in Darfur or not," as well as to the government of Chad, adding that the embargos should remain in place until both countries provide "verifiable proof" against their involvement in transferring arms to the region.

The recommendation has been made in view of the panel's finding that arms, and especially ammunition, produced after the imposition of the embargo in 2005 had continued to leak to various belligerents responsible for insecurity in the region.

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Chad, which borders Darfur region, wrapped up a long history of mutual hostilities and backing of rebels with Sudan when the two sides signed a normalization agreement in early 2010 and established joint forces to monitor shared borders.

The panel also said that the UNSC “must clearly set out the exemptions that exist which do not require prior approval by the Committee and those which require such approval,” recalling that the Sudan claims that the embargo only pertains to materiel that is transferred to Sudan Armed Forces (SAF) for purposes of engaging armed groups.”¹³⁶

In August 2011, the *UN Human Rights Council* reported on the mission of the independent expert on the situation of human rights in the Sudan and noted that the Sudanese government had done little to implement changes to improve human rights in Darfur,

“The independent expert notes that a significant number of the recommendations of the Group of Experts still remain without implementation in spite of the fact that the time frame for implementation elapsed more than three years ago. He also notes that, while initial steps have been taken by the Government with regard to some recommendations, they have not had a sufficient impact on the ground. The Government needs to take additional measures to improve the human rights situation on the ground in Darfur.”¹³⁷

e. AU and the AU High Level Panel on Darfur

In January 2010, *Chatham House* reported on the impact of international involvement in seeking peace in Darfur, and noted the role of the AU’s Peace and Security Council in brokering and end to conflict,

“International mediation is the only other political process that might let Darfurians find a way out of their current impasse. The senior mediator, Djibril Bassolé, is appointed by the UN and the African Union (AU). Scott Gration, the new US special envoy to Sudan, also deals directly with some rebel groups, alongside a large number of other special envoys, and the Qatari and Libyan governments. Finally, the AU’s Peace and Security Council commissioned South Africa’s former president Thabo Mbeki to lead a High-Level Panel on Darfur, tasked to examine ways to address the issues of accountability and reconciliation. This was partly linked to the AU’s response to the International Criminal Court’s March 2009 indictment of President al-Bashir for crimes against humanity and war crimes in Darfur.

The Panel reported in October 2009, and its recommendations included a proposal for another political process – the Global Political Agreement.

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The Panel’s recommendations for ending impunity were based on the proposal to set up hybrid courts, which may help strengthen the Sudanese judiciary’s response to the crisis and allow for the prosecution of individual abusers. The central government set up special courts in Darfur, in response to the UN Security Council’s referral, but they have failed to prosecute any breach of international humanitarian law. One Panel member claimed that the report was intended as a means for the Sudanese president to escape prosecution. This weakened the report in the

¹³⁶ The Sudan Tribune, UNSC advised to impose tougher arms embargo on Sudan, Chad over Darfur, 29 March 2011, <http://www.sudantribune.com/UNSC-advised-to-impose-tougher-38425> , accessed 13 March 2012

¹³⁷ UN HRC, Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27, 22 August 2011, p.2, http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-18-40-Add1_en.pdf , accessed 13 March 2012

eyes of Darfurians seeking unequivocal commitment to addressing Sudan's problem of impunity which is deeply entrenched in its legal culture. And some elements within the NCP fear that justice for local functionaries with everyday responsibility for managing violence would allow the regime to scapegoat Darfurian implementers, while leaving Khartoum elites untouched – a case of justice aggravating the causes of conflict."¹³⁸

In June 2011, *Human Rights Watch* reported that the AU had made recommendations for the reform of the system of justice in Darfur, and noted that the Sudanese government rejected elements of these proposals,

"The UN and AU have endorsed recommendations of the AU's High-level Implementation Panel on Darfur, headed by former South Africa President Thabo Mbeki. The so-called Mbeki Panel suggested a range of steps that Sudan should take to improve accountability and strengthen its criminal justice system. These include creation of a hybrid court composed of Sudanese and non-Sudanese judges and other officials to prosecute serious crimes in violation of international law, and broad reforms to the criminal justice system.

Sudanese officials rejected the idea of hybrid courts outright, and the government has not removed legal and de facto immunities that protect soldiers and officials, provided guarantees for fair trial rights, or brought laws, such as the National Security Act, in line with the international standards or its own constitution."¹³⁹

In January 2010, *Chatham House* reported the AU Peace and Security Council created a High-Level Implementation Panel to support recommendations for a Global Peace Agreement, with a mandate to cover the CPA, provide crisis management and engage with local populations. *Chatham House* reported concerns that the AU had sought to prevent President Bashir from being indicted by the ICC,

"The Mbeki panel's report proposed a Global Political Agreement that would resolve the crisis in Darfur and that could be extended to address the wider crises in Sudan – indeed the report deliberately used the phrase 'the Sudanese crisis in Darfur' to emphasize the need for an all-Sudan solution to the Darfur problem. To some, it sounded like a call to re-run the CPA under a different name. But the GPA would be unlike the CPA and the DPA; it would require wide state engagement with local populations and civil actors as well as armed groups. The AU Peace and Security Council, in a communiqué welcoming the report, created a High-Level Implementation Panel for its recommendation, made up of the three former presidents who served on the panel. The Council also extended the mandate of this panel to cover the CPA. The new mandate is intended to present an analysis based on findings from the region, provide crisis management and engage with people – the original High-Level Panel conducted about six public hearings in Darfur and Khartoum.

AU structures also have limitations. The former Egyptian foreign minister, Ahmed Maher, a member of the original High-Level Panel, claimed in an Egyptian newspaper that the Panel had aimed to help President al-Bashir escape indictment. The Panel had carefully skirted the issue of the indictment, and other Panel associates rejected Maher's remarks. But his intervention undermined the work of the Panel among rebel groups, which was denounced by 'Abd al-Wahid al-Nur, the leader of the faction of the SLM most closely associated with the Fur ethnic

¹³⁸ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.29, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf , accessed 13 March 2012

¹³⁹ Human Rights Watch, *Darfur in the Shadows*
The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.25, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf> , accessed 13 March 2012

group and many displaced people. He claimed that 'Mbeki and his commission were out there to save Bashir from the ICC."¹⁴⁰

In January 2010, *Chatham House* reported on the recommendations of the AU's High-Level Panel on Darfur,

"The Panel called for a comprehensive approach to peace – its recommendations focused on Darfur but could be extended to include other or all areas of Sudan. Peace negotiations would need to be inclusive – the DPA and CPA both excluded all civil actors – and take into account the lack of peace across the wider region. They should lead to a Global Political Agreement (GPA). Unlike the CPA, the proposed GPA will address human rights abuses in the context of conflict, through the establishment of hybrid courts that include international judges, and a truth, justice and reconciliation commission with controversial powers to pardon abusers. The Panel set out some proposals for social and economic justice through the GPA – but these focused on issues of compensation and humanitarian assistance rather than structural changes to the distribution of resources in Sudan, which were a feature of both the DPA and CPA."¹⁴¹

In June 2011, the *US Congressional Research Service* reported that the AU led the establishment of the Ceasefire Commission and played a central role in monitoring the cease-fire agreement and facilitating political dialogue between the government of Sudan and SLA/JEM, in December 2007 the African Union Mission in Sudan (AMIS) was replaced by the United Nations and African Union Mission in Dafur (UNAMID),

"The African Union (AU) was slow in responding to the crisis in Darfur. The AU became actively engaged during the cease-fire negotiation in Chad in 2004 and subsequently assumed a central role in monitoring the cease-fire agreement and facilitating political dialogue between the government of Sudan and SLA/JEM. In March 2004, the AU sent a team led by Ambassador Sam Ibok, Director of the AU's Peace and Security Department, to participate in talks in Chad. In the April Cease-Fire Agreement, the AU was tasked to take the lead in the creation of a Cease-Fire Commission. The Commission was tasked to define the routes for the movement of the respective forces, assist with demining operations, and collect information about cease-fire violations. The Commission reports to a Joint Commission composed of the parties to the agreement, Chad, and members of the international community.

In January 2006, the African Union stated that transforming AMIS into a United Nations force is acceptable to the AU in principle. In March, the AU agreed to accept a United Nations peacekeeping mission for Darfur. Meanwhile, the Security Council requested that authorities in the U.N. provide options for a U.N. peacekeeping operation. On September 20, 2006, AU officials extended the AMIS peacekeeping operation until the end of December 2006, and in December the AU extended the AMIS operation for another six months. In addition to its peacekeeping responsibilities, AMIS was a key player in the implementation of key provisions of the DPA. The Ceasefire Commission and the Joint Commission were chaired by AMIS, while it was also tasked to establish and play a key role in the Joint Humanitarian Facilitation and Monitoring Unit. Security in IDP camps, creation of Demilitarized Zones, verification of disengagement and demobilization were also the responsibility of AMIS. In late December 2007, UNAMID officially assumed command and control from the African Union peacekeeping force."¹⁴²

¹⁴⁰ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.33,

http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

¹⁴¹ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.29,

http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

¹⁴² Congressional Research Service, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*, 15 June 2011, p.29, <http://www.crs.gov>, accessed 13 March 2012

2. The Doha Peace Process

The Doha Document for Peace in Darfur (DDPD) sets out provisions for power sharing, return of IDPs, Justice and Reconciliation and ceasefire and security arrangements, as the basis of negotiation between the Sudanese government and rebel groups.¹⁴³

In March 2012, *UNAMID* reported that the The Doha Document for Peace in Darfur was launched, following two years of peace negotiations,

“The Doha Document for Peace in Darfur (DDPD), the culmination of two years of peace negotiations between the Government of the Sudan and the Liberation and Justice Movement (LJM), was yesterday officially launched at a dissemination event in Nyala, South Darfur.

The exercise “aims at delivering the DDPD text and communicating its content to increase greater awareness of the peace agreement and what it holds for the people of Darfur. The parties need to ensure that the DDPD message is taken to every corner of Darfur,” said UNAMID Joint Special Representative (JSR) and Joint Chief Mediator a.i Ibrahim Gambari.

More than 200 people, mostly consisting of internally displaced persons (IDPs), participated, along with Chairperson of the Darfur Regional Authority (DRA) Tijani Seissi, newly appointed South Darfur Wali (Governor) Hamad Ismail Hamad Abdelkareem, and JSR Gambari.

In his remarks, Mr. Seissi stressed that the implementation of the Document is not only between the Government and LJM, but for all the people of Darfur. The Chairperson also reiterated his commitment to work with everyone to ensure the full implementation of the DDPD and to address the issue of voluntary return of those internally displaced.

“Despite the challenges, we are optimistic that the people of Darfur will make achievements in changing the situation in Darfur. The international community has assured their support to help us develop our states,” he added.

Wali Hamad Ismail Hamad Abdelkareem reaffirmed the Government’s commitment to implement the Agreement. “We are moving forward and here in South Darfur we are ready to host the land and Voluntary Return and Resettlement Commissions under the DRA,” said the Wali.

“The DDPD offers an opportunity for a new beginning, but this is a shared responsibility. We are all committed to sustainable peace in Darfur and must support the signatories in their efforts,” said JSR Gambari who called on the hold-out movements to join the process.

The dissemination exercise which began in February in South Darfur has conducted six workshops in Nyala, while similar exercises have also been organized in North, West and Central Darfur.”¹⁴⁴

On 14 July 2011, the Doha Document for Peace in Darfur was signed by the government and the Liberation and Justice Movement,

¹⁴³ The Doha Document for Peace in Darfur (DDPD), http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_2259.pdf, accessed 26 March 2012

¹⁴⁴ UNAMID, Peace Document officially launched in South Darfur, 5 March 2012, available from <http://reliefweb.int/node/480451>, accessed 26 March 2012

"After renewed international support for the Doha peace talks in March–May 2011, the Liberation and Justice Movement (LJM) and the Government of Sudan (GoS) signed the Doha Document for Peace in Darfur (DDPD) on 14 July 2011, just five days after South Sudan officially became independent. The Sudan Liberation Army-Minni Minawi (SLA-MM), the Sudan Liberation Army-Abdul Wahid (SLA-AW), and the Justice and Equality Movement (JEM) did not sign the agreement.

The agreement differs little in substance from the Darfur Peace Agreement of 2006, although provisions related to justice, compensation, and power-sharing formulas have evolved. The non-signatory groups' motives for rejecting the DDPD are largely tactical. The eruption of conflict between the Sudan People's Liberation Movement-North (SPLM-N) and the GoS in the Three Areas has allowed SLA-AW, JEM, and SLA-MM to articulate a national—rather than a solely regional—agenda."¹⁴⁵

In July 2011, *Radio Dabanga* reported that the signing of the Doha Agreement prompted mixed reactions, while the LJM leadership had signed the agreement some refugees in eastern Chad had categorically rejected the Doha Agreement,

"Yesterday, the Doha Agreement was signed in Qatar's capital, despite the substantive misgivings that exist among many movements in and outside Darfur. The signing prompted several reactions, some tentatively positive, others critical.

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Bahar Abu Garda, Secretary-General of the Liberation and Justice Movement (LJM), one of the signatories of the Doha Agreement, strongly defended the agreement in an interview with *Radio Dabanga*. He explained that the position of vice-president of the National Congress Party, was assigned to another person from Darfur. The agreement allocated two minister postings to the movements, four Ministers of State, two governors of Darfur, and about twenty representatives for the National Parliament. Abu Garda stressed that the agreement also stipulates the establishment of a special court, operating under international criminal law, monitored by international experts. He asserted that this would insure that all crimes committed in the Darfur crisis, would be punished. He added, that persons, previously detained or convicted in relation to Darfur issues, would be released. Finally, Abu Garda commented, that the LJM would not agree to the integration of its troops, unless the government forced the disarmament of militias.

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In three camps for displaced persons and refugees in eastern Chad, the Doha Agreement was categorically rejected. Sheikh Ali Abdul Rahman Tahar, president of IDP camps in Darfur, warned members of the LJM against involvement in the killing of displaced persons. He said that by signing this agreement, LJM has created discord among its members, like what happened in Maskarkelem, after the second Doha meeting of Darfur civil society. The Sheikh also remarked to *Radio Dabanga*, that in the Doha Agreement, no representatives' posts were reserved for the displaced.

A coordinator from camps in North Darfur, accused the participants and mediators in the Doha Forum. He told *Radio Dabanga* that they would be responsible for all blood spill caused by this agreement. He added that the agreement would aid the government in committing more crimes, by recruiting LJM-Darfuri's. He concluded that this Doha deal would only increase the suffering, that it was not a peace treaty at all.

¹⁴⁵ The Small Arms Survey, Darfur Peace Process, 29 February 2012, <http://www.smallarmssurveysudan.org/facts-figures-darfur-peace-process.php>, accessed 26 March 2012

A coordinator from Zalingei camps, vowed to demonstrate against the Doha Agreement. He warned the LJM against acting as spokesperson for displaced persons, as the real leaders of the displaced in Darfur are commonly known. These leaders have been subjected to harassment and arrests, just because they addressed the issues of their parents. This coordinator told Radio Dabanga that before a peace agreement can be accepted, security must be achieved and the offenders must be prosecuted in criminal courts. He added, that humanitarian services must be provided, and that new settlers, now living on the home territory of the displaced, should be expelled.

Darfuri refugees in camps in eastern Chad, as well as Shusha camp in eastern Tunisia, also strongly rejected the agreement. They asserted to Radio Dabanga, that the agreement would only be for the benefit and personal gain of the signatories. They said that the agreement did not include their key demands, namely how justice will be met, and the criminal case against President Omar al-Bashir in The Hague. And a refugee in eastern Chad told Radio Dabanga, that the agreement is partial, and will not lead to a comprehensive, sustainable peace. This refugee accused the government of deliberately deceiving the world, by staging this commitment to peace."¹⁴⁶

In June 2011, the *US Congressional Research Service* reported on the conclusion of the Doha talks,

"On May 31, 2011, after three days of consultation on the crisis in Darfur organized by the government of Qatar in Doha, the participants (civil society groups, internally displaced persons, refugees, the Government of Sudan, Darfur rebel groups, tribal leaders, and Darfuris in the Diaspora) endorsed a framework document for peace in Darfur.

According to a press release issued by the organizers, "the conference endorsed the Doha draft document as the basis for reaching a permanent ceasefire, a comprehensive and inclusive peace settlement, and sustainable peace and stability in Darfur." The government of Sudan also announced that a vice president from Darfur would be appointed. Darfur rebel groups called for more negotiations to reach an agreement, and the government of Sudan dispatched Presidential Advisor Ghazi Salah Addeen to begin follow-up discussions."¹⁴⁷

In February 2012, the *Small Arms Survey* reported on the background to the signing of the Doha document and the All Darfur Stakeholders Conference in May 2011,

"In parallel to Doha and the discussion on the DPP, an All Darfur Stakeholders' Conference (ADSC) was convened between 27 and 31 May 2011 in Qatar. The final communiqué endorsed the draft Doha agreement, but not all the participants assented to the endorsement. Nor was the conference fully representative of Darfur's many stakeholders. The ADSC agreed to the formation of a Follow-up Committee, which is led by Qatar and supported by the European Union and United States.

In September 2011, the joint chief mediator for the AU/UN, Djibril Bassolé, accepted the post of foreign minister of his native Burkina Faso. While he remains involved, Professor Ibrahim Gambari, the joint special representative of the Secretary-General for the African Union/United Nations Hybrid Operation in Darfur (UNAMID), has been named interim mediator, despite concerns voiced by the United States, France, and the United Kingdom. In another development, on 13 September Al-Haj Adam Youssef was appointed vice-president, in line with the DDPD's stipulation that a person from Darfur receive a vice-presidential appointment.

¹⁴⁶ Radio Dabanga, Signing of Doha Agreement prompts mixed reactions, 15 July 2011, <http://www.radiodabanga.org/node/16328>, accessed 13 March 2012

¹⁴⁷ Congressional Research Service, Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement, 15 June 2011, p.17, <http://www.crs.gov>, accessed 13 March 2012

JEM and SLA-AW opposed the appointment; the LJM was slighted because it presumed the job would be given to someone from its ranks.

In October, LJM leader Tijani Sese returned to Sudan: he made contact with Sudanese political parties and toured Darfur to lobby for the DDPD. His reception was mixed, with residents of IDP camps raising concerns about premature forced returns, the need to disarm the 'janjaweed', compensation and accountability for war crimes. The US special envoy lobbied the Sudanese government on five points during a tour of Darfur in October and November: a mechanism for resolving land disputes; a mechanism for ensuring compensation payments; the establishment of special courts in Darfur; the establishment of a human rights commission; and development assistance."

In December 2011, the *UN Secretary General* reported that with regard to the Doha process, the Sudanese government sought to negotiate with non signatory movements solely on restricted sections of the Doha document, that JEM was only willing to negotiate if all aspects of the document were open for discussion and that SLA-Minni Minawi and SLA-Abdul Wahid rejected the Doha document as a basis for negotiations,

"During the reporting period, the Joint Special Representative and Joint Chief Mediator ad interim continued to engage the Government of the Sudan and non-signatory movements, including the Justice and Equality Movement (JEM), the Sudan Liberation Army (SLA)-Minni Minawi and SLA-Abdul Wahid, regarding the resumption of negotiations. The Government has expressed its willingness to enter into negotiations with the movements only after they have renounced their call for regime change "by all possible means", and only on the sections of the Doha Document related to political appointments and security arrangements. JEM has expressed its willingness to resume negotiations with the Government provided that all aspects of the Document are open for discussion. In this connection, JEM has produced a "counter-draft" of the Document, containing significant amendments to each of its seven chapters. For its part, SLA-Minni Minawi has rejected the use of the Document as the basis for negotiations and expressed its wish to negotiate national political and economic reforms. SLA-Abdul Wahid has reflected a similar position."¹⁴⁸

In June 2011, the *US Congressional Research Service* further reported that the JEM withdrew from the Doha talks after the capture of Jebel Marra,

"In February 2010, the government of Sudan and the Justice and Equality Movement (JEM) signed a framework agreement. The parties agreed in principle to a cease-fire, the release of prisoners of war, the participation of JEM in government, and compensation to Darfur refugees and displaced people. The peace initiative was brokered by the government of Qatar, the United Nations/African Union Special Envoys, and the governments of Chad and Eritrea.

A number of other Darfur factions have rejected the agreement between JEM and the government of Sudan. Several other groups are currently engaged in separate talks with the government. Meanwhile, in late February, government forces launched a major offensive against one of the major rebel groups in the Jebel Marra area of Darfur. JEM and several other Darfur groups condemned the attack, while the United States expressed concern about the offensive. In May 2010, JEM withdrew from the Doha talks after the capture of Jebel Marra. In late May 2010, the leader of JEM, Khalid Ibrahim, was denied passage by Chadian authorities to go to JEM-controlled areas in Darfur. He reportedly returned to Libya."¹⁴⁹

¹⁴⁸ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32,0.html>, accessed 26 March 2012

¹⁴⁹

Amnesty International reported in its 2011 annual report the following provision relating to the release of JEM prisoners,

"The framework agreement signed in Doha included an exchange of prisoners and the government released 57 alleged JEM prisoners in February. Fifty of them had been sentenced to death by special counter-terrorism courts following the JEM attack on Khartoum in May 2008."¹⁵⁰

In May 2011, the *International Crisis Group* reported that the peace process in Darfur remains stalled with ongoing disagreements threatening peace and stability in the region,

"The Darfur conflict continues without a credible peace process. At present, there are two tracks: political negotiations, led by external actors, between the government and a rebel faction that is a coalition of armed groups, the Liberation and Justice Movement (LJM) led by a former governor of greater Darfur, Eltigani Seisi; and a government strategy to "domesticate" the peace process by managing it from within and minimising the role of external mediators.

In Doha, the government's apparent strategy is to settle politically with whoever is at the table and then close the door to further external processes and focus on its domestic peace process. Though JEM recently joined the Doha process, not all major rebel forces are there, which risks a repeat of the failed 2006 DPA, signed by only one of the three major rebel groups. Furthermore, Doha may founder over two main issues: reunification of the three Darfur states under a local vice president; and the nature of the regional authority. The government refuses reunification without a referendum and argues that giving the re-bels a vice presidency would lead to Sudan's implosion – implying it would open the door for similar demands from other regions. It also is not interested in addressing the return of the internally displaced (IDPs) and refugees to their homes, given the complexities of land ownership and removing new occupiers. Further, there is a belief among many rebel leaders that the NCP is sliding into more difficulties as a result of the South's secession, so it would be advantageous to mark time in Doha until they see what happens around July 2011."¹⁵¹

In April 2010, *The Enough Project* reported that the Darfur peace talks lacked credibility as the Sudanese government continued military actions on the ground,

"Though Darfur peace talks are currently underway between the Sudanese government, rebel factions, and the U.N.-A.U. Mediation team, the progress made thus far appears to lack credibility when contrasted with the government's continued military actions on the ground. Khartoum's continuation of violence against rebel groups and civilians, as well as the general lack of transparency throughout the peace process suggest that a concrete, inclusive, and sustainable peace agreement will not emerge at the talks' conclusion. Preliminary agreements have been signed between the government and the Justice and Equality Movement, or JEM, as well as with the rebel coalition known as the Liberation and Justice Movement, or LJM, but these agreements have only secured limited ceasefires and represented promises that negotiations over substantial issues for the future of Darfur (including those relating to power and wealth sharing arrangements, restitution for survivors, and accountability) will take place. So far, no peace deal has emerged and the ceasefire appears to have already been broken.

The Government of Sudan has appeared more interested in further dividing rebel groups and pulling off a "successful" presidential election in Darfur than it has in securing a lasting peace.

¹⁵⁰ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011> , accessed 18 March 2012

¹⁵¹ International Crisis Group, Divisions In Sudan's Ruling Party And The Threat To The Country's Future Stability - Africa Report N°174, 4 May 2011, p.i, <http://www.crisisgroup.org/> , accessed 13 March 2012

Equally corrosive to the process, the rebel movements engaged in the talks continue to bicker among themselves—while key leaders such as Abdel Wahid Al Nur refuse to participate at all in the talks. Like earlier failed peace talks for Darfur, little serious thought appears to have gone into the actual monitoring and implementation of the agreements, virtually assuring that they will remain hollow promises."¹⁵²

In April 2010, *The Enough Project* reported on the lack of transparency in the peace process, which prevented the discussions from being inclusive and representative,

"Of serious concern is the lack of transparency over the peace process itself, a fact that has prevented the negotiations from being truly inclusive. Civil society has thus far played a limited role in the current negotiations and sources on the ground say civil society representatives will continue to be sidelined in the substantive negotiation process moving forward.

In addition to the major offensive in Jebel Marra, the government also bombed the Jebel Moon area, a JEM stronghold, just prior to the start of peace talks. Humanitarian access to the two areas continues to be impossible, with no effort on the Sudanese government's part to facilitate aid workers' access to the vulnerable and newly displaced. If progress toward peace in Darfur is truly to be evaluated by the situation on the ground, as the administration indicated in its Sudan policy review, Khartoum's decision to renew fighting should be a red flag indicator that the regime remains intent on pursuing a military solution in Darfur, despite the lofty rhetoric of Doha. The administration has also shown no willingness to confront with its international partners the intransigence of spoilers and holdouts among the rebel leaders."¹⁵³

¹⁵² The Enough Project, *Grading the Benchmarks*, April 2010, p.8, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

¹⁵³ The Enough Project, *Grading the Benchmarks*, April 2010, p.9, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

C. Security Developments (since January 2010)

In June 2011, *Human Rights Watch* reported that since December 2010, renewed violence in Darfur has led to human rights violations being perpetrated against civilians by government forces,

"The renewed fighting since December 2010, recalling earlier years of Darfur's conflict, has resulted in scores of civilian casualties, destruction and looting of property, and the displacement of up to 70,000 people. It also brought familiar patterns of killings, sexual violence, and arbitrary arrests by Sudanese state security forces against Darfuri civilians, often based on ethnicity."¹⁵⁴

In April 2011, the *US Department of State* reported that during 2010 conflict continued in the Darfur region, noting that government forces at times operated independently of official control,

"The country experienced several violent conflicts during the year, including continued conflict in Darfur and in the South. In the North and South, there were instances in which elements of the security forces acted independently of civilian control, especially in the Darfur region.

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Conflict and human rights abuses in Darfur continued. An estimated 1.9 million civilians have been internally displaced, and approximately 270,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003.

According to UN estimates, 268,000 persons were displaced between January and November in Darfur. The UN estimated in 2006 that 200,000 persons had died as a result of the conflict and that by 2008 an additional 100,000 may have died. Civilians in Darfur continued to suffer from the consequences of genocide."¹⁵⁵

In April 2010, *The Enough Project* reported on the ongoing violence in Darfur, and noted the grave impact on civilians displaced by the conflict,

"In Darfur, following a period of escalating violence and infighting between factions within the Sudan Liberation Army, the Government of Sudan launched a major military offensive, including aerial attacks, even while its negotiators were in Doha working out a shaky framework agreement with the Justice and Equality Movement, the most militarily significant Darfuri rebel group. These attacks killed hundreds and displaced somewhere between 45,000 and 100,000 civilians.

International officials offered virtually no condemnation of these attacks by the Sudanese government and peacekeepers continue to be blocked from reaching the site of these attacks. This latest offensive is an egregious act in violation of international humanitarian and human rights law and a clear impediment to the Darfur peace process."¹⁵⁶

The US Department of State further reported in April 2011 on violations of human rights perpetrated by government authorities, including deliberate attacks on civilian populations,

"The government continued to bomb and burn civilian areas. Government forces and government-aligned militia continued to kill civilians, rape women and girls, and use child

¹⁵⁴ Human Rights Watch, *Darfur in the Shadows*

The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.1,

<http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

¹⁵⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

¹⁵⁶ The Enough Project, *Grading the Benchmarks*, April 2010, p.5, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

soldiers. Darfur rebel factions, bandits, and unidentified assailants also killed and abducted civilians, humanitarian workers, and personnel of the UN- African Union (AU) Hybrid Mission in Darfur (UNAMID); beat and raped civilians; and used child soldiers. Interethnic violence was a severe problem and resulted in civilian deaths and displacement."¹⁵⁷

In June 2010, *IRIN* reported that fighting between rebel groups and Sudanese government forces was preventing humanitarian workers from reaching those in need of assistance and that 447 died as a result of conflict across the region in May 2010,

"The European Union has urged Sudanese authorities to ensure humanitarian workers reach thousands of people affected by ongoing fighting in Darfur and to improve security across the volatile western region. "As fighting between government forces and [armed groups], and between [communities] continues, humanitarian workers are prevented from reaching some of the most needy communities," the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva said. "Big parts of eastern Jebel Mara... where fighting is ongoing, have been inaccessible since February," she added. "I can only imagine the dire conditions for the women and children who are in great need of humanitarian assistance which we are simply unable to bring."

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Clashes between armed groups, lack of access for aid workers and inadequate rainfall have aggravated the humanitarian situation in Darfur, say aid workers. Fighting between Sudanese government forces and the Justice and Equality Movement (JEM) intensified in May in South Darfur, with casualties reported on both sides, according to the UN Mission in Darfur (UNAMID). Government forces also fought another group, the Abdul Wahid faction of the Sudan Liberation Army. Separate clashes occurred between armed local communities. At least 447 people died across the region in May.

Thousands more were displaced in places like El Taweisha of North Darfur. At least 10,000 recently arrived in Zam Zam camp near the state capital, El Fasher. On 16 June, UNAMID reported ongoing clashes southwest of Zalingei in West Darfur between the Misseriya and Mahadi communities. "The recent upsurge in fighting has created very serious hindrances to the effective implementation of UNAMID's protection mandate," Ibrahim Gambari, Joint AU-UN Special Representative for Darfur, told the UN Security Council recently. Civilians, he added, had moved away from areas of fighting like Jebel Moon [West Darfur] towards the Chadian border and areas east of Jebel Moon.

Hostilities between JEM and government forces escalated in the first two weeks of May, he added. Movements of equipment and build-up of troops had continued on both sides and military confrontations could continue unless urgent efforts were made to ensure a ceasefire.

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The situation has forced NGOs to suspend operations in eastern Jebel Marra, and humanitarian assessments have been severely limited, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA).

"The problem in eastern Jebel Marra is that we don't know what the situation is because we don't have access," UN Emergency Relief Coordinator John Holmes said during a recent visit to Sudan. The combination of conflict, drought, high food prices and poor seasonal production, the Famine Early Warning System network (FEWS Net) warned in a 16 June brief, was likely to affect food security through September in parts of the volatile region.

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Fighting between JEM and government forces in Jebel Moon area in West Darfur State, eastern

¹⁵⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

parts of South Darfur State, and southern parts of North Darfur State, as well as communal conflict between the Misseriya and Rezighat in south/east parts of West Darfur State and the south/west of South Darfur State displaced thousands to Mukjar, Bendesi and Zalingei in May. "Prevailing insecurity conditions in Darfur continue to prevent people from engaging in typical livelihood strategies such as firewood/grass collection, seasonal migration for labour, and wild food collection," it said."¹⁵⁸

In July 2010, *Human Rights Watch* reported that Sudanese government forces had killed and raped civilians, destroyed homes, and bombed water supplies, forcing the displacement of thousands of civilians in South Darfur,

"Fighting between government and rebel forces in Darfur intensified after the February peace agreement between the Sudanese government and the rebel Justice and Equality Movement (JEM) unraveled. Government soldiers and allied militias targeted civilians, in violation of international humanitarian law, during clashes with rebel groups in the Jebel Mun and Jebel Mara areas of Darfur, which continued through June in some locations.

Witnesses and victims of attacks reported to Human Rights Watch that government forces killed and raped civilians, destroyed homes, and bombed water supplies, forcing the displacement of thousands of civilians.

The attacks included government aerial bombing in and around Jebel Mun in late April and early May. Accounts from witnesses suggest the bombs were directed at places near water where civilians gathered. In one incident on April 29, bombs reportedly killed nine civilians in Girgigirgi, a village 15 kilometers east of Jebel Mun.

One man, whose daughter was killed by one of the bombs, said: I saw smoke coming from the water point following the bombing. I knew that my daughters, Zainab, age 13, and Magbula, age 9, were at the pump to collect water for the day. I ran to the pump and saw Zeinab was bleeding from several places in her body and Magbula was already dead. I could not even look at her burned body. I sat on the ground trying to hold my tears.

Armed clashes in other parts of Darfur and inter-ethnic fighting in South and West Darfur also caused civilian casualties, destruction of homes, and mass displacements this year, according to UN and local sources interviewed by Human Rights Watch. The full impact of the fighting on civilians has not been fully documented because the government and rebels have repeatedly denied peacekeepers and humanitarian aid groups access to affected areas. "Hundreds of civilians are dying, and peacekeepers in many cases aren't even able to reach the populations at risk," Peligal said. "The Sudanese government needs to end attacks on civilians and take immediate steps to improve the peacekeepers' access to affected areas. The peacekeepers should make access to these areas a top priority."

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Jebel Mara, a mountainous area straddling Darfur's three North, South, and West states, is home to more than 100,000 people, largely from the Fur ethnic group. The area has been a stronghold for SLA rebels since the beginning of the Darfur conflict. In early 2010, fighting within rebel factions, as well as clashes between rebel groups and government military forces, killed up to 400 civilians, according to a March estimate by the peacekeeping mission. The renewed hostilities have also displaced tens of thousands of people and obstructed humanitarian assistance to the region. Very little information has emerged about the fighting, as neither the UN nor humanitarian agencies have been able to reach the affected areas. Humanitarian groups that had access to some parts of eastern Jebel Mara in May estimated that 50,000 people had

¹⁵⁸ IRIN News, SUDAN: Government must ensure aid reaches Darfur, says EU, 18 June 2010 <http://www.irinnews.org/Report/89534/SUDAN-Government-must-ensure-aid-reaches-Darfur-says-EU>, accessed 23 March 2012

been displaced from that area alone.

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On February 10, the government and allied militia forces began a series of ground attacks on several villages suspected of hosting SLA/Abdel Wahid fighters in eastern Jebel Mara. Accounts gathered by Human Rights Watch indicate that government forces violated laws-of-war prohibitions against indiscriminate attacks and targeting civilians and civilian objects. A witness to the government attack on Kidingeer on the morning of February 10 said he saw government forces and allied militiamen arrive by vehicle and on foot and proceed to burn huts and loot the market. He said they fired shots at civilians, forcing them to flee the town. Many fled to Feina, a neighboring town.

On February 17, government forces attacked Feina, again reportedly firing on civilians and looting the market, and also destroying water tanks, wells, and the clinic. A 13-year-old student from Feina reported that she saw militia members shoot at civilians, killing two in front of her and causing everyone to flee. "They came in cars and some were walking on foot," she told Human Rights Watch. "They were shooting at people, and one of them shot me in the left thigh. The bullet went through to my right thigh, and I fell down and there was blood pouring out of me." Two days later, militias carried out an attack on the town of Deribat. A 16-year-old school girl from Deribat said that on February 19, she saw bombs fall on her neighbors' houses and witnessed militia firing on civilians, causing hundreds to flee the town. They sought refuge in mountain caves and under trees for several weeks, then walked to Nertiti and Nyala.

Fighting between government and SLA forces, and government aerial bombing in and around Deribat, the commercial center of eastern Jebel Mara, has continued. On June 10, bombing at Dida, near Katur, killed four civilians, including a three-year-old boy. On June 30, rebel forces under Abdel Shafi (a commander formerly aligned with Abdel Wahid) reported yet another clash with government forces near Deribat. Sudanese soldiers based in Deribat have arrested scores of Fur men, accusing them of being SLA soldiers. One of the detainees, who denies any involvement with the rebel group and was released, told a local researcher that soldiers arrested and held him at a military detention center at Deribat, and when he refused to sign a confession, they subjected him to severe beatings.¹⁵⁹

The Small Arms Survey reported in October 2010 that fighting between the inter-Arab tribes constituted a major source of violence in Darfur,

"For almost four years, the largest single cause of violent death in Darfur, Sudan's western region, has not been the government-rebel war that erupted in 2003, but fighting among Arab tribes armed by the government to fight the insurgency. Although the inter-Arab conflict claimed about 1,000 lives in the first ten months of 2010, displaced thousands of civilians, and left tens of thousands unprotected, very little is understood about it, or its protagonists, despite a large international presence spearheaded by the 30,000-person African Union/ UN Hybrid operation in Darfur (UNAMID)."¹⁶⁰

In June 2011, *Human Rights Watch* reported that continued fighting in Darfur had forced an estimated 70,000 civilians to flee their homes and that abuses by government security forces, including sexual violence, assault and arbitrary arrests had increased,

"Recent fighting has killed scores of civilians, destroyed property and displaced an estimated 70,000 people from dozens of towns and villages between El Fasher and Nyala, and some

¹⁵⁹ Human Rights Watch, *New Deaths, Other Abuses Underscore Need for Better Access, Improved Security*, 19 July 2010, <http://www.hrw.org/news/2010/07/19/un-strengthen-civilian-protection-darfur>, accessed 13 March 2012

¹⁶⁰ *Small Arms Survey*, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.5, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

ethnic Fur areas of eastern Jebel Mara, the mountainous rebel stronghold in central Darfur that has been the target of Sudanese government attacks for much of the past year.

There has been an upsurge in abuses by government security forces, including assault, sexual violence, looting and arbitrary arrests, often based on ethnicity. Rebel groups have been responsible for retaliatory attacks. The patterns of attack show that the Darfur conflict continues to play on ethnic divisions, with government forces targeting the communities associated with rebels and rebel groups retaliating against those communities from which the government has recruited its security forces."¹⁶¹

In December 2011, the *United Nations Security Council* reported that there were relatively few incidents of fighting, but that the security of IDPs and humanitarian agencies was a concern,

“During the reporting period, incidents of fighting remained relatively few. However, the security situation for internally displaced persons and vulnerable groups, as well as for humanitarian and United Nations personnel, remained of concern.”¹⁶²

In December 2011, the *UN Secretary General* reported that UNAMID was attacked on the outskirts of both the Zam Zam and Nyala IDP camps,

“UNAMID was attacked twice during the reporting period. On 10 October, a UNAMID night patrol was ambushed by a group of unidentified armed men aboard two machine-gun-mounted vehicles on the outskirts of Zam Zam camp [North Darfur]. During the ensuing exchange of fire, three peacekeepers (two military and one police) were killed and five injured (four military and one police). One of the attackers was killed in the exchange. On 6 November, a peacekeeper was shot dead when a UNAMID patrol was ambushed by a group of unidentified armed men 5 km south of the Nyala supercamp [South Darfur]. Two other peacekeepers sustained serious injuries during the attack. The incidents bring the total number of UNAMID peacekeepers killed in hostilities in 2011 to eight, as compared to five in 2010.

[] On 8 October, a UNAMID minibus was carjacked by unidentified armed men 5 km south of Nyala. No one was injured in the incident. Two days later, the UNAMID national staff member who had been driving the van was arrested in Nyala by the National Intelligence and Security Service on suspicion of colluding with the perpetrators. He was released without charge on 21 November.”¹⁶³

In December 2011, the *UN Secretary General* reported that the offices of the IOM were robbed at gunpoint and in a separate incident an international aid worker was kidnapped,

“[] On 5 November, an armed man broke into the International Organization for Migration compound in Nyala and robbed the occupants at gunpoint. No one was injured during the incident.

[] The international aid worker kidnapped in Nyala on 14 August was released on 16 December. According to media reports, six people were arrested by Government police in connection with the kidnapping.

¹⁶¹ Human Rights Watch, *Darfur in the Shadows*

The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.12,

<http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf> , accessed 13 March 2012

¹⁶² UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32,0.html>, accessed 26 March 2012

¹⁶³ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32,0.html>, accessed 26 March 2012

[] In each such incident, UNAMID conducted an investigation to identify shortfalls and additional mitigating measures that could be employed. Furthermore, the Operation called on Government authorities at all levels to cooperate fully with it in order to help identify the perpetrators and hold them accountable."¹⁶⁴

In September 2011, *UNAMID* reported that unexploded ordnance remained a considerable problem in Darfur, and cited examples of unexploded ordnance killing and injuring displaced persons in the region,

"Peacekeepers serving with the joint United Nations-African Union mission in Darfur (UNAMID) will hold a public awareness campaign this week about the risks posed by unexploded ordnance (UXO) in the wake of the recent deaths of two children who had been playing with ordnance. Three other children sustained serious injuries – one has lost a hand and an eye – in the same accident, which occurred on 31 August in the town of Al Tawisha in North Darfur state, according to information released by the mission today.

Working with Friend of Peace and Development Organization, a local non- governmental organization (NGO), staff from UNAMID's ordnance disposal office will conduct risk education for the local community later this week and carry out an assessment of the area where the accident occurred.

UXO remains a serious problem in Darfur, littering the landscape as a result of the protracted conflict between rebels, Sudanese Government forces and allied militiamen.

Last month a 14-year-old girl from a village in South Darfur had to have her right hand amputated and suffered wounds to her neck and face as a result of a UXO.

Yesterday UNAMID ordnance disposal staff visited the village of Sehjanna in North Darfur to clear it of any UXO and educate local inhabitants about the risks."¹⁶⁵

Human Rights Watch reported in January 2012 that a state of emergency continued in 2011 in Darfur, and noted that detainees of the government were subject to mistreatment,

"Although President al-Bashir announced in March that he would lift the state of emergency in Darfur, he had not done so at this writing. Authorities relied on emergency and national security laws to detain perceived opponents for long periods without judicial review, often subjecting them to ill-treatment or torture while in detention. Those detained in 2011 included Sudanese employees of the AU/UN peacekeeping mission and of an international aid group."¹⁶⁶

1. North Darfur

In its 2011 country report covering the events of 2010, the *US Department of State* reported the killing of civilians in fighting between rebel groups in North Darfur in 2010,

"[] On January 16, near Katum, North Darfur, fighting between the SAF and SLA/AW reportedly killed 15 civilians and injured 20. Chadian rebels also reportedly committed abuses near the area of Al Saiyah in North Darfur, including looting of villages and rape. On January 10, two

¹⁶⁴ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32_0.html, accessed 26 March 2012

¹⁶⁵ UNAMID, Darfur: UN steps up education after children are killed by unexploded ordnance, 6 September 2011, <http://www.un.org/apps/news/story.asp?NewsID=39461&Cr=darfur&Cr1>, accessed 13 March 2012

¹⁶⁶ Human Rights Watch, World Report 2012, 22 January 2012, p.182, <http://www.hrw.org/world-report-2012>, accessed 13 March 2012

civilians were reportedly killed when the local population clashed with Chadian rebels who had looted in Um Kary Village."¹⁶⁷

In February 2011, *Medecins Sans Frontieres (MSF)* reported that fighting renewed in North Darfur causing villagers to flee their homes,

"Renewed fighting in North Darfur state during the last two months, between government and opposition groups, has forced thousands of families to flee from their villages, according to the international medical humanitarian organization, Médecins Sans Frontières (MSF). MSF teams are now providing medical humanitarian assistance to the newly displaced people who are living in precarious conditions in several camps in Shangil Tobaya, Dar Alsalam, and Tabit.

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Some days after the fighting in Shangil Tobaya, MSF managed to provide a medical emergency response in the camps to help the newly displaced people cope with their immediate needs."¹⁶⁸

In June 2011, *Human Rights Watch* reported on violence in North Darfur in December 2010, noting that Sudanese government forces and allied militia searched houses and interrogated villagers,

"In early February, a large military convoy carrying about 100 soldiers stopped in Eid el Beda, near Dar el Salaam in North Darfur, interrogated villagers about the locations of SLA forces, and carried out a house-to-house search. Witnesses told Human Rights Watch that about half an hour after the convoy left the village, pro-government armed militia arrived.

Ahmed M., 60, told Human Rights Watch how on February 3 the militia forces surrounded his village, looted property, arrested a group of Zaghawa men, and shot six of them dead:

They surrounded the village and some of them started arresting the Zaghawa men and took them under the trees while others began collecting animals and valuable things from inside the houses... Three were released after one hour and six others were shot to death in front of their relatives.

Human Rights Watch has not independently confirmed the killings. Displaced persons living near Abu Delek told a UN assessment team in mid-April that they had fled the February 3 attack on Eid el Beda and surrounding areas, and that the militia had burned two villages."¹⁶⁹

In June 2011, *The Sudan Tribune* reported that militia associated with the government attacked and looted Zaghawa villages and that some of the villagers were arrested by the Sudanese army and militia; 16 of whom were later summarily executed,

"Militiamen loyal to the Sudanese government in Darfur last week executed 16 people belonging to the Zaghawa ethnic group when they attempted to recover their stolen livestock, a rights group has said. Militiamen led by Ibrahim Abu Dur, one of the pro-government militia leaders, on 1 June looted some 700 head of livestock from Zaghawa villages of Laminah, Terling, Hella Sheikh Khatir, and Abu Zeriga, near Shangil Tobaya in North Darfur.

A group of villagers who managed to trap the looters was arrested by the Sudanese army and militiamen after recovering two hundred of the stolen livestock and were on their way back to Laminah and Terling villages.

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¹⁶⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

¹⁶⁸ MSF, Clashes displace thousands of people in Darfur, Sudan, 7 February 2011, <http://www.msf.org/msf/articles/2011/02/clashes-displace-thousands-of-people-in-darfur-sudan.cfm>, accessed 13 March 2012

¹⁶⁹ Human Rights Watch, Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.15, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

"Sixteen members of the group were summarily executed by firing squad, including Omar al Abkar, 42, the Principal of Abzoraga Primary School," the ACJPS further said. Three others villagers who managed to elude execution, are currently being held at Shangil Tobaya military camp.

The Sudanese right group said they bodies of the killed villagers were left exposed nearby an open area to dissuade them Zaghawa community from "defending themselves against future military incursions". However, the army collected the dead bodies and buried them on 3 June outside of Shangil Tobaya before their families could identify them or pay their respects."¹⁷⁰

In its 2011 country report covering the events of 2010, the *USDOS* reported that Arab tribesmen attacked Tabarat Village in North Darfur in September 2010, killing at least 37 and displacing 3,000 villagers,

"On September 2, armed men who eyewitnesses identified as Arab tribesmen attacked Tabarat Village in North Darfur, killing at least 37, injuring at least 35, and reportedly displacing 3,000. Presidential Advisor Ghazi Sallahudin commenced an official investigation, appointed a special prosecutor for Darfur to focus on issues of justice and impunity, and promised compensation to victims."¹⁷¹

In June 2011, *Human Rights Watch* reported on the violence in North Darfur in December 2010, noting that the Sudanese government and allied militia attacked, looted, arbitrarily arrested, raped and sexually assaulted civilians,

"Shortly after the December attacks on Khor Abeche, rebels ambushed a government convoy carrying the governor of North Darfur, Ismail Kibir, near Shangil Tobayi, North Darfur. In response, the government declared the area a military operational zone and sent forces to Shangil Tobayi and Dar el Salaam – both of which host largely ethnic Zaghawa communities, and have also been under the control of SLA since the beginning of the Darfur conflict.

Starting December 17, government and allied militia attacked civilians, including displaced persons living in settlements around Shangil Tobayi. They burned down houses in the predominantly ethnic Zaghawa part of the town on December 22. From December 23 to 25, government forces also attacked villages around Jebel Ateen, an area south of Shangil Tobayi.

Residents reported to UNAMID staff and community leaders dozens of cases of arbitrary arrest, rape and sexual violence, and looting targeting Zaghawa populations, both during and after the December violence. A 25-year old Zaghawa man told Human Rights Watch that on January 27 soldiers arrested him at his home in Tabeldiat village, east of Shangil Tobayi. He said they took him to a military camp, held him for four days, before being transferred to El Fasher, where they interrogated him repeatedly and held him along with more than 80 other young men until February 6, when they released him and 20 other men.

On December 21, according to a sheikh, or community leader, in New Shangil Tobayi, a group of about 20 soldiers surrounded and ransacked his home, demanded to know his tribe, and threatened to "kill all of them [Zaghawas] and rape all their women." As they left, the soldiers stole his farming equipment and abducted his 22-year-old cousin whom they suspected to be an SLA/M member.

¹⁷⁰ The Sudan Tribune, Militiamen kill 16 in North after recovering looted livestock - rights group, 11 June 2011, <http://www.sudantribune.com/Militiamen-kill-16-Zaghawa-in-39172>, accessed 13 March 2012

¹⁷¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

On December 22, three government soldiers forcibly entered a civilian home in Shangil Tobayi, stole money and raped a 17-year-old girl, requiring her to seek medical attention."¹⁷²

In March 2012, *Radio Dabanga* reported that local militias looted shops, livestock and homes across three villages in North Darfur and attacked villagers,

"12 people were injured yesterday in Sag Al Nagam, Karoud Bursham and Donkey Faki Ali, south of El Fasher in North Darfur. Local militias reportedly looted shops, livestock and homes across the three villages. A witness told Radio Dabanga armed men traveling in a number of Land Crusier vehicles arrived from Dar El Salaam and Kalimindo. He said they cordoned off the areas, and forced the male residents out of their homes to be beaten in front of their families.

12 people were injured, with four in a serious condition. They were taken to hospital in El Fasher for treatment. He said there were three from Karoud Bursham injured, four from Sag Al Nagam and five from Donkey Faki Ali. The witness appealed to authorities in North Darfur, to stop the violations and abuses by militias, and bring the perpetrators to justice."¹⁷³

In December 2011, *Radio Dabanga* reported that a group of woman were raped by armed men in North Darfur near Kabkabiya,

"A group of women were raped by an armed group on Saturday near an internally displaced persons camp in Kabkabiya locality, North Darfur. Speaking to Radio Dabanga, one of the victims said that eight gunmen on horses intercepted the six women traveling on donkeys to collect firewood from an area east of Kabkabiya. They were arrested, beaten and raped, and released today. But the victim said four of the other women refused to report the incident to the United Nations Mission in Darfur forces, as they hadn't taken any action on similar events that had happened before to her peers."¹⁷⁴

In March 2012, *Radio Dabanga* reported that a woman had been raped by armed men in the North Darfur town of Kabkabiya,

"A young woman aged 18, was raped by two armed men in Kabkabiya, in North Darfur on Saturday. A relative of the woman, told Radio Dabanga that the gunmen abducted the victim from her home district west of Kabkabiya, located near the headquarters of central reserve forces (Abu Tira). The source said the girl was found in a bad state on Sunday morning. The incident was reported to the local police."¹⁷⁵

In December 2011, the *UN Secretary General* reported that security conditions in Zam Zam IDP camp deteriorated,

"The security situation in Zam Zam camp (Northern Darfur) deteriorated during the reporting period. As reported in paragraph 33 below, on 10 October a UNAMID night patrol was ambushed by a group of unidentified armed men aboard two machine-gun-mounted vehicles on the outskirts of the camp. On 29 November, following an altercation between camp residents and Government Central Reserve Police personnel, Central Reserve Police officers fired on residents, killing one and injuring two. Government police informed UNAMID that the

¹⁷² Human Rights Watch, *Darfur in the Shadows*
The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.14,
<http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf> , accessed 13 March 2012

¹⁷³ Radio Dabanga, Sudan: Militias Loot Villages South of El Fasher, 5 March 2012, Available at:
<http://allafrica.com/stories/201203060405.html> , accessed 13 March 2012

¹⁷⁴ Radio Dabanga, Group of women raped near Kabkabiya, 26 December 2011, Available at: <http://www.region-darfur.org> , accessed 13 March 2012

¹⁷⁵ Radio Dabanga, Sudan: Young Woman Raped West of Kabkabiya, 4 March 2012, <http://allafrica.com/stories/201203050845.html>, accessed 13 March 2012

Wali of Northern Darfur had then convened an emergency meeting, on 30 November, to address Central Reserve Police misconduct.

[] On 1 December, a UNAMID assessment team aborted a patrol in the camp after it had been confronted by an angry crowd that had complained about the lack of security. On 3 and 4 December, UNAMID patrols were prevented from entering the camp by the Sudanese Armed Forces on the grounds that the patrols did not have authorization. UNAMID met with Government authorities and camp leaders to address the restrictions and ease tensions. Access to the camp subsequently improved. The Mission then confirmed that, on 7 December, a Central Reserve Police soldier had shot and injured an internally displaced person in the camp who had intervened to prevent the soldier from harassing a group women."¹⁷⁶

In September 2011, the *OCHA* reported on the presence of unexploded ordnance in North Darfur, and noted that demining teams were working on removing the danger,

"Unexploded Ordnance (UXO) presence in villages in North Darfur:

The UNAMID Ordnance Disposal Office (ODO) reported this week that their demining teams are working in the areas of Sehjanna and Al Tawisha, in North Darfur. UNAMID has received reports of Unexploded Ordnance (UXO) presence in the villages of Abu Delieg (Hilat Zakaria and Hilat Ali Agit) in North Darfur. A team will be sent to those areas to assess the situation shortly. HAC has also reported UXOs and Explosive Remnants of War (ERW) in Al Tawisha village.

There have also been reports of UXO explosions in El Ezban, Kroya, Umsauna and Umkatkute areas (North Darfur) during the Eid holidays, killing and maiming a number of children. HAC will liaise between ODO and relevant government authorities for the collection of information on the areas with possible UXO risk."¹⁷⁷

In March 2011, *Reuters* reported that Sudanese police used live fire to break up a student protest in Al Fasher and that police shot and killed a student protester,

"Police opened fire and killed one student after a demonstration in Darfur's main university against government restrictions on political activity, witnesses said on Thursday.

A wave of small anti-government protests focused in northern universities this year inspired by a popular uprising in neighbouring Egypt have been quashed by security forces and have failed to spark wider rallies among Sudan's divided population.

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Three witnesses told Reuters uniformed police had broken up a protest inside the university in Darfur's main town of el-Fasher on Wednesday and that they heard gunfire. Students hurled stones at police after authorities banned all political activity in Darfur's main universities earlier this month.

Abdallah Adam Mohamed, a student, told Reuters from el-Fasher that he had seen Darfuri student Jamal Mustafa's body with three gunshot wounds at the hospital morgue.

"There was random shooting by police forces who were inside the university," he said, adding he had seen the clashes.

Another witness who declined to be named said he had heard shooting adding authorities closed the university on Thursday. "There were clashes between the government forces and the students and I heard live fire," the student said. United Nations-African Union peacekeepers (UNAMID) confirmed police clashed with students killing one person, adding they had reports

¹⁷⁶ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32,0.html>, accessed 26 March 2012

¹⁷⁷ OCHA, SUDAN: Weekly Humanitarian Bulletin, 22 September 2011, Available at: www.unsudanig.org, accessed 13 March 2012

that a second victim died from his injuries on Thursday."¹⁷⁸

2. West Darfur

In March 2010, *Radio Dabanga* reported that hundreds of families were displaced following air and ground offensives by government forces in Jebel Marra,

"The rebel movement led by Abdelwahid Al Nur said that more than 750 families fled from seven villages located between the regions Rufta and Bargo in Jebel Marra. The rebels attributed this exodus to the ground and air offensive launched by government forces, backed by militias, since Thursday.

Nimr Abdelrahman, spokesman for the movement, told Radio Dabanga that their forces intervened for the second time this week to prevent government forces from crossing the Rufta area to Rokero. He claimed that they were able to defeat the army and pointed out that combat helicopters continued bombing civilian areas until yesterday morning. He said that residents ran and took refuge in the mountains. Radio Dabanga was unable to contact the military's spokesman for comment on this news."¹⁷⁹

In its 2011 country report covering the events of 2010, the *US Department of State* reported that during fighting in the first half of the year, the government carried out aerial and ground offensives, killing and displacing civilians. Further UNICEF reported that the SAF committed gender based violence,

"In West Darfur's Jebel Moon area, government forces carried out aerial bombardment and ground attacks against the JEM. Fighting occurred between January and March and then resumed in May. The JEM withdrew from Jebel Moon by May 13; they were pursued by the SAF, and clashes continued. The violence displaced civilians. The government and rebels denied UNAMID access to Jebel Moon. The UN Children's Fund (UNICEF) received information that the SAF and other unidentified men committed gender-based violence during the fighting.

On April 29, in Girgigirgi Village near Jebel Moon, government aerial bombardment reportedly killed nine civilians."¹⁸⁰

In November 2010, *Human Rights Watch* reported that since August 2010 Sudanese forces had continuously attacked, killed and displaced civilians in areas of West and South Darfur, and noted that the forces were limiting UNAMID peacekeepers' access to the areas,

"Sudanese government forces have carried out a series of attacks on civilians since August 2010 in Jebel Marra, the mountainous rebel stronghold in central Darfur [].

Credible accounts from witnesses to the attacks indicate that Sudanese government forces committed serious laws-of-war violations during attacks in August, September, and October on populated areas around Deribat, Jawa, and Soni in the Jebel Marra region of Darfur. The attacks resulted in civilian deaths and injuries, mass displacement, and destruction of property. In the first week of November, government forces continued the attacks, targeting villages to the south

¹⁷⁸ Reuters, Police kill Darfuri at university protest-witnesses, 18 March 2011, <http://af.reuters.com/article/topNews/idAFJQE72H01320110318>, accessed 13 March 2012

¹⁷⁹ Radio Dabanga, Misseriya civilians flee West Darfur conflict zone, 13 May 2010, <http://www.radiodabanga.org/node/934>, accessed 13 March 2012

¹⁸⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

of Soni, causing further destruction and displacement.

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On September 30, government Antonov airplanes and helicopters dropped bombs and rockets on the town of Jawa, setting fire to the market and killing six civilians, including the imam of the mosque and a woman and her two sons, one a six-month-old baby, witnesses told Human Rights Watch. The same day, government soldiers and militias entered the town and surrounding villages and looted civilian properties.

Witnesses also reported that government soldiers arrested five farmers from Jawa, including elderly men and men with mental disabilities, and detained them for two weeks at military bases. The soldiers beat the men severely, demanding information about rebel positions in Jebel Marra.

In the first week of October, government forces bombed numerous villages on the road from Deribat to Soni, and a cluster of villages south of Soni, including Feina, destroying hundreds of homes, witnesses told Human Rights Watch. Government troops in the area have prevented civilians from returning to their farms. On October 25, government soldiers stationed in Soni allegedly killed a woman while she was returning to her farm near Soni with her two daughters.

The attacks, which continue to date, caused tens of thousands of civilians to flee their homes, mostly to scattered settlements in rebel-controlled areas that the government has made off-limits to UN and humanitarian organizations. Sources on the ground told Human Rights Watch that the health conditions of displaced populations are deteriorating. The total number of casualties in the recent attacks is not known.

The Sudanese government has repeatedly blocked the African Union/United Nations Hybrid Mission in Darfur (UNAMID) from visiting the affected areas, despite the government's agreement to allow the mission unfettered access throughout Darfur. The army maintains checkpoints at all main entrances to the mountainous area and has refused UN and humanitarian organizations passage to rebel-controlled parts of the mountain where civilians are clustered.

One witness to the attacks on Jawa and Soni told Human Rights Watch: "The government of South Darfur is telling us that if we want any assistance we have to come down the mountain to the areas controlled by the government forces."¹⁸¹

The US Department of State further reported in April 2011 that in 2010 the government forces and militia killed civilians during continuous aerial bombings of civilian areas in West Darfur in 2010, causing large scale displacement,

"Government forces and government-aligned militias engaged in the killing of civilians, including continued aerial bombardment of civilian areas. The aerial bombardment of villages was often followed by ground attacks. Attacks resulted in civilian displacement.

Violence in Jebel Marra--a mountainous area that reaches into each of the Darfur states --killed and displaced numerous civilians, particularly between January and March. In east Jebel Marra, government forces and Arab militias launched offensives against Sudan Liberation Army/Abdul Wahid (SLA/AW) factions based in the mountains. In western Jebel Marra, fighting occurred between SLA/AW factions.

Fighting between the SAF and SLA/AW in eastern Jebel Marra particularly impacted Leiba, Kidinger, Gugoli, Feina, and Deribat villages in South Darfur and Fanga Suk and Gosdor

¹⁸¹ Human Rights Watch, Government Should Allow Aid to Population in Rebel-Held Areas, 11 November 2010, <http://www.hrw.org/news/2010/11/11/sudan-halt-wave-attacks-civilians-darfur>, accessed 13 March 2012

villages in North Darfur. Fighting, including aerial bombardment, continued during the year. In September-October, the SAF recaptured the villages of Suni and Jawa in an aerial and ground offensive that caused deaths and large-scale civilian displacement. Humanitarian organizations lacked access to Jebel Marra, with the government permitting only brief day-trips to certain areas, making it difficult to gather precise information on the fighting's impact on civilians. UNAMID documented cases of gender-based violence in connection with the fighting in Jebel Marra. According to UNAMID, police arrested perpetrators in two of the cases."¹⁸²

In October 2010, *The Small Arms Survey* reported that conflicts over land rights occurred in the Kass area around Dogodussa, Garsila, Kass, Kailek, and Zalingei,

"The militancy in the Kass area has been spearheaded by the deputy nazir of the Darfur Missiriya, Haroun Imam, who has been promoting the Missiriya as the most important Arab group in Darfur, more numerous even than the Rizeigat. Imam played a role in mobilizing the Baggara against the Fur at the start of the insurgency; since then, he has been attempting to unite the small Baggara tribes south of Jebel Marra behind the Missiriya, to form a solid block against the Abbala (Tubiana, 2009). UNAMID officials say Imam appears to have had the backing of the nazir of the Darfur Missiriya, Tijani Abdel Gadir, from his base in Nitega, 130 km to the east. They believe that Tijani is seeking to expand his nazirate outside Nitega, westwards through Kass.

Abbala fear that the Missiriya will, if given the chance, occupy the highly coveted land around Dogodussa, Garsila, Kass, Kailek, and Zalingei, cutting their marahil and denying them any chance of settlement in that area. They felt these fears were confirmed when Missiriya fighters blocked their marahil in a second round of fighting in August 2010."¹⁸³

In May 2010, *Radio Dabanga* reported that ethnic Misseriya civilians had fled West Darfur 's conflict zone due to inter-tribal violence which UNAMID estimates killed 107 people between March and May 2010,

"Civilians have fled from inter-tribal violence in Mukjar Locality of West Darfur to Kubum in Edd Al Fursan Locality of South Darfur. They came from a group of villages including Nyamatala, which is located approximately 40 kilometers northeast of Mukjar town. Two Arab tribes are fighting in the area, the Misseriya and the Nuwayba Rizeigat. Misseriya sources said that attackers came to the area and began shooting and burning. A woman who fled from the combat zone described the situation as a total mess. She told Radio Dabanga yesterday that after arriving at Kubum the displaced people did not find any shelter. During the flight some pregnant women had to give birth, she said. A man from Nyamatala said that fighting began there with heavy weapons, forcing him and others to withdraw. He said about 15 people were killed in his village.

Fighting between the two tribes had originally broken out in early March in Khor Ramla near Nertiti in West Darfur. The two sides during a meeting in Zalingei on 28 March made an agreement to stop fighting, but the conflict was reignited on 4 May in the Mukjar region. The fighting has claimed the lives of 107 people since March, the UN- African Union Mission in Darfur estimated on 11 May."¹⁸⁴

In May 2010, *Reuters* reported that Sudanese government forces had attacked JEM militia in areas of

¹⁸² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

¹⁸³ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.25, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

¹⁸⁴ Radio Dabanga, Misseriya civilians flee West Darfur conflict zone, 13 May 2010, <http://www.radiodabanga.org/node/934>, accessed 13 March 2012

West Darfur and noted that both army soldiers and rebels had been killed in the fighting,

"Sudan's army said it seized a key rebel stronghold in Darfur and killed 108 insurgents late on Friday, dealing a heavy blow to already floundering peace talks in the remote western region.

The rebel Justice and Equality Movement (JEM) dismissed the report, saying it had withdrawn from the Jabel Moun area voluntarily days earlier to spare the population government bombing raids and shelling.

But it said other recent clashes showed Sudan's government had chosen to go back to war and the chances of finding a negotiated solution were "very remote."

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"There was a battle between Sudan's Armed Forces and JEM yesterday," army spokesman Al-Sawarmi Khaled told Reuters on Saturday. "There were about 108 killed from JEM and we took about 61 prisoners alive."

He said government soldiers also were killed in the attack near Chad's border but did not have numbers.

JEM said its troops already had moved out to different areas in North and South Darfur states, as well as the neighboring oil-producing South Kordofan.

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In another sign of growing unrest, Sudan's police said its officers fought off a JEM attack on a commercial convoy between the town of Al Deain and the capital of south Darfur Nyala on Thursday. The police said 57 officers and rebels were killed.

JEM told Reuters its troops came across Sudanese army forces guarding a convoy of military vehicles and ammunition trucks and said the soldiers fired the first shots. JEM said its forces were victorious."¹⁸⁵

In July 2010, *Human Rights Watch* reported on fighting between Sudanese government forces and rebel militias around the area of Jebel Mun and that both sides have committed abuses against civilians,

“Jebel Mun, about 80 kilometers north of Al Geneina, has been a rebel stronghold during much of the Darfur conflict, with ongoing power struggles among rebel groups, as well as attacks by government and allied militia forces. So far in 2010, clashes between government forces and JEM, between JEM and other rebel groups and local militias, and government aerial bombing have killed, wounded, and displaced civilians and destroyed civilian property. Much of the impact of this fighting on civilians remains undocumented because the UN and humanitarian agencies have not had access to the affected areas, despite numerous attempts.

Civilians living in the "northern corridor" towns between Al Geneina and Jebel Mun have reported assaults, beatings, and other abuses by both JEM and government soldiers controlling the area at different times to the peacekeeping mission's human rights staff.

Though some clashes between pro-government militias and JEM rebels were reported as early as February, the most serious attacks on civilian areas occurred in late April and early May, when Sudanese government forces and allied militias attacked several villages in and around Jebel Mun.

¹⁸⁵ Reuters, Sudan army says killed 108 Darfur rebels, 15 May 2010, <http://www.reuters.com/article/2010/05/15/us-sudan-darfur-idUSTRE64E0PK20100515>, accessed 13 March 2012

Eyewitnesses to an attack on Hilelat, a town on the western side of the mountain on the road to Kulbus, a government-controlled town on the Chad border, told Human Rights Watch that the militias arrived in the early morning on May 2, and began harassing and shooting at civilians. One man said: We saw six civilians shot at when they were running away from the attack. Four were killed and two severely injured. I do not know if they have survived, since we could not dare to turn our backs to see what happened after I and about 50 men, women, and children reached Silea after 10 hours running and walking.

Witnesses also reported to UN staff that soldiers and militia members had sexually assaulted women and girls in some villages near Kulbus, close to the Chad border, during the attacks. Government soldiers and allied militia members also rounded up more than 60 men from Girgigirgi, Silea, and Hilelat, including some Chadian civilians, accusing them of belonging to JEM. Some were released after a few days and others were transferred to Al Geneina, where they remain in detention without charge.

The attacks included the government aerial bombing in and around Jebel Mun in late April and early May that witnesses suggested were directed at places with water where civilians gathered. Thousands of civilians reportedly fled the area because of the attacks and bombings; some went to camps near Al Geneina and others to areas across the Chad border.

In the following days and weeks, residents of the towns of Sirba, Silea, and Abu Suruj reported that government soldiers and militia seeking out JEM rebels committed abuses against civilians, including arbitrary arrests, abductions, rapes, and beatings. One witness reported to a local aid group that on May 31 in Abu Suruj, he saw soldiers and militia detain a group of women at a water source and drive them away. One of the women reported later that she had been held and raped for three days. Another Abu Suruj resident said soldiers arrested her 19-year-old son on May 12 and beat him before releasing him to the hospital for treatment.

On May 14, the government claimed it had seized control over Jebel Mun, killed 108 JEM rebels and taken 61 prisoners. JEM denied the report, claiming it had withdrawn days earlier. Human Rights Watch could not verify any of these claims. Sudan government forces and JEM have continued to clash in various locations around Darfur, resulting in civilian death, injury, and displacement. In May, June, and July, new fighting was reported at various locations in South Darfur and North Darfur. On May 5, government forces bombed villages near Galap, in North Darfur, killing three civilians and destroying several homes. The full impact of these clashes on civilians remains unknown.¹⁸⁶

In December 2011, the *UN Secretary General* reported that armed men attacked the locality Commissioner's residence and a Sudanese Armed Forces post in West Jebel Marra,

"In West Jebel Marra, a group of unidentified armed men, suspected by Government and local interlocutors to be members of SLA-Abdul Wahid, attacked the locality Commissioner's residence in Nertiti (63 km east of Zalingei) on 5 October. Reports indicate that Government police guarding the compound successfully repelled the attack. There were no reported casualties. On 12 October, an unidentified armed group attacked a Sudanese Armed Forces observation post in Nertiti. No casualties were reported. Government and local interlocutors informed UNAMID that they suspected the perpetrators were from SLA-Abdul Wahid. The mission increased patrolling in and around Nertiti and nearby camps for internally displaced persons in response to the security situation."¹⁸⁷

¹⁸⁶ Human Rights Watch, *New Deaths, Other Abuses Underscore Need for Better Access, Improved Security*, 19 July 2010, <http://www.hrw.org/news/2010/07/19/un-strengthen-civilian-protection-darfur>, accessed 13 March 2012

¹⁸⁷ UN Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country..UNSC..SDN..4f1563f32.0.html>, accessed 26 March 2012

In January 2012, *Radio Dabanga* reported on violent clashes in Zalingei between police and an armed group,

"On Thursday the city of Zalingei in West Darfur witnessed violent clashes between policemen and an armed group. A witness said to Radio Dabanga the clash occurred as police found the armed men trying to use counterfeit money in the local market.

A woman was reported as killed and three others were wounded in the crossfire including displaced persons from Hamidiya Camp.

The commissioner of Zalingei Abdullah Amin, however admitted fighting broke out in the market, but strongly denied any fatalities. He said police arrested two of the men trading in fake currencies. On the way to the police station a relative of one of the men opened fire on police, resulting in the police responding, shooting and wounding the relative."¹⁸⁸

In February 2012, *Radio Dabanga* reported claims that there was a high rate of random shootings near IDP camps and attacks on IDPs on the streets, and that a group of armed men shot at a group of displaced people, killing one person and wounding others,

"An group of gunmen killed a man on Sunday near El Geneina, West Darfur. A witness told Radio Dabanga armed men opened fire on an internally displaced man named Osman Adam, from Riyadh IDP camp, as he was riding a motorcycle on his way from El Geneina to the camp. He died instantly. In another incident the witness said a group of gunmen shot at a group of displaced people killing a 55 year old woman and wounding others. He pointed out the current high rates of random shootings near the camps, and attacks on displaced people out on the streets in recent days.

The witness said authorities arrested two suspects who remain in custody, and called on authorities to end the violent attacks of armed groups, and bring them to justice."¹⁸⁹

3. South Darfur

The US Department of State reported in April 2011 on fighting that resulted in the killing of civilians in South Darfur in 2010,

"In December in South Darfur, fighting between government and SLA/MM forces displaced almost 20,000 persons from Khor Abeche and Shaeria. Negeha and Jaghara villages, which were near Khor Abeche, were burned. Humanitarians lacked access to Khor Abeche. In North Darfur, fighting between government and rebel groups in Dar al-Salaam and Shangil Tobaya displaced 25,000 persons between December 19 and December 31.

There were reports of civilian deaths, looting, and destruction of civilian property during the fighting in both North and South Darfur."

The US Department of State further reported in April 2011 that in March 2010 there occurred incidents between Misseriya and the Nawaiba-Rizeigat tribes,

¹⁸⁸ Radio Dabanga, Clashes between police and militia in Zalingei, 23 January 2012, <http://www.radiodabanga.org/node/24295>, accessed 13 March 2012

¹⁸⁹ Radio Dabanga, Random shootings plague West Darfur, 21 February 2012, <http://www.radiodabanga.org/node/25720>, accessed 13 March 2012

"In March in the area between Zalingei in West Darfur and Kass in South Darfur, fighting erupted between the Misseriya and the Nawaiba-Rizeigat tribes. During the year the violence killed hundreds and caused displacements. The tribes were fighting over land along the two states' border. The fighting limited UNAMID's ability to access some areas around Kass."¹⁹⁰

The Enough Project reported in April 2010 on allegations that the Lords Resistance Army had been permitted to move into South Darfur by the Sudanese government,

"Despite public denials, there were also indications that the Sudanese government facilitated the move of a contingent of Lord's Resistance Army fighters into South Darfur, signaling a continued willingness by the NCP to support proxy militias."¹⁹¹

In June 2011, *Human Rights Watch* reported that government forces had carried out attacks against civilians in South Darfur since December 2010, including against women, children and the elderly. *Human Rights Watch* further reported that government forces prevented civilians from seeking refuge in a UNAMID camp,

"Renewed fighting began on December 10, when government forces carried out large-scale attacks on the SLA-controlled area of Khor Abeche and surrounding villages in the Shearia locality of South Darfur. The area is populated largely by ethnic Zaghawa, whom the government accuses of supporting Minawi.

One eyewitness, Adam A., 50, told Human Rights Watch that on December 10 he saw an Antonov airplane flying over the village, followed by 15 military vehicles carrying uniformed soldiers and accompanied by militia members on horse and camel. He said the soldiers went to an SLA police post in the center of town and encountered one rebel, then proceeded to the market, looting shops and beating civilians with sticks. Among those injured were his wife, who sustained injuries to her head, and many other women, children, and elderly people.

A 30-year-old mother of four gave a similar account: "The soldiers went to the market and started beating people, including women and old men, with sticks and the butts of their guns. I was able to take my children and some clothes and flee. All our remaining things were completely burned." Witnesses told Human Rights Watch that approximately 20 SLA rebels were present in the market at the time of the attack, but that most of the forces had left the area in November when Minawi's relations with the government began to sour.

The following day, December 11, a convoy of government soldiers again arrived on the outskirts of town, and shot into populated areas with mounted machine guns. During this attack, they killed two civilians and injured more than a dozen others. Witnesses said the army was accompanied by Popular Defense Forces, an auxiliary force that has absorbed many of the so-called "Janjaweed" militia.

The attacks and clashes also caused massive damage to civilian property, with more than 60 homes reported burned in Khor Abeche, including that of the umda, or community leader. Government and rebel forces again clashed on December 17 and 18, causing more property destruction and displacement of the population.

Around the same time, SLA and JEM forces reportedly counter-attacked a Popular Defense Forces base. Rebel attacks on Nigaa and Jaghara and surrounding villages in southern North

¹⁹⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

¹⁹¹ The Enough Project, Grading the Benchmarks, April 2010, p.5, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

Darfur killed 16 men and injured several others, according to people from the Birgid community and government sources interviewed by Human Rights Watch in January. Attackers reportedly burned homes and destroyed farming equipment and water sources.

The fighting displaced an estimated 12,000 people from the area, with about 10,000 taking refuge near the UNAMID compound in Khor Abeche. Some villagers told Human Rights Watch they fled initially to Wadi Hiraz, but government aerial bombardments drove them back to the UNAMID compound at Khor Abeche until they made their way to other camps.

Human Rights Watch also received credible reports that government forces shot at civilians moving toward the UNAMID compound, presumably to prevent them from entering, and that government troops positioned themselves in front of the camp, also in an apparent effort to block civilians seeking safety.¹⁹²

In October 2010, *The Small Arms Survey* reported on the events of February 2010 that led to tribal conflict in South Darfur,

"In February 2010, a single act of banditry in South Darfur set in motion a chain of events that led to the widest and bloodiest fighting between Abbala and Baggara witnessed in Darfur. By the time of the first, short-lived 'reconciliation agreement' four months later, more than 700 people were believed dead across two states. The contrast between the enormity of the conflict and the commonplace nature of the incident that sparked it—a vehicle theft resulting in death—highlighted the high level of tension between the communities.

When a group of bandits ambushed a vehicle belonging to the Water, Environment and Sanitation Department of the local government between Kass and Zalingei on 18 February, tensions between Missiriya and Rizeigat were already running high as a result of clashes nine months earlier that had left more than 300 people dead in the Meiram area of South Kordofan, across Darfur's eastern border. In attempting to seize the vehicle, the bandits shot dead one of its occupants, who happened to be Missiriya, before escaping to a Nuwaiba settlement in the Khor Ramla area. The Missiriya mobilized a large force and rode on Khor Ramla, where the Nuwaiba agreed to tribal mediation by a committee of tribes considered neutral in the conflict, including Beni Halba and Salamat.

At a *judiya* mediation in Khor Ramla on 26 February, the Nuwaiba agreed to pay *diya* of 100 cows and a total cash payment of SDG 80,000 (USD 33,900). The Missiriya refused to accept staggered payment and said they would remain mobilized until the compensation was paid in full. The Rizeigat delivered 71 cows and part of the payment, promising the remainder by the evening of 3 March. The Missiriya reportedly refused to compromise. Rizeigat sources say the Missiriya insulted them, calling them 'sons of prostitutes', and demanded an additional payment of SDG 2.5 million (USD 1,000) for each hour of delay. The Missiriya charge that the Rizeigat were merely playing for time—and once they had assembled Land Cruisers packed with Border Guards, and armed with anti-aircraft guns, they attacked the Missiriya as they left the meeting place to water their horses. Six members of the *judiya* were killed, by admission of the Rizeigat, including a Missiriya *omda*, Abdalla al Sanussi al Habo. The Missiriya say 11 of their tribe died in the chaos that ensued. Both sides agree that it quickly became a war of tribal coalitions. The Missiriya rallied their kinsmen from Chad and the small Baggara tribes around Jebel Marra and began attacking the camps of 'the Arabs'—the Abbala. The Abbala, for their part, 'called relatives from different areas'—including Beni Hussein from Serif Omra in West Darfur and Mahadi from the Kutum area of North Darfur—after 19 Um Jalul, including children, were killed in an attack on a settlement near Zalingei. The commissioner of Kass locality, Ali Mahmoud al

¹⁹² Human Rights Watch, *Darfur in the Shadows*, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.12, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

Tayyib, said the Abbala came with Land Cruisers, camels, and horses and attacked on three axes—including Limo. Missiriya elders identified four different Northern Rizeigat sections fighting alongside the Nuwaiba—Awlad Rashid, Eregat, Mahariya, and Um Jalul, all led by Border Guard officers.

War exploded, spreading first to areas north and east of Kass, where Missiriya had settled on Fur land, and later to Wadi Saleh in West Darfur. The Rizeigat reportedly mobilized *hakamas*, female singers who praise courageous fighters and heap scorn on those found wanting. In one battle, the Missiriya say they killed and mutilated, by cutting off her head and hands, a *hakama* who had been urging the Rizeigat to fight 'like lions'.

The reconciliation agreement finally reached in June 2010 set *diya* for 423 Missiriya killed at SDG 6,345,000 (USD 2.7 million) and for 272 Rizeigat at SDG 4,080,000 (USD 1.7 million).¹⁹³

In October 2010, *The Small Arms Survey* reported that Sudanese government forces were supplying Chadian insurgents and Arab groups in South Darfur,

"Although Abbala leaders deny receiving new supplies from the government, eyewitnesses to the initial fighting around Khor Ramla report having seen helicopters carrying ammunition to Hemeti's men in Khor Ramla and north of Kass. Unconfirmed reports say the Missiriya were supported by an Arab breakaway faction of the Union of the Forces for Change and Democracy, a Chadian armed opposition group led by Abdul Wahid Makaye, himself Missiriya. Under an agreement with Chad late in 2009 that ended powerful Chadian support for JEM, President Bashir agreed to expel from Darfur all armed groups committed to the overthrow of President Idriss Déby.

Usually reliable Abbala sources in Nyala say that ammunition, fuel, and money were supplied by elements within the military and security services— not only to drive the Chadian insurgents from the area, but also to 'divide and destroy' Arabs. The claims cannot be confirmed. But what is beyond question is that the Border Guards use their government assets without checks or controls and are heavily armed, with huge hidden stocks."¹⁹⁴

In July 2010, *Human Rights Watch* reported on an increase in violence stemming from inter-Arab tensions, which led to civilian displacement,

"Fighting between Arab ethnic groups has surged in parts of West and South Darfur in 2010, killing 182 people in March alone, according to an estimate by the peacekeeping mission. The fighting intensified in April, interrupting elections around Kass, South Darfur, and causing civilian displacement. Reports from numerous sources suggest that border guards, an auxiliary unit of the Sudanese army, and police officers fought alongside rival ethnic groups.

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For example, UN sources reported at the end of May on the failure of 18 out of 24 attempts to reach locations in Jebel Mara. A UNAMID and interagency team reached some displaced communities from Jebel Mun at Aro Shorou and Hijllija villages on May 20, but the Sudanese army prevented the team from visiting Kalgo, Falako, and Alona villages, stating that unexploded ordnance made the area unsafe to visit.

An increase in deliberate attacks on peacekeepers and humanitarian organizations has further hampered operations. On March 5, unidentified armed men ambushed a UNAMID patrol on

¹⁹³ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.22, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

¹⁹⁴ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, pp.26-27, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

route to Deribat and stole vehicles, weapons, and communications equipment."¹⁹⁵

In June 2011, *Human Rights Watch* reported on the violence in South Darfur in February 2011,

"In late February, government ground and air forces reportedly attacked many Zaghawa villages in the area, including Linda, Hillet Disha and Abu Hamra.

Ibrahim K., a 35-year-old man from Linda, told Human Rights Watch that on February 23: I heard two gunshots at the northeastern side of the village, then five minutes later more shooting from all directions. We saw large numbers of troops surrounding the village, most of them dressed in green military uniforms and riding in small pickup trucks mounted with machine guns.

The soldiers and allied militia went house-to-house asking people their tribes, looting their livestock and destroying homes. They arrested three people, one of whom, a 16-year-old shepherd boy, was found beaten to death outside of the village. One woman was seriously injured on the head when she tried to prevent militia from stealing her sheep.

The government also dropped bombs in the corridor between Tabit and East Jebel Mara, such as on Tadarni, Tukumare, Nimraya and Korofulla, killing and wounding an unknown number of civilians."¹⁹⁶

¹⁹⁵ Human Rights Watch, *New Deaths, Other Abuses Underscore Need for Better Access, Improved Security*, 19 July 2010, <http://www.hrw.org/news/2010/07/19/un-strengthen-civilian-protection-darfur>, accessed 13 March 2012

¹⁹⁶ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.16, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

D. Ethnicity

1. Domestic legal framework

Article 31 of the 2005 *Interim National Constitution of the Republic of Sudan* states that,

“All persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.”¹⁹⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Constitution provided protection from discrimination based on race and gender but that these provisions were not enforced in practice,

“The interim national constitution prohibits discrimination based on race and gender, but the government did not effectively enforce these provisions. The law does not address discrimination based on disability, language, or social status.”¹⁹⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government was responsible for promoting inter-ethnic rivalries,

“[t]he government and government-supported militias reportedly promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence.”¹⁹⁹

2. Background information

Minority Rights Group International reported that there is no accurate data concerning ethnic groups in Sudan. However they cite an estimate which indicates that there are more than 56 ethnic groups and 600 sub-ethnic groups in the Sudan,

“There is no accurate demographic data in Sudan. Previous censuses are widely regarded as being of poor quality. A new census is due to be held in January 2008 – but has already been delayed and may yet be again. However, what is clear that Sudan is home to an immense range of peoples – according to one estimate, more than 56 ethnic and almost 600 sub-ethnic groups.”²⁰⁰

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese population consisted of more than 500 tribes,

“The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects.”²⁰¹

¹⁹⁷ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

¹⁹⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

¹⁹⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁰⁰ Minority Rights Group International, World directory of minorities and indigenous peoples, undated, <http://www.minorityrights.org/4010/sudan/sudan-overview.html>, accessed 26 March 2012

²⁰¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

In 2011, *Cultural Survival Quarterly* reported that there were more than 36 different ethnic groups presented in Darfur, including the Fur, Masalit, and Zaghawa peoples,

"Darfur, a region the size of Texas located in western Sudan, has a complex mix of more than 36 ethnic groups with an estimated population of 5 million people. Indigenous groups and Arab migrants have coexisted for centuries, each with their own dar, or homeland. While tensions between ethnic groups, including the Fur, Zaghawa, and Masalit, have existed for generations, until the 1970s they were resolved through traditional methods of conflict resolution. Groups shared a common geography and often were connected by intermarriage. Local governments represented both Arab and non-Arab peoples."²⁰²

In July 2011, Chinese online newspaper, *The People's Daily* reported as to the many different ethnic groups that currently live in Darfur, including the Fur, Masalit, Maidoub, Barty, Dajo, Tungor, Gimir, Tama, Aringa, Kenain, Katanga and Bergid,

"Darfur is considered Sudan's western gate where the region shares joint borders with Libya, Chad and Central Africa Republic.

The Darfur people live in a community that stands on the tribe and clan institution which constitutes an important axis in their life and pattern of their economic and social activities in addition to the means of living which basically stand on traditional grazing and traditional rain-fed agriculture.

Many tribes dwell in the Darfur due to the different migrations to the region from all parts of Sudan and neighboring countries such as Chad, Central Africa Republic, Cameroon and Libya where there are around 165 tribes that speak over one hundred local dialects.

Four and Masaleet tribes represent the biggest population groups in Darfur besides other tribes such as Maidoub, Barty, Dajo, Tungor, Gimir, Tama, Aringa, Kenain, Katanga and Bergid."²⁰³

In 2011, *Cultural Survival Quarterly* reported on the Masalit, Zaghawa and Fur ethnic groups their cultures in Darfur,

"Masalit:

There are 145,000 Masalit scattered throughout Sudan, the majority of whom inhabit parts of Northern Sudan, Darfur, Dar Masalit, and the Nyala District. The Masalit language, also called Masalit, is part of the broader Nilo-Saharan group.

As agriculturalists, the Masalit grow millet, sorghum, peanuts, okra, and some fruits. They also gather honey and tree gum, and raise cattle, sheep, and goats to supplement their diet. Historically the Masalit have been both self-sufficient and self-contained, yet due to drought and increased pressure on the land, their contact with other groups in the Darfur region has greatly increased.

The majority of Masalit live in villages. Like other sedentary African farmers in Darfur, conflict with pastoral Arab groups over land and resources has been ongoing for generations. During the last few decades, severe drought, competition for scarce resources, easy access to

²⁰² Cultural Survival Quarterly, The Peoples of Darfur, 2011, <http://www.culturalsurvival.org/publications/voices/32/peoples-darfur>, accessed 13 March 2012

²⁰³ The People's Daily, Tribal conflict in Darfur constitutes nagging concern of regional population, 26 July 2011, <http://english.peopledaily.com.cn/90001/90777/90855/7451721.html>, accessed 13 March 2012

firearms, and the lack of a democratic atmosphere in which such disagreements could be settled openly and fairly, have eroded the peace.

Many Masalit whose lands were destroyed by the Janjaweed were former soldiers and policemen of the Sudanese government. Knowing that the government works in conjunction with the Arab militias, many of these men have quit their jobs and joined the SLA and the JEM.

Zaghawa:

Scattered throughout Sudan, Chad, and Niger, the roughly 171,000 Zaghawa live primarily along the border between Sudan and Chad in the northern Darfur region. The Zaghawa, who also call themselves Beri, are a semi-nomadic ethnic group who rely on camel and cattle herding.

Zaghawa lands are the most ecologically fragile in Darfur and are frequently affected by drought. The Zaghawa must wait nine dry months for a brief rainy season. Competition for access to pasture and water often creates conflict either with settled farmers or among themselves. Some Zaghawa grow tomatoes, onions, and okra in gardens around their homes. Women cultivate these gardens and also gather wild grasses, seeds, honey, and berries. Many men have become merchants and travel to southern and eastern Darfur to buy manufactured goods and other foods. These migrant Zaghawa, part of the lower working class, also depend on hunting for survival, although the introduction of firearms has limited the amount of game in the region. In the 1600s, the majority of Zaghawa converted to Islam. This change greatly reduced the power of ruling chiefs and Zaghawa either completely abandoned their traditional religion or modified their religious practices to comply with Islam.

Zaghawa villages in northern Darfur in 2003 were the main targets of aerial bombs. The Zaghawa fled to wadis, or tree-lined riverbeds, where they were able to access hand-dug wells. Air and ground attacks in the recent conflict have followed the Zaghawa to their wadis and have forced many to find refuge in Chad and other lands in Darfur.

Fur:

With a population of approximately 744,000, the Fur are the largest ethnic group in Darfur (darfur means "land of the Fur"). Also called Fora, Fordunga, Furawi, Konjara, or Kungara, the Fur speak a Nilo-Saharan language that is used with Sudanese Arabic, which is mostly spoken for trade and commerce.

Fur practice their traditional rituals along with Islam. Fur villages are typically composed of four or five households. Most are farmers who cultivate food both for their families and to sell at market. Their primary crop is dukhn (millet), which is used to make their staple food asida, a thick porridge paste. Dukhn beer is an important part of the Fur diet and is also used as payment for field work. This tradition has lasted even though Islam prohibits the consumption of alcohol.

Fur husbands and wives remain in separate houses after marriage, and have separate fields for food. Polygamy is common and marriages are frequently arranged by parents, with a bride price given to the bride's family. Political power is determined by hereditary position. The village sheik (religious leader) serves for life and is typically elected by the villagers to serve with higher government-appointed officials. In the current conflict, an estimated 2,500 Fur have lost their lives and 400 villages have been burned, causing tens of thousands to flee their land in search for safety.²⁰⁴

²⁰⁴ Cultural Survival Quarterly, The Peoples of Darfur, 2011, <http://www.culturalsurvival.org/publications/voices/32/peoples-darfur>, accessed 13 March 2012

In 2010, scholars *O'Fahey and Tubiana* reported on the background of Arab groups in Darfur,

"Arab groups claim their identity as Arabs by genealogical descent going back to putative ancestors in Arabia. Most Arabs in Darfur link their ancestry to Abdallah al-Juhayni, the alleged ancestor of the Juhayna group of tribes. The elaborate genealogical "maps" situating all Arab groups in the Sudan (not just Darfur) in a wider linkage were codified by Sir Harold MacMichael []. While not denying the physical presence of Arab groups in the region from the 15th century, most modern scholars regard the genealogies that are in circulation today as originating in the 18th and 19th centuries and as having very little historical or evidentiary value. In anthropological terms they are "genealogical charters" designed to link present-day groups in wider groupings by reference to a remote and largely fictitious past."²⁰⁵

In 2010, scholars *O'Fahey and Tubiana* reported on the background of non-Arab groups in Darfur,

"Most non-Arab groups likewise claim a remote Arab ancestry; in practice this was of no great significance. For example, the Keira Sultans of Darfur claimed 'Abbasid descent (i.e. from the House of the Prophet), but it seems to have had little significance for them. Often such claims were based on expediency; the Funj Sultans of Sinnar on the Blue Nile claimed Umayyad descent (the Umayya were an early Arab/Muslim dynastic group in opposition to the 'Abbasids) seemingly as an assertion of their independence vis-à-vis the Ottomans (who claimed 'Abbasid descent), who were laying claims to the Eastern Sudan at the time.

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In practice, the Arab/non-Arab divide and the ethnic boundaries so derived were mitigated by occupational factors, which caused considerable mobility across ethnic frontiers. For example, successful Fur farmers, having invested their profits in cattle, would reach a point where it would pay for them to cross the ethnic divide and "become" Arab cattle-keepers, Baqqara, while Baqqara who lost their cattle would move the other way and "become" Fur (Haaland). A similar fluidity is to be found across the Fur/Zaghawa border, with a common sub-group or clan, the Kaitinga. The Kaitinga are a Fur clan, but part of this clan became the royal clan of two mixed dars (Dar Suwayni and Dar Bire, inhabited by Zaghawa, Tunjur and Fur) considered as part of greater Dar Zaghawa. Ethnic boundaries were maintained, but their actual ethnic content was fluid. No ethnic "dar" was ever homogenous.

A question for future research is the "conversion" of relatively neutral colour labels, zurqa, "blue/black", hamra, "red" ("Arab" skin colour; solong in Fur), safra, "yellow" (sallow skin, for example, Egyptians) into a racist ideology from the late 1980s. "Traditionally" these terms were generally used descriptively but neutrally. The conversion of a national debate on Arab versus non-Arab identity into an increasingly racist ideology needs further investigation, but its importance in the Darfur context can hardly be overestimated."²⁰⁶

In 2006, *Minority Rights Group International* stated that ethnic identity in Darfur is fluid with groups changing identification as either Arab or non Arab, *Minority Rights Group International* further reported on distinctions between the 'Arab' tribes of Darfur and the 'Arab' government,

"Darfur's (overwhelmingly Muslim) population – approximately 6.6 million in mid 2004– is about one-fifth of Sudan's total and defies neat delineation. Tribal identities have historically been fluid; for example, sub-sections of 'non-Arab' tribes have in the past switched to identifying as Baggara ('Arab' cattle-herders), and sub-sections of 'Arab' tribes have re-identified as Fur. It is

²⁰⁵ Darfur: Historical And Contemporary Aspects, 2010, <http://www.smi.uib.no/darfur/A%20DARFUR%20WHOS%20WHO3.pdf> , accessed 13 March 2012

²⁰⁶ Darfur: Historical And Contemporary Aspects, 2010, <http://www.smi.uib.no/darfur/A%20DARFUR%20WHOS%20WHO3.pdf> , accessed 13 March 2012

important to note that the conflict (and government policy) has itself served to radicalize identities of 'Africanism' and 'Arabism'. Distinctions between 'Arab' and 'non-Arab' tribes, an important but often misunderstood element in the present conflict, must be made. The 'Arab' tribes of Darfur are mostly either semi-nomadic 'Abbala' (camel herders) in North and West Darfur and, in South Darfur, the sedentarized 'Baggara'. However, Darfur's 'Arabs' must not be equated with the 'Arab' government in Khartoum. Notwithstanding some alliances, they are distinct, and elements of the dominant riverain 'Arabs' in northern Sudan and the western 'Arabs' of Darfur view each other with suspicion and condescension."²⁰⁷

In 2006, *Minority Rights Group International* stated that the Fur, Zaghawa, Masalit, Tunjur, Meidob and Berti are among tribes that identify as 'non-Arab',

"'Non-Arab' tribes in Darfur refers to tribes that do not identify as 'Arab' on account of retaining indigenous cultural characteristics. Besides the Fur (Darfur's largest tribe), there are dozens of other 'non-Arab' tribes, the largest being the Zaghawa, Masalit, Tunjur, Meidob and Berti. That some 'non-Arab' tribes have recently identified as 'African' is evidence of a wider politicization of identity influenced by Sudan's long 'North-South' war."²⁰⁸

In March 2011, *The British Journal of Sociology* reported that the Gimir people identify as Arabs,

"And it is still the case that some small groups identified by others in Darfur as African, such as the Gimir people, have in recent decades come to self-identify as Arabs and have fought alongside Arab groups against other groups who identify themselves as Black Africans in Darfur."²⁰⁹

In October 2010, *The Small Arms Survey* reported that the Rizeigat tribe of Darfur was formed of two main groups, the northern and southern Rizeigat, both of whom share three branches – the Mahamid, Mahariya, and Nuwaiba,

"The Rizeigat are the largest and most powerful of the Arab tribes of Darfur, composed of two groups—the predominantly camel-herding Northern Rizeigat, based mainly in North Darfur state but with branches in West and South Darfur, and the mainly cattle-herding Southern Rizeigat, most of whom live in south-east Darfur under the authority of their nazir, Saeed Mahmoud Ibrahim Musa Madibo. The Southern Rizeigat did not respond to the government's mobilization call to fight the insurgency in 2003.

Three branches of the Rizeigat tribe—the Mahamid, Mahariya, and Nuwaiba—are common to both groups and reportedly fought together against the Baggara."²¹⁰

Chatham House reported in January 2010 on the ethnic populations in South Darfur and noted the presence of the Habbaniya and Rizeigat Baggara groups,

"In South Darfur we thought the population was inflated. The increase in population was over 90%, in an area where in some camps there was no access for enumerators. It's the same with

²⁰⁷ Minority Rights Group International, *Minority Rights, early warning and conflict prevention: Lessons from Darfur*, 15 September 2006, <http://www.minorityrights.org/965/micro-studies/minority-rights-early-warning-and-conflict-prevention-lessons-from-darfur.html>, accessed 26 March 2012

²⁰⁸ Minority Rights Group International, *Minority Rights, early warning and conflict prevention: Lessons from Darfur*, 15 September 2006, <http://www.minorityrights.org/965/micro-studies/minority-rights-early-warning-and-conflict-prevention-lessons-from-darfur.html>, accessed 26 March 2012

²⁰⁹ The British Journal of Sociology, *The displaced and dispossessed of Darfur: explaining the sources of a continuing state-led genocide*, *The British Journal of Sociology*: Volume 62, Issue 1, pages 1–25, March 2011, Available at:

<http://onlinelibrary.wiley.com/doi/10.1111/j.1468-4446.2011.01357.x/full>, accessed 13 March 2012

²¹⁰ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.13, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

nomads ... a 324% increase in nomadic population from 1993 census. All previous censuses showed a decline in nomadism.

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South Darfur is home to groups like the Habbaniya and Rizeigat Baggara, large groups who identify as Arabs and who may be a potential constituency for the government in Darfur elections, where ethnicity is seen as a major factor in voting decisions."²¹¹

In July 2010, *Darfurian Voices* reported that there are few Tama people in Darfur, and that most Tama are sedentary farmers living in Chad,

"Just south of Dar Zaghawa and north of Dar Massalit, straddling the Chad-Sudan border, live several small ethnic groups of the Tama language family. The Tama are sedentary farmers and live mostly in Chad, where they hold a sultanate around Guéréda. There are also several small Tama communities in Sudan, in particular around Saref Omra and Kebkabiya in North Darfur. Several thousand Tama from these areas took refuge among their Chadian kin in Dar Tama. They constitute a minority among Darfurian refugees, living in Mile and the most ethnically diverse camp, Kounoungo."²¹²

The *US Congressional Research Service* reported in June 2011 that the Sudanese government had stoked tensions in Darfur by adopting policies that neglected certain ethnic groups,

"The government of Sudan dismisses the SLA and JEM as terrorists. The conflict primarily pits three African ethnic groups, the Fur, Zaghawa, and Massaleit, against nomadic Arab ethnic groups. Periodic tensions between the largely African-Muslim ethnic groups and the Arab inhabitants of Darfur can be traced to the 1930s and had surfaced again in the 1980s. Most observers note that successive governments in Khartoum have long neglected the African ethnic groups in Darfur and have done little to prevent or contain attacks by Arab militias against non-Arabs in Darfur. Non-Arab groups took up arms against successive central governments in Khartoum, albeit unsuccessfully. In the early 1990s, the National Islamic Front (NIF) government, which came to power in 1989, began to arm Arab militias and attempted to disarm the largely African ethnic groups."²¹³

In May 2004, *The New York Times* reported on the ethnicisation of conflict in Darfur,

"Darfur, an area about the size of France, has three ethnic zones. The northern includes Arab and non-Arab, mainly Zaghawa, camel nomads. The central zone is inhabited largely by non-Arab sedentary farmers such as the Fur, Masalit and others, cultivating millet. In the south there are Arabic-speaking cattle nomads, the Baqqara.

All are Muslim, and no part of Darfur was ever ethnically homogeneous. For example, once a successful Fur farmer had a certain number of cattle, he would "become" Baqqara, and in a few generations his descendants would have an "authentic" Arab genealogy.

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The situation disintegrated with the decision of the prime minister in the mid-1980s, Sadiq al-Mahdi, to give arms to the Arabic-speaking cattle nomads, the Baqqara, of southern Darfur, ostensibly to defend themselves against the Sudan Peoples Liberation Army, or SPLA. No one was surprised when they started to turn the guns on their northern neighbors, the Fur, Masalit

²¹¹ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.13,

http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

²¹² *Darfurian Voices*, *Darfurian Voices: Documenting Darfurian Refugees' Views on Issues of Peace, Justice, and Reconciliation*, July 2010, p.14, http://www.darfurianvoices.org/ee/images/uploads/DARFURIAN_VOICES_DocuVoices_Report.pdf, accessed 13 March 2012

²¹³ Congressional Research Service, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*, 15 June 2011, p.23, Available at: <http://www.crs.gov>, accessed 13 March 2012

and others. The SPLA exacerbated the situation by trying to open a front in southern Darfur. It was at this point that the Arab tribal militias, first called Murahilin, now Janjaweed, began to get out of control.

The ethnicization of the conflict has grown more rapidly since the military coup in 1989 that brought to power the regime of Umar al-Bashir, which is not only Islamist but also Arab-centric. This has injected an ideological and racist dimension to the conflict, with the sides defining themselves as "Arab" or "Zurq" (black). My impression is that many of the racist attitudes traditionally directed toward slaves have been redirected to the sedentary non-Arab communities.

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The Janjaweed will be very tough to stop; they have a fully developed racist ideology, a warrior culture, weapons and plenty of horses and camels — still the easiest way to get around Darfur."²¹⁴

3. Status and treatment of members of ethnic groups

a. Arabs

The *US Department of State* reported in April 2011 that conflict between and within tribes increased during 2010,

"Inter and intratribal conflict increased during the year. It was fueled by increased competition for resources due to desertification and population growth, the weakening of traditional mediation mechanisms, and the proliferation of arms. Between March and May, intertribal violence killed more than 500 persons. Ethnic conflict caused 38 percent of violence-related deaths in Darfur."²¹⁵

In October 2010, *The Small Arms Survey* reported that the Sudanese government perceives some Arab factions in Darfur as a threat,

"The implications of the fighting are far-reaching. Arabs, considered together, constitute the largest fighting force in Darfur, with a military capability and spirit that the government itself fears. Their quarrel—and their conviction that the government is attempting to 'divide and destroy' them—threatens a realignment of forces in Darfur that could breathe new life into a tired rebellion as it 're-strategizes' for the expected partition of the country in 2011."²¹⁶

In October 2010, *The Small Arms Survey* reported that inter Arab conflict has been a major cause of violent death in Darfur since 2006; that government supplied weapons are used with impunity and that the government does little to stop the fighting,

"Inter-Arab fighting has been the single largest cause of violent death in Darfur since the Darfur Peace Agreement (DPA) of May 2006. The fighting attained new dimensions in 2010 as clashes between pastoralist tribes grew into pitched battles between camel-herding Abbala and cattle-herding Baggara—specifically, sections of the Northern Rizeigat Abbala and a loose grouping of Baggara tribes aligned with the Missiriya. Both sides use government-supplied

²¹⁴ The New York Times, Darfur: A complex ethnic reality with a long history, 15 May 2004, http://www.nytimes.com/2004/05/15/opinion/15iht-edofahey_ed3.html, accessed 13 March 2012

²¹⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²¹⁶ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.6, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

weapons with impunity. Both say the government is not moving, in any serious way, to separate or restrain them.

Tensions are so high that relatively minor events can lead to waves of high mortality. Behind the immediate triggers, however, is a complex web of causality including competition over vacant land; imbalances and jealousies arising from government manipulation and militarization; and a rising tide of banditry and common criminality against a backdrop of weak governance and weakening traditional authority.

Traditional leaders involved in efforts to end the fighting prioritize government action to control arms and ammunition and improve security and governance, as well as poverty-mitigation projects for nomads and freedom of movement along their marahil (stock routes). For many Abbala, the conflict is not only a resource war; it is an identity war, fought to preserve a nomadic culture that conflict and government policies are destroying. The marginalization of the Abbala continues, making them vulnerable to mobilization by elements of the National Congress Party (NCP), the dominant party in government. Arabs now form a substantial part of JEM's soldiery, strengthening the insurgency and further accentuating Arab militarization and separation from tribal control.

Arab leaders believe that the agencies that armed their tribes want to see them weakened—including by killing each other—but will not attempt to disarm them while there is a chance of a new north–south war, especially one that may be sparked by disputes in Abyei or along the north–south border.

Darfur's Arabs believe the NCP has outmanoeuvred the international community tactically and exhausted it diplomatically. They do not believe the government wants peace in Darfur, but rather simmering insecurity that will deny an independent Southern Sudan strategic depth on its northern border.

Despite lip service to the need to involve Arabs in the peace process for Darfur, they remain on the sidelines, still not seen as strategic partners in the search for peace. Continued failure to engage them in a meaningful way will guarantee increasingly complex conflict."²¹⁷

In October 2010, *The Small Arms Survey* reported on inter Arab conflict in South Darfur,

"The focus of the fighting has been South Darfur state, the only one of Darfur's three states where Arabs are in the majority. South Darfur is also the site of the most serious rebellion against the government by some of the Northern Rizeigat paramilitaries it armed in 2003—the followers of Mohamed Hamdan Dogolo, nicknamed 'Hemeti', of the Awlad Mansour branch of the Mahariya section of the Northern Rizeigat, resident in South Darfur since the late 1980s.

UNAMID officials say 80–90 per cent of the violent deaths registered in South Darfur between 2006 and 2008 were occasioned by fighting between Arabs. After a significant drop in violent death across all Darfur in 2008, inter- Arab fighting erupted again on a large scale early in 2010, taking approximately 1,000 lives in the first nine months of the year. Arab informants say the figure is significantly higher, especially among Abbala, who seldom reveal their casualties."²¹⁸

In October 2010, *The Small Arms Survey* reported that Arabs were offered money and land to fight

²¹⁷ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.6, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

²¹⁸ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.10, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

within the government's counter insurgency against other Arabs,

"The protagonists, and most of the victims, are Arab pastoralists from tribes that supported the government's counter-insurgency. They were offered loot, land, and sometimes salaries after years of marginalization during which their traditional rights of access to pasture and water were eroded and the most basic services denied them. The fighting is, at one level, a struggle for the spoils of the counter-insurgency—use of, and access across, the land from which government-backed militias, or 'janjaweed', drove farming tribes perceived to be aligned with the armed movements.

Unaddressed in any serious, sustainable way, either by international mediators or by federal and state governments and institutions, it is an explosive blend of ethnic, political, and economic grievances, heavily intermixed with organized crime and livestock rustling.

What began as separate conflicts between tribes has evolved into running battles between tribal groupings, reinforced, on both sides, by kinsmen from Chad. With little attention to the concerns or recommendations of the pastoralists, reconciliation agreements overseen by government officials (including security officers involved with the militias) have been short-lived."²¹⁹

In October 2010, *The Small Arms Survey* reported that young Arab men have few alternatives to fighting,

"Although the fighting is inflicting extreme suffering on already neglected communities, it has failed to elicit more than a minimal reaction from international organizations that have stripped back their commentary and reporting about humanitarian needs and protection in the wake of the expulsions of 13 international NGOs in March 2009. As anger builds among young men offered little alternative to arms, shifting allegiances, determined by money, threaten an extension of a conflict that has resisted six years of international effort to find a negotiated settlement. Darfur's Arabs are already fighting on two fronts—against each other, and on both sides of the government–rebel war.

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As long as the Arabs who fought alongside the government and are now fighting each other remain without exit strategies of any sort, those who do not want peace in Darfur will continue to be in a position to exert influence over them. Arab leaders say they are fighting for survival today: the government is their only supporter and it listens only to the powerful. Address their predicament—by giving Arab youths an alternative to fighting others' battles, with tangible development and investment in livelihoods, and with education and employment opportunities—and the problem of Darfur will begin to be resolved. Ignore it, and expect continued, more complex, and more intractable conflict."²²⁰

b. Main Non-Arabic Ethnic Groups

In its 2011 country report covering the events of 2010, the *USDOS* reported that ethnic minorities face discrimination within most aspects of society,

"Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and also between different Arab tribes. Interethnic fighting in the South was a serious problem.

²¹⁹ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.6, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

²²⁰ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, pp.30-31, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the North. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas."²²¹

In its 2011 list of countries with peoples most under threat, *Minority Rights Group International* ranked Sudan as second, stating that the Fur, Zaghawa, and Massalit were at risk from self determination related conflicts, major armed conflict and had suffered prior genocide and politicide.²²²

In 2011, *Cultural Survival Quarterly* reported that the Fur, Masalit, and Zaghawa are amongst groups who have been attacked by the Janjaweed,

[]While the Fur, Masalit, and Zaghawa are the targets of the violence, members of the regions other ethnic groups have suffered as well. More than 1 million refugees have been internally displaced, and about 200,000 others have sought refuge in neighboring Chad from Janjaweed attacks.

A Janjaweed attack makes villages uninhabitable—it's a "scorched earth" campaign. The Janjaweed destroys vegetation, seizes livestock, and burns buildings to the ground. Villagers have found their drinking water contaminated by carcasses, both human and animal, that have been shoved into wells.

The Fur, Masalit, and Zaghawa peoples are distinct, yet connected through a shared ancestry, common cultural practices, and the current conflict that has forced their peoples to flee their ancestral lands and abandon their ways of life."²²³

In its 2012 World Report, *Human Rights Watch* reported that over 70,000 people were displaced in government led attacks during 2010 and 2011, largely affecting Zaghawa and Fur ethnic groups,

"In December 2010 and early 2011 a surge in government-led attacks on populated areas in North and South Darfur killed and injured scores of civilians, destroyed property, and displaced more than 70,000 people, largely from ethnic Zaghawa and Fur communities with perceived links to rebel groups."²²⁴

i. Zaghawa

In 2011, *Human Rights Watch* reported that since December 2010, government forces have attacked villages in areas largely populated by ethnic Zaghawa,

"Renewed fighting began on December 10, when government forces carried out large-scale attacks on the SLA-controlled area of Khor Abeche and surrounding villages in the Shearia locality of South Darfur. The area is populated largely by ethnic Zaghawa, whom the government accuses of supporting Minawi.

One eyewitness, Adam A., 50, told Human Rights Watch that on December 10 he saw an Antonov airplane flying over the village, followed by 15 military vehicles carrying uniformed soldiers and accompanied by militia members on horse and camel. He said the soldiers went

²²¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²²² Minority Rights Group International, Peoples under threat 2011, <http://www.minorityrights.org/download.php?id=1002>, accessed 26 March 2012

²²³ Cultural Survival Quarterly, The Peoples of Darfur, 2011, <http://www.culturalsurvival.org/publications/voices/32/peoples-darfur>, accessed 13 March 2012

²²⁴ Human Rights Watch, World Report 2012, <http://www.hrw.org/world-report-2012/world-report-2012-sudan>, accessed 26 March 2012

to an SLA police post in the center of town and encountered one rebel, then proceeded to the market, looting shops and beating civilians with sticks. Among those injured were his wife, who sustained injuries to her head, and many other women, children, and elderly people.

A 30-year-old mother of four gave a similar account: “The soldiers went to the market and started beating people, including women and old men, with sticks and the butts of their guns. I was able to take my children and some clothes and flee. All our remaining things were completely burned.”²²⁵

In 2011, *Human Rights Watch* reported that in December 2010, government forces burned houses and displaced civilians in a largely Zaghawa area,

“Starting December 17, government and allied militia attacked civilians, including displaced persons living in settlements around Shangil Tobayi [North Darfur]. They burned down houses in the predominantly ethnic Zaghawa part of the town on December 22. From December 23 to 25, government forces also attacked villages around Jebel Ateen, an area south of Shangil Tobayi.”²²⁶

In 2011, *Human Rights Watch* reported that ethnic Zaghawa were targeted by government forces who carried out arbitrary arrests, rape and sexual violence,

“Residents reported to UNAMID staff and community leaders dozens of cases of arbitrary arrest, rape and sexual violence, and looting targeting Zaghawa populations, both during and after the December violence. A 25-year old Zaghawa man told Human Rights Watch that on January 27 soldiers arrested him at his home in Tabeldiat village, east of Shangil Tobayi [North Darfur]. He said they took him to a military camp, held him for four days, before being transferred to El Fasher [North Darfur], where they interrogated him repeatedly and held him along with more than 80 other young men until February 6, when they released him and 20 other men.

On December 21, according to a sheikh, or community leader, in New Shangil Tobayi, a group of about 20 soldiers surrounded and ransacked his home, demanded to know his tribe, and threatened to “kill all of them [Zaghawas] and rape all their women.” As they left, the soldiers stole his farming equipment and abducted his 22-year-old cousin whom they suspected to be an SLA/M member.”²²⁷

In 2011, *Human Rights Watch* reported that in February 2011, Zaghawa civilians were attacked and killed by government forces drawn from several different ethnic groups,

“Ahmed M., 60, told Human Rights Watch how on February 3 the militia forces surrounded his village, looted property, arrested a group of Zaghawa men, and shot six of them dead: They surrounded the village and some of them started arresting the Zaghawa men and took them under the trees while others began collecting animals and valuable things from inside the houses... Three were released after one hour and six others were shot to death in front of their relatives.

²²⁵ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.11, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

²²⁶ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.13, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

²²⁷ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.13, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

Human Rights Watch has not independently confirmed the killings. Displaced persons living near Abu Delek told a UN assessment team in mid-April that they had fled the February 3 attack on Eid el Beda and surrounding areas, and that the militia had burned two villages. The witnesses described the militia as comprising ethnic Berti, Birgid, and Mima – all groups recruited by the government into its security forces, underscoring the ethnic dimension of the conflict. Witnesses to other attacks in this area in February and March gave similar accounts of attackers including militiamen drawn from ethnicities aligned to the government.”²²⁸

In 2011, *Human Rights Watch* reported that Zaghawa villages were attacked by government forces in February 2011,

“In the second half of February, more clashes and bombing were reported at Wadi Mora, north of Shangil Tobayi [North Darfur], and surroundings, and in locations near Jebel Mara and in South Darfur. In late February, government ground and air forces reportedly attacked many Zaghawa villages in the area, including Linda, Hillet Disha and Abu Hamra [South Darfur].

Ibrahim K., a 35-year-old man from Linda, told Human Rights Watch that on February 23: I heard two gunshots at the northeastern side of the village, then five minutes later more shooting from all directions. We saw large numbers of troops surrounding the village, most of them dressed in green military uniforms and riding in small pickup trucks mounted with machine guns. The soldiers and allied militia went house-to-house asking people their tribes, looting their livestock and destroying homes. They arrested three people, one of whom, a 16-year-old shepherd boy, was found beaten to death outside of the village. One woman was seriously injured on the head when she tried to prevent militia from stealing her sheep.”²²⁹

ii. *Fur*

In 2011, the *Cultural Survival* reported that, at the time of writing, 2,500 Fur had been killed and tens of thousands displaced in the last few months,

“In the current conflict, an estimated 2,500 Fur have lost their lives and 400 villages have been burned, causing tens of thousands to flee their land in search for safety.”²³⁰

In 2011, *Minority Rights Group International* reported that the Fur people were targeted by government and Janjaweed forces and that land previously farmed by Fur communities was now held by Arab nomads,

"During the conflict, Fur civilians have been particularly targeted by government and Janjaweed forces. The scorched-earth policy was supposed to flush out the rebels, and destroy local havens of support for them: there is no indication that this brutal strategy has succeeded.

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One of the long-term effects of the conflict has been to change the pattern of land distribution. Fields formerly held by Fur farming communities are now held by Arab nomads. In any long-

²²⁸ Human Rights Watch, *Darfur in the Shadows*

The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.15, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf> , accessed 13 March 2012

²²⁹ Human Rights Watch, *Darfur in the Shadows*

The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.16, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf> , accessed 13 March 2012

²³⁰ Cultural Survival Quarterly, *The Peoples of Darfur*, 2011, <http://www.culturalsurvival.org/publications/voices/32/peoples-darfur>, accessed 13 March 2012

term settlement of the dispute, redistribution of land will be a key issue, enabling families to leave refugee camps, and return to their traditional occupations of farming."²³¹

iii. *Berti*

The Seattle Times reported in October 2006 on the violence inflicted on the Berti tribe and outlined aspects of the tribes traditional culture,

"These are unhappy times for the king of the Berti tribe, with tens of thousands of his people killed, harassed or chased from their homes by fighting in Darfur. But as a surge of violence threatens those still clinging to their land, he's careful not to point fingers at any warring faction.

Tribal leaders whose people live amid one of the world's worst humanitarian crises face a delicate balancing act: Even the perception of support for either government-allied Janjaweed militia or the rebel factions they battle may bring reprisal violence against their followers. Despite the massive violence perpetrated against the Berti, King Sadeeg al Mellih Ahmadai insists his people were not being specifically targeted by either the government or rebels, but are just peaceful farmers and herdsmen caught in the maelstrom. "The Berti are a peaceful people. When there is war, they prefer to take their belongings and leave," he said in an interview in a police compound in the northern town of Mellit. "This is why you will find so many Berti in the refugee camps."

More may be heading to camps soon, with a two-month-old government offensive causing violence to spike in northern Darfur, where about 250,000 Berti people are spread in villages across most of the arid region of Sudan's remote west.

"For us, the war is every day. It's worse than ever," said a leader in Madu village, Abubaker Jacob. The Berti elders said rebels had held this territory for nearly two years, but had then split into factions over the summer and fought over the village.

In September, rebels withdrew to the mountains and government forces came into town. But the Sudanese army did not stay in Madu, the villagers said, and various armed groups continue to come in and out without notice. Those remaining in the region are largely middle-income farmers — not wealthy enough to live in towns, but unwilling to give up their possessions. "We have our cattle, our land to cultivate. We can't leave," Jacob said."²³²

The Global Times reported in June 2010 on the comments made by the King of the Berti tribe regarding resolution of the conflict in Darfur,

"Yassir Hussein Ahmaday, King of Berti tribe in Darfur region, for his part, praised the Qatari role aiming at tackling the Darfur issue and said the Qatari mediation has done its best to make the Darfur peace talks successful.

"Qatar has proved its neutrality. It does not have any hidden agenda. Its main motive is to achieve stability in Sudan through resolving the Darfur conflict", he said.

However, the King of Berti expressed pessimism towards the coming Doha peace talks, saying that "the Darfur armed opposition is more concerned with reaching the power than the security and safety of the Darfur people. The evidence is the permanent fragmentation among the armed factions and their non-recognition of one another".

²³¹ Minority Rights Group International, Profile: Fur, 2011, <http://www.minorityrights.org/4005/sudan/fur.html>, accessed 13 March 2012

²³² *The Seattle Times*, Tribal leaders in Darfur careful not to blame either side, 21 October 2006, http://seattletimes.nwsourc.com/html/nationworld/2003315539_darfurtribe21.html, accessed 13 March 2012

He further stressed readiness of his native administration and the Darfur tribesmen to contribute to boosting the peace talks, saying that "it is sure that the tribal leaders can play an important role in achieving a comprehensive peace in the region as the fighters of the armed movements belong to the Darfur tribes where the native administrations have great influence on them".²³³

²³³ The Global Times, Darfurians hope for real breakthrough in new peace talks round, 6 June 2010, <http://www.globaltimes.cn/world/africa/2010-06/539087.html> , accessed 13 March 2012

E. Freedom of Expression and Association

1. Domestic legal framework

Article 39 of the 2005 *Interim National Constitution of the Republic of Sudan* on freedom of expression and the media states that,

(1) "Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.

(2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.

(3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war."²³⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that rights to freedom of expression and of the press were not protected in practice,

"The interim national constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the government severely restricted these rights in practice. The government, including through the NISS, continued to censor print and broadcast media, arrest and torture journalists, and harass vocal critics of the government. Direct nightly prepublication censorship of newspapers occurred from May to August. The government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

Individuals who criticized the government publicly or privately were subject to reprisal, including arrest. The government attempted to impede such criticism and monitored political meetings.

Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting."²³⁵

In January 2011, *Freedom House* reported on the legislative framework in Sudan that regulates press activity, and noted that national security is frequently cited as a reason to restrict freedom of expression,

"Article 29 of the 2005 Interim National Constitution, adopted in connection with that year's Comprehensive Peace Agreement (CPA) between the government—led by Bashir's National Congress Party (NCP)—and the South's Sudan People's Liberation Movement (SPLM), nominally protected freedom of the press and citizen expression. The CPA created a new space for journalists to express their voice and reduced the common practice of censoring newspapers prior to publication. Another step toward greater freedom of the press was taken in June 2009, when the government replaced the highly restrictive Press and Printed Press Materials Law.

²³⁴ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

²³⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

However, media freedom organizations have criticized the new law for falling short of international standards. It states that “no restrictions will be placed on freedom of the press except on issues pertaining to safeguarding national security and public order and health,” and contains loosely defined provisions related to the encouragement of ethnic and religious disturbances and incitement of violence. The law also gives the National Press and Publication Council the authority to shut down newspapers for three days without a court order. However, some of the most criticized components of earlier drafts—including fines of more than \$20,000 for violators of the law—were removed from the final version.

Defamation is a criminal offense in both Northern and Southern Sudan. There is no freedom of information law, and access to public information is difficult. The Ministry of Information manages the broadcasting licensing process in Sudan, with help from the Ministry of Telecommunications and Postal Services in Southern Sudan. The licensing process is highly politicized in the North, where progovernment stations have an easier time acquiring a license. The process is fairer in the South, but at times may fall victim to prejudice from tribal sentiments. The National Press Council regulates the journalism profession and the entry into the field in Northern Sudan. Journalists in the North are required to pass a test prior to receiving accreditation and a license. However, entry into the profession is relatively free in the South.^{"236}

In January 2012, *Human Rights Watch* reported that the Sudanese authorities severely restricted the activities of the media in the country,

"Sudanese authorities continued to stifle the media by arresting, detaining, and prosecuting journalists reporting on sensitive topics, and by confiscating publications.

Between October 30 and November 2, 2010, NISS arrested a group of Darfuri journalists and activists affiliated with Radio Dabanga, a news service reporting on Darfur, and subjected them to beatings and other ill-treatment and torture while in detention for weeks and months. Seven faced criminal charges, including espionage, punishable by death.

In May security officials detained and interrogated two Sudanese journalists because they tried to report on elections in Southern Kordofan. In June and September security officials arrested Al Jazeera journalists attempting to cover events in Southern Kordofan and Blue Nile.

Two prominent journalists were charged with defamation for their coverage of the February rape of Safiya Ishag by security officials. Other journalists have also been harassed or threatened with defamation charges for reporting on the case.^{"237}

In January 2011, *Freedom House* reported that freedom of expression has worsened in Sudan, and noted that journalists have been subject to serious human rights violations including torture,

"Press freedom in Sudan deteriorated in 2010, especially after the April elections; these were the first elections held since 1986. Prior censorship, initially lifted by presidential decree in September 2009, was reinstated in practice only weeks after voting day. President Omar al-Bashir received more than 68 percent of the vote in the election, but rather than leading to a relaxation of the constraints on the press, there was a clear tightening of the space in which

²³⁶ Freedom House, Freedom of the Press 2011 - Sudan, January 2011, <http://www.freedomhouse.org/report/freedom-press/2011/sudan> , accessed 13 March 2012

²³⁷ Human Rights Watch, World Report 2012, 22 January 2012, p.183, <http://www.hrw.org/world-report-2012> , accessed 13 March 2012

the private media operate. Journalists were arrested and tortured, documents were confiscated, and papers were closed for days.^{"238}

The US Department of State further reported in April 2011 that NISS censored press publications,

"The NISS required journalists to provide the government with personal information, such as details on their tribe, political affiliation, and family. The government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship.

From May to August, NISS prepublication censorship, which had occurred from March 2008 to September 2009, resumed. NISS personnel went to newspaper offices to directly remove articles, went to printing houses to stop publication, and called journalists to tell them which topics were not allowed to be covered. In response to the restrictions, the newspaper *al-Maydan* did not publish during most of this time. Authorities censored several other newspapers, rendering normal printing operations impossible. Other government restrictions, including official calls to editors and writers warning of off-limit topics and prohibitions on placing ads in newspapers the government did not favor, continued after August.

During the year authorities warned newspapers not to report on certain topics, including the ICC, Darfur, the June doctors' strike, the May arrest of PCP leader Hassan al-Turabi and journalists from Rai al-Shaab, the prevention of journalists from traveling to a conference on the ICC in May, and the June escape of persons convicted of killing Granville and Abdelrahman Abbas Rahama. The government closed *Al-Intibaha*, an extreme right-wing newspaper, from July to October.^{"239}

In January 2011, *Freedom House* reported that media organisations are subject to government interference and that media ownership is not transparent,

"There are several private daily and weekly newspapers that cover local and national news, but most operate in the North. Experts have argued that there is little difference between private and state-run media, as all are subject to serious government intrusion, ranging from interference in management to censorship of content. Newspapers are generally too expensive for most Sudanese. The government runs one Arabic and one English-language newspaper. The state dominates the broadcast media, which are the main source of information for much of Sudan's population. Television programming continues to be formally censored, and radio content must reflect the government's views. In the aftermath of the elections, the operations of the popular international broadcasters have been obstructed by the Sudanese government.

[]

Ownership of media houses, in general, is not transparent. There are no laws requiring the release of ownership information. Moreover, many owners refrain from acknowledging ownership in order to evade tax codes and avoid possible attacks. Journalists receive low pay, and many freelance journalists do not earn enough to cover the cost of living. Some analysts believe this has partially led to corruption within the media where journalists, as well as editors, sell stories to politicians.^{"240}

²³⁸ Freedom House, Freedom of the Press 2011 - Sudan, January 2011, <http://www.freedomhouse.org/report/freedom-press/2011/sudan>, accessed 13 March 2012

²³⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁴⁰ Freedom House, Freedom of the Press 2011 - Sudan, January 2011, <http://www.freedomhouse.org/report/freedom-press/2011/sudan>, accessed 13 March 2012

Article 40 of the 2005 *Interim National Constitution of the Republic of Sudan* on the freedom of assembly and association states that,

“(1)The right to peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his/her interests.

(2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.

(3) No association shall function as a political party at national, Southern Sudan or state level unless it has:- (a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,

(b) a programme that does not contradict the provisions of this Constitution,

(c) democratically elected leadership and institutions,

(d) disclosed and transparent sources of funding.”²⁴¹

In its 2011 country report covering the events of 2010, the *USDOS* reported that the right to freedom of association was not protected in practice,

“The interim national constitution and law provide for freedom of association, but the government severely restricted this right in practice. Seventy-two political parties officially contested in the April elections. The law effectively prohibits political parties linked to armed opposition to the government. The SLM/MM was not permitted to register as a political party. The government continued to harass some opposition leaders who spoke with foreign organizations or embassies.”²⁴²

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government routinely intervened to manipulate professional, trade union, and student union activities,

“The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government’s auditor general supervised union funds because they were considered public money.

There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections. Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. The law does not prohibit antiunion discrimination by employers.”²⁴³

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government monitored internet traffic and that certain web sites were blocked,

“The government monitored Internet communications, and the NISS read e-mail messages between private citizens. Some Web sites deemed offensive to public morality were blocked by the National Telecommunications Corporation, as were most proxy servers. While there generally were no restrictions on access to news and information Web sites, authorities

²⁴¹ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

²⁴² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁴³ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

regularly blocked access to youtube.com. During the elections the government blocked access to the Sudan Vote Monitor Web site."²⁴⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that although the Sudanese legislation provides for the right of association for economic and trade union purposes, the government frequently denied this right,

"Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned.

Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated."²⁴⁵

2. Treatment of members and supporters (as well as family members) of political parties, political activists, trade unionists, civil society, humanitarian workers and human rights activists

In its 2011 country report covering the events of 2010, the *USDOS* reported that the government severely restricted freedom of assembly in practice, and that the authorities formally banned all rallies and public demonstrations in Sudan, although this was not enforced at all times,

"Although the interim national constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. In February the National Elections Commission issued a circular requiring a 72-hour prior notice period for political rallies, which it reduced to 36 hours in March."²⁴⁶

In its 2011 country report covering the events of 2010, the *USDOS* reported that government security agents attended opposition political meetings to monitor activity,

"Islamic orders associated with opposition political parties, particularly the Anwar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but they held regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings."²⁴⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that political opponents were held without charge and subject to torture,

²⁴⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

²⁴⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁴⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁴⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

"The government held an undetermined number of political prisoners and detainees. Security forces detained without charge, tortured, and held incommunicado political opponents. Detentions of such persons often were prolonged. The government continued to target members and leadership of the Popular Congress Party (PCP) and other opposition parties for arrest.

On May 16, the NISS arrested opposition leader Hassan al-Turabi, founder of the PCP. He was held in isolation without charge for 45 days. That same day authorities arrested journalists with the PCP-affiliated newspaper Rai al-Shaab.

On May 20, Farouq Abu Eissa, an opposition alliance leader, was arrested and briefly detained. The government detained persons who participated in political protests. The government did not permit international humanitarian organizations to have access to political detainees."²⁴⁸

In June 2011, *Human Rights Watch* reported the government used violence to repress demonstrations and that students were detained and tortured following peaceful protests,

"In Darfur, as throughout northern Sudan this year, authorities have violently repressed various demonstrations and pro-democracy protests organized by student groups inspired by the uprisings in Egypt and Tunisia. The government crackdown has violated the basic rights of Sudanese to freedom of expression, association and peaceful assembly.

In one example, on March 16, security forces surrounded El Fasher University and fired at students who were peacefully protesting a ban on political activities, killing at least one student and arresting several others. In an earlier incident in January, central reserve police in El Fasher used excessive force to disperse student protesters, wounding three high school students seriously.

Government security forces have frequently arbitrarily arrested protesters and detained them for days or weeks, ill-treating and torturing them before releasing them without charge. For instance, national security authorities arrested more than 100 protesters in the last three days of January in Khartoum and Omdurman, and detained several dozens for weeks in the Bahri office compound and subjected them to beatings, sleep deprivation, electric shock, and other forms of physical and mental abuse including death threats and threats of rape.

On April 20, security forces surrounded Nyala University and arrested more than 100 people, mostly students, who were calling for an end to the conflict in Darfur and justice for President al-Bashir, who is wanted for war crimes by the ICC. Although the authorities released most of the protesters the same day, they held five students without charge, releasing four on May 7. One of the released detainees told Human Rights Watch the authorities beat him severely on the head and hands during interrogations.

In late April, security and military forces in Nyala again arrested and detained peaceful protesters. They used tear gas and batons to disperse similar protests inside displaced persons camps in West and North Darfur, resulting in scores of injuries and arrests. National security officials arrested six people, including three youth, in camps in El Fasher, North Darfur, on April 28, charging them with crimes of "rioting" and "disturbing the public order."²⁴⁹

²⁴⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁴⁹ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.21, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government forces had been implicated in the killing or protestors in northern Darfur,

"Security forces killed demonstrators. On May 2, police opened fire on persons protesting against a North Darfur-area Ponzi scam, killing 17 and injuring 200 others. The protesters had assembled to submit a letter of protest to the governor of North Darfur."²⁵⁰

In its 2011 country report covering the events of 2010, the *USDOS* reported that security forces had attacked students protesting in West Darfur, killing two and causing injury to others present,

"On December 1, at Zalingei University in West Darfur, security forces fired upon student demonstrators, killing two and injuring others. The demonstrators were protesting during a Doha forum civil society consultation and reportedly threw rocks at a departing convoy. Minister of Justice Mohamed Bushara Dosa reportedly ordered an investigation into the killings."²⁵¹

In February 2012, *Amnesty International* reported that members of the student-led movement *Girifna* were arrested on 25 January 2012 and held in Kober prison in Khartoum,

"The six members of the student-led movement *Girifna* who were arrested on 25 January 2012 have been released from Kober prison in Khartoum, Sudan. Some of the relatives of the students have sent their thanks to Amnesty International activists for their efforts."²⁵²

In February 2012, human rights NGO, *Girifna*, reported that NISS agents were targeting Darfuri students at Sudanese Universities,

"The Darfuri Association of Students reported last month that Darfuri students are constantly targeted by the notorious National Intelligence and Security Services (NISS).

A few weeks ago, seven students who hail from the embattled region of Darfur ,studying at Omdurman Islamic University were arrested by the NISS.

"The National Congress regime has targeted the Darfuri human being since the beginning of the humanitarian crisis in the region, especially the student sector," began the report circulated by the association via email.

The report states that Darfuri students are attacked inside their dorm rooms and their student unions at Sudanese universities are denied many rights available to other unions.

Last December, 42 Darfuri students studying at Red Sea University in Port Sudan, a city in Eastern Sudan, resigned from the university to protest the ongoing harassment and targeting by security services.

Girifna would like to highlight the case of Mohamed Idris Jeddo, the former president of the Darfur Student Union at the university of Khartoum, a student body bringing together between 5,000 to 7,000 students.

²⁵⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁵¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁵² Amnesty International, Sudan: Further information: Sudanese youth activists released, February 2012, <http://www.amnesty.org/en/region/sudan?page=1>, accessed 13 March 2012

Jeddo graduated last year from the English Language department of the Faculty of Arts at the University of Khartoum and is known for his activism on the Darfur issue. Since joining the university, he became a part of the Forum for Independent Students, an active student body of non-political students and campaigned for more freedoms on campus and a better relationship between students and forces.

Girifna believes that his role as the head of the Darfur Association of Students and his Zaghawa ethnic background made him a target by the security as it believes that students active on campus are all linked to rebel movements in Darfur.

Last December, the young graduate and Girifna member was kidnapped by the National intelligence and Security Services (NISS) as they pulled him out of a bus he was boarding near the university campus. Jeddo has been detained for over 45 days and his friends are worried that he is being subjected to abuse and torture.²⁵³

In 2011, *Human Rights Watch* reported that government security forces have detained and tortured protestors,

“Government security forces have frequently arbitrarily arrested protestors and detained them for days or weeks, ill-treating and torturing them before releasing them without charge. For instance, national security authorities arrested more than 100 protestors in the last three days of January in Khartoum and Omdurman, and detained several dozens for weeks in the Bahri office compound and subjected them to beatings, sleep deprivation, electric shock, and other forms of physical and mental abuse including death threats and threats of rape.

On April 20, security forces surrounded Nyala University [South Darfur] and arrested more than 100 people, mostly students, who were calling for an end to the conflict in Darfur and justice for President al-Bashir, who is wanted for war crimes by the ICC. Although the authorities released most of the protestors the same day, they held five students without charge, releasing four on May 7. One of the released detainees told Human Rights Watch the authorities beat him severely on the head and hands during interrogations.

In late April, security and military forces in Nyala again arrested and detained peaceful protestors. They used tear gas and batons to disperse similar protests inside displaced persons camps in West and North Darfur, resulting in scores of injuries and arrests. National security officials arrested six people, including three youth, in camps in El Fasher, North Darfur, on April 28, charging them with crimes of “rioting” and “disturbing the public order.”²⁵⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that Sudanese law enforcement officials were responsible for the harassing of human rights activists, and that activists were subject to mistreatment and arbitrary arrest,

"The government was uncooperative with and unresponsive to domestic human rights groups. Both domestic and international human rights organizations were restricted and harassed. The government harassed, arrested, beat, and prosecuted human rights activists for their activities.

On February 22, the NISS reportedly closed the office of the Strategic Initiative for Women in the Horn of Africa in Nyala following a training session it held in conjunction with KACE.

²⁵³ Girifna, Targeting of Darfuri students at Sudanese Universities, 25 February 2012, <http://www.girifna.com/blog-girifna/?p=4914>, accessed 26 March 2012

²⁵⁴ Human Rights Watch, Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.21, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

Between October 30 and November 1, security forces arrested several Darfuri activists, including HAND members and an individual who worked for Radio Dabanga. Persons arrested during this period reportedly included Abdelrahman Mohammed Al Gasim, Dirar Adam Dirar, Abdelrahman Adam Abdelrahman, Manal Mohammed Adam, Aziza Ali Idriss, Aisha Sardo Sherif, Abu Gasim Al Din, and Zakaria Yacoub. They were held incommunicado without access to counsel and their families for some time.

On December 22, a court sentenced Mudawi Ibrahim Adam, former director of the Sudan Social Development Organization (SUDO), to one year in prison and a fine of 3,000 Sudanese pounds (\$1,186) for embezzlement. He was previously acquitted of these charges in March 2009, a finding which the Humanitarian Affairs Commission appealed, but for which it reportedly did not provide any new evidence. At year's end, Mudawi remained incarcerated.

In the case of the 2009 closure of SUDO, on April 22, SUDO won a court case to allow it to reopen, but HAC won on appeal and SUDO remained closed at year's end. The Khartoum Center for Human Rights and Environmental Development and the Amal Center for Treatment and Rehabilitation, also closed in 2009, remained shut.

Abdel Majeed Saleh Abakr Haroun, a Darfuri human rights activist and leading member of the Darfur Democratic Forum, who was arrested by the NISS in August 2009, remained in NISS custody without charge until mid-January, when he was released. He subsequently left the country.

The government restricted, harassed, and arrested NGO-affiliated international human rights and humanitarian workers, including in Darfur.²⁵⁵

In October 2011, *The African Centre for Justice and Peace Studies* reported that the NISS intimidated and arrested activists,

"In October 2011 the Sudanese National Security and Intelligence Service (NISS) launched a campaign aimed at silencing activists and anyone participating in public demonstrations throughout Sudan, using arrests and intimidation tactics. NISS officials have begun illegally entering the homes of activists, spreading terror and fear among their family members. These activities are reminiscent of the tactics used to intimidate Sudanese during the first years of the reign of the National Islamic Front, the predecessor to the National Congress Party (NCP). These actions are intended to crush the recent social mobilization in Sudan, and are particularly targeted at youth organizers of the demonstrations. The NCP is deeply threatened by the protests, which have been driven largely by poor economic conditions resulting from the loss of South Sudan."²⁵⁶

In 2011, *Human Rights Watch* reported that the Sudanese government harassed, detained and tortured human rights activists and journalists,

"One of the primary tools of government repression in Sudan is the National Security and Intelligence Service (NISS), which uses its broad powers to harass, intimidate, arrest and detain human rights activists, journalists, and those who speak out against the ruling National Congress Party or those who are suspected of links to rebel movements. Other security forces,

²⁵⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁵⁶ The African Centre for Justice and Peace Studies, Government Campaign to Silence Activists and Quash Demonstrations in Sudan October 2011, October 2011, <http://www.acjps.org/Publications/Reports/2011/Government%20Campaign%20to%20Silence%20Activists%20and%20Quash%20Demonstrations%20in%20Sudan%20October%202011.pdf>, accessed 13 March 2012

such as military and police officials, also carry out arrests, then transfer detainees into NISS custody. NISS is well-known for ill-treating and torturing political detainees, documented in many cases by Human Rights Watch including the January crackdown on peaceful protesters.

The security forces have targeted Darfuri activists for detention and torture. In late October and early November 2010, for example, NISS arrested a group of 13 Darfuri journalists and human rights activists and detained them in their Khartoum offices before transferring them to Kober prison [Khartoum North]. Authorities released 10 of the group in January but then re-arrested others; six currently remain in detention. Those who were released reported being subjected to beatings and other ill-treatment and torture while in detention. One former detainee, who was released in January, recounted:

"They beat us all over our bodies with water pipes. They put us in a room and continued to beat us for two days. They told us, 'You will never see the sun and we will kill you.' [...] They asked me about my address, my tribe and when I told them Zaghawa they used very abusive racist language. They said to me, 'You think you want to rule this country, have you ever seen someone from western Sudan become a president?' and they accused me of being a spy.

Inside Darfur, security officials have targeted activists in the displaced persons camps. For example, in the evening of May 6, security officials arrested a young community activist, Hawa Abdallah, for unknown reasons and have since transported her to Khartoum where she remains without access to family members or legal counsel."²⁵⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that some human rights activists were prevented from travelling abroad to attend a meeting about the ICC,

"In late May officials confiscated the passports of human rights activists Salih Mahmud Osman, Mariam al- Mahdi, and Albukhari Abdalla Aljaali, who were scheduled to travel to Kampala, Uganda, to attend a forum on the ICC. The passports were held for the duration of the conference.

On June 15, officials prevented Albaquir Al-Afif Mukhtar, director of the Alkhatim Adlan Center for Enlightenment and Human Development (KACE) from traveling to a conference in Spain.

The law prohibits forced exile, and the government did not use it. Opposition leaders and NGO activists remained in self-imposed exile throughout northern Africa and Europe during the year, and additional activists fled the country during the year."²⁵⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that a former police force member was convicted for having conspired to provide information to the ICC,

"In January 2009 Mohamed Alsary Ibrahim, a former police force member, whom authorities convicted of planning to provide information to the ICC, was sentenced to 17 years' imprisonment. UNMIS had expressed concern that he was not provided full access to counsel, that his counsel did not have access to evidence against him, and that his confession was allegedly coerced."²⁵⁹

²⁵⁷ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p. 22, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

²⁵⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁵⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

In June 2011, *Human Rights Watch* reported that Sudanese law enforcement officials were involved in harassing activists in Darfur, and were responsible for committing grave human rights violations such as torture,

"The security forces have targeted Darfuri activists for detention and torture. In late October and early November 2010, for example, NISS arrested a group of 13 Darfuri journalists and human rights activists and detained them in their Khartoum offices before transferring them to Kober prison. Authorities released 10 of the group in January but then re-arrested others; six currently remain in detention. Those who were released reported being subjected to beatings and other ill-treatment and torture while in detention.

One former detainee, who was released in January, recounted: "They beat us all over our bodies with water pipes. They put us in a room and continued to beat us for two days. They told us, 'You will never see the sun and we will kill you.' [...] They asked me about my address, my tribe and when I told them Zaghawa they used very abusive racist language. They said to me, 'You think you want to rule this country, have you ever seen someone from western Sudan become a president?' and they accused me of being a spy."²⁶⁰

Amnesty International reported in its 2011 annual report, covering the events of 2010, that NISS continued to arrest and detain political activists and human rights defenders,

"A new National Security Act passed in December 2009 came into force in February. The Act maintained the NISS's extensive powers of arrest and detention without judicial oversight for up to four and a half months. The NISS continued to arrest and detain political activists and human rights defenders, hold them incommunicado, torture and ill-treat them, and prosecute them for the peaceful exercise of their rights to freedom of expression, assembly and association. NISS agents remained immune from prosecution and disciplinary measures for human rights violations. As a result of these practices, human rights defenders continued to flee the country and to limit their activities when inside Sudan.

Mohammed Moussa Abdallah Bahr El Din, a student at the University of Khartoum's Department of Education, was seized by NISS agents on 10 February. His body was found a day later in Khartoum with signs of torture, reportedly including cuts and burns on his hands and feet. A postmortem confirmed the signs of torture. No independent investigation was initiated into his death.

Between 30 October and 3 November, 13 people were arrested by the NISS in Khartoum, including a lawyer, a journalist and a number of youth activists. In December, family members were allowed to visit some of them in prison but the detainees still had no access to lawyers. All were of Darfuri origin."²⁶¹

In its 2011 country report covering the events of 2010, the *USDOS* reported that although the Sudanese legislation provides for the right of association for economic and trade union purposes, the government frequently denied this right,

"Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union

²⁶⁰ Human Rights Watch, *Darfur in the Shadows - The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.22, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

²⁶¹ Amnesty International, *Sudan - Amnesty International Report 2011*, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned.

Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated."²⁶²

In January 2010, *Chatham House* reported that the Criminal Procedures Act on freedom of assembly, affected trade union activity,

"Traditional opposition parties attach particular importance to the enactment of constitutional freedoms, which will allow them to campaign in urban areas (most no longer have the resources or the influence to manage the rural campaigns that used to determine Sudanese elections). NCP laws used to weaken urban opposition in more authoritarian days have not been amended to reflect new constitutional freedoms.

These include the National Security Forces Act which gives the National Intelligence and Security Service practically unlimited powers of detention and turns it into a force for local intimidation rather than an agency gathering information on threats to the nation (a new law adopted in late December 2009 did not abolish the security forces' powers of arrest and detention). They also include the Criminal Procedures Act, which routinely limits freedom of association and assembly; the Press and Publications Act, public order laws and the Trade Union Act.

These laws form part of an apparatus that helped bring about the NCP's dominance of the Northern urban scene. The NCP is required to repeal many of these laws in order to make a reality of the bill of rights in the CPA and the constitution, but it resists making major changes. Opposition parties, in contrast, feel that they cannot hope to contest the election without substantial changes to these laws."²⁶³

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government routinely intervened to manipulate professional, trade union, and student union activities,

"The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money.

There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections. Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. The law does not prohibit antiunion discrimination by employers."²⁶⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese Government restricted academic freedom, noting that the authorities appointed certain key figures in institutions,

²⁶² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁶³ Chatham House, *Decisions and Deadlines A Critical Year for Sudan*, January 2010, p.16, http://www.chathamhouse.org/sites/default/files/public/Research/Africa/r0110_sudan.pdf, accessed 13 March 2012

²⁶⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

"The government restricted academic freedom. In public universities the government appointed the vice chancellors, who were responsible for administering the institutions. The government also determined the curriculum. Some universities required students to participate regularly in progovernment rallies and other activities. Some professors exercised self-censorship. The government regularly arrested student activists."²⁶⁵

Amnesty International reported in March 2012 that a Sudanese academic was released without charge, allegedly having been detained for criticising the President,

"Professor Mohamed Zain Al-Abideen was released without charge on 4 March after being held incommunicado in Sudan for 15 days. He believes he was arrested for writing an article in which he criticized Sudanese President Omar al-Bashir."²⁶⁶

4. Treatment of journalists and other media professionals

In April 2010, *The Enough Project* reported that freedom of expression in Sudan remained severely restricted by the authorities, and that media personnel were harassed,

"Press freedoms remain sharply curtailed in the North, and candidates' unequal access to and state censorship of the media remained critical problems throughout the electoral process. In one instance, the presidential candidate of the Umma Party Al-Sadiq Al-Mahdi was blocked from airing his 20-minute campaign program, as set out by election rules, because of several sensitive remarks the Sudanese state radio objected to—including those referencing Darfur and the current President Omer al-Bashir's ICC arrest warrant.

Though state media have given candidates free air time, much of regular programming in Khartoum concerns the activities of NCP officials and could be considered campaigning for the ruling party. Also troubling, a prominent journalist and critic of the NCP, Alhaj Warraj was charged by the National Security Agency on April 6 with "waging war against the state" for an article that he wrote for the independent daily *Ajras al-Huriya*."²⁶⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported on security forces intrusions on press freedom, including the detention and torture of journalists, the closure of newspaper offices, and charges against journalists by the public order police for covering issues critical of the authorities,

"From May to year's end, 13 cases were filed against the pro-SPLM publication *Ajrass al-Hurriya* on various charges, ranging from violations against the sovereignty of the state to defamation and erroneous reporting. Seven of the 13 cases were filed against newspaper columnist Faiz al-Silaik--four by the NISS, one by SAF (for reporting on a military execution in Darfur), one by the Council of Ministers, and one by the police. Public order police filed three other cases against the newspaper for coverage of the videotaped flogging of a woman that appeared on YouTube in December and for its coverage of the Lubna Hussein "trouser case."

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On May 16, the same day that authorities arrested PCP leader Hassan al-Turabi, they also arrested four employees of the PCP-affiliated newspaper *Rai al-Shaab*--deputy editor in chief

²⁶⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁶⁶ Amnesty International, Sudan: Sudanese Academic Released Without Charge: Mohamed Zain Al-Abideen, March 2012, <http://www.amnesty.org/en/library/info/AFR54/012/2012/en>, accessed 13 March 2012

²⁶⁷ The Enough Project, *Grading the Benchmarks*, April 2010, p.4, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

Abuzar Al Amin, editor Ashraf Abdelaziz, administrator Nagi Dahab, and news desk head Al Tahir Abu Jawhara. The NISS also closed the newspaper's office. On May 27, authorities also arrested Rai al-Shaab editor Ramadan Mahjoub. Authorities tortured Abuzar Al Amin and reportedly tortured Altahir Abu Jawrah and Ashraf Abd-al-Aziz as well. On June 2, Nagi Dahab was released. The remaining Rai al-Shaab journalists were tried on charges related to crimes against the state. The court reportedly issued a decree barring newspapers from reporting on the trial and did not allow testimony from defense witnesses. On July 14, the court sentenced Abuzar Al Amin to five years' imprisonment, Ashraf Abdelaziz and Al Tahir Abu Jawhara to two years' imprisonment, and acquitted Ramadan Mahjoub. In July a final order was issued for the office to be closed and its assets confiscated."²⁶⁸

Amnesty International stated in its 2011 annual report, covering the events of 2010, that the NISS censored news outlets and restricted anti-government reporting,

"Between May and August, the NISS resumed its pre-print censorship of the press in the north and closed down a number of newspapers. Some were not allowed to go to print for the entire duration of the censorship. Journalists were arrested because of their work.

Rai Al Shaab, a newspaper affiliated to the opposition Popular Congress Party, was closed down in May and five staff members were arrested. In July, Abuzar Al Amin, deputy editor-in-chief, was sentenced to five years in prison while Ashraf Abdelaziz, one of the newspaper's editors, and Al Tahir Abu Jawhara, head of the political news desk, were sentenced to two years. The journalists were reportedly tortured or otherwise ill-treated in detention."²⁶⁹

In its 2011 country report covering the events of 2010, the *USDOS* reported that a Radio Dabanga staff member was arrested and another reporter detained,

"Between October 30 and November 1, security forces arrested several Darfuri activists and an individual who worked for Radio Dabanga. In early November NISS officers arrested Jaafar al-Sabki, a Darfur reporter for the independent daily al-Sahafa on allegations that he passed reports on Darfur to an unnamed organization. At year's end Al-Sabki remained detained at Kober Prison in Khartoum."²⁷⁰

In January 2011, *Freedom House* reported that recent violence and the unstable political situation provided for a dangerous environment for journalists to cover events in Darfur,

"After the results of the election were announced, an emboldened government, especially in the North, started applying harsher measures toward its critics. As a result, journalists were often censored, harassed, intimidated, and even tortured by authorities and government agents. Just weeks after the elections, NISS visits to newspapers resumed in an effort to impose pre-publication censorship.

In May 2010, four journalists of the newspaper Rai al-Shaab, owned by Hassan al-Turabi, a one-time ally of Bashir, were arrested for reporting that Iranian forces were in Sudan to assist insurgents in Africa and the Middle East. The journalists' lawyers reported that their clients had been tortured in prison. Three of the four journalists were later convicted of "undermining the constitutional system" and sentenced to prison terms ranging from two to five years. In April,

²⁶⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁶⁹ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

²⁷⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

the newspapers *Ajras al-Huriya* and *Al-Midan* were visited by NISS and as a result, copies of the papers were confiscated and journalists were prohibited from publishing some of the stories they had been working on. In other newspapers, self-censorship continued to be a common practice. Issues such as the crisis in Darfur, the work of the International Criminal Court, Sudan's poor human rights record, and the corruption of state officials remained absent from the pages of the main media outlets.

[]

There were no reports of extralegal harassments or murders against journalists during the year. However, the turbulent political situation— especially after the Justice and Equality Movement, the strongest rebel group in Darfur, ended peace talks in May —continued to create a dangerous environment for journalists to cover the news in Darfur.²⁷¹

In August 2011, *Reporters Without Borders* stated that President Bashir announced that he intends to free all journalists imprisoned in Sudan, noting that some detainees are held on charges which carry the death penalty,

“Reporters Without Borders welcomes President Omar Al-Bashir’s announcement during a meeting with journalists on 27 August that he intends to free all the journalists imprisoned in Sudan, but it calls for this decision to also include media workers and for it to be carried out without delay.

The announcement was followed yesterday by the release of Gafar AlSabki Ibrahim, a journalist with the Arabic-language daily *Al-Sahafa*, who had been detained since 3 November 2010. But Abdelrahman Adam, a contributor to *Radio Dabanga* held since 30 October 2010, was not freed. Three other persons who are accused of working for this station - which they deny - are also detained.

“Gafar AlSabki’s release is obviously good news but the authorities must also free *Radio Dabanga’s* contributor and must go further by dropping all the charges against him,” Reporters Without Borders said.

“We should also not forget that the past few weeks have been marked by confiscations of newspapers and a return to prior censorship, measures that violate media freedom. If Sudan wants to be seen as a country that respects freedom of expression, it really must put a stop to such practices.”

Broadcasting on the short wave from the Netherlands, *Radio Dabanga* is the only station that specializes in covering the situation in Darfur. As it is not legally recognized by the Sudanese authorities, its contributor in Sudan lack a press card and official recognition of his status as a journalist.

Adam and the three other detainees who deny being *Radio Dabanga* employees are accused of divulging state secrets, undermining the constitutional system, calling for resistance and inciting sedition under articles 24, 25, 26, 53 and 50 of the 1991 criminal code and articles 18, 42 and 44 of the 2001 communications law. The article 50 violation carries the death penalty.²⁷²

²⁷¹ Freedom House, Freedom of the Press 2011 - Sudan, January 2011, <http://www.freedomhouse.org/report/freedom-press/2011/sudan> , accessed 13 March 2012

²⁷² Reporters Without Borders, Call for release of all imprisoned journalists in wake of President's announcement, 5 September 2011, http://en.rsf.org/sudan-call-for-release-of-all-imprisoned-29-08-2011_40869.html, accessed 26 March 2012

In August 2011, *Reporters Without Borders* reported a decline in media freedom in Sudan and the country was ranked among the ten worst in their 2010 press freedom index,

“Reporters Without Borders condemns the steady deterioration in media freedom in Sudan where all the copies of an Arabic-language daily were seized five days ago in Khartoum, a group of journalists have been harassed for weeks because of their coverage of a serious human rights violation and others remain in detention.

Already ranked last year among the world’s 10 worst countries as regards respect for journalists (172nd out of 178 countries in the Reporters Without Borders press freedom index), Sudan keeps sinking lower and lower. The first half of 2011 has been marked by censorship, arrests, prosecutions, arbitrary detention and closures of newspapers.”²⁷³

In January 2012, *Reporters Without Borders* reported that two private newspapers had been closed down since the start of the year,

“The year began in Sudan in the same vein as previous ones, with new censorship moves. Although the country has a diverse media and enjoys some freedom of speech, the Khartoum authorities have stepped up efforts to silence publications that irritate them.

Within the past two weeks, two independent and opposition newspapers, *Alwan* and *Rai al-Shaab*, have been closed by security forces without explanation.

[]

On 14 January, police raided the offices of the Arabic-language daily *Alwan*. Officers closed up the premises and took an inventory of all equipment without giving an explanation. A day earlier, the paper’s editor Hussein Khogli was told by telephone it would be closed down, after copies had been seized over the preceding two days.

The closure order was believed to have been given by Mohamed Atta, the head of the National Intelligence Security Services, and was believed to be linked to the publication of an interview with an Islamist political leader, Lubaba Alfadli. The newspaper was the target of similar suspensions in 2008 and 2009.

On 2 January, it was the Arabic-language *Rai al-Shaab*, the official newspaper of the opposition Popular National Congress Party led by Hassan al-Turabi, that was the authorities’ target for suspension. Its premises were closed and 15,000 copies of the paper were seized from its printing plant by NISS officials. Its manager, Nagi Dahab, has received no explanation.

The closure could be as a result of the publication of an interview with Gibril Ibrahim, the spokesman for the Darfur rebel group Justice and Equality Movement concerning the difference in how prisoners were treated by the JEM and by the Sudanese government.

The Sudanese Media Centre, a state-linked website, said the action was taken because the newspaper’s behaviour violated the ethical and professional standards of the journalists’ code of conduct.”²⁷⁴

In January 2011, *Freedom House* reported on the censorship of websites in Sudan,

²⁷³ Reporters without Borders, Censorship, prosecutions and extended detention signal steady decline in media freedom, 9 September 2011, http://en.rsf.org/sudan-censorship-prosecutions-and-12-08-2011_40772.html, accessed 26 March 2012

²⁷⁴ Reporters Without Borders, Two private newspapers closed down since the start of hte year, 17 January 2012, http://en.rsf.org/sudan-two-private-newspapers-closed-down-17-01-2012_41691.html, accessed 26 March 2012

"Internet penetration in Sudan is relatively high for sub-Saharan Africa. According to Internet World Stats' most recent statistics, 9.3 percent of the population accessed the medium as of 2009. The government is believed to monitor the internet, including e-mail and correspondence. It also blocks websites, especially those with explicit sexual content, ostensibly to preserve ethical standards. Only a few days after the beginning of the April voting, the website Sudan Vote Monitor was blocked in Sudan. The website had been launched by a civil society organization and used the Ushahidi platform along with other tools to report irregularities in the voting process and in the counting of the ballots."²⁷⁵

²⁷⁵ Freedom House, Freedom of the Press 2011 - Sudan, January 2011, <http://www.freedomhouse.org/report/freedom-press/2011/sudan>, accessed 13 March 2012

F. Women/Children/Sexual Orientation

1. Domestic legal framework

Article 15 of the 2005 *Interim National Constitution of the Republic of Sudan* on family, women and marriage states that,

“(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.

(2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life.”²⁷⁶

Article 32 of the 2005 *Interim National Constitution of the Republic of Sudan* on the rights of women and children states that,

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

(2) The State shall promote woman rights through affirmative action.

(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

(4) The State shall provide maternity and child care and medical care for pregnant women.

(5) The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.”²⁷⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that rape and sexual harassment of women and girls throughout the country, including in Darfur, continued to be a serious problem and noted that the government did not effectively enforce provisions outlawing such activity,

"The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death; however, the government did not effectively enforce these provisions. Spousal rape is not addressed in the law. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. There was no information available on the total number of persons who were prosecuted, convicted, or punished for rape.

[]

Rape of women and girls throughout the country, including in Darfur, continued to be a serious problem. Authorities often obstructed access to justice for rape victims. Many victims in the North did not report their cases either to family or authorities for fear they would be punished or arrested for "illegal pregnancy" or for adultery.”²⁷⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that it was easier for men than for women to initiate legal divorce proceedings in Sudan,

²⁷⁶ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

²⁷⁷ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

²⁷⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

"Depending on the wording of the marriage contract, it was often much easier for men than for women to initiate legal divorce proceedings. In certain northern probate trials, under the Sharia system, the testimony of women was not considered equivalent to that of men; the testimony of two women was considered equivalent to that of one man. In other civil trials, the testimony of a woman is considered equivalent to that of a man. A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam."²⁷⁹

In its 2011 country report covering the events of 2010, the *USDOS* reported that public order laws for indecent dress were more commonly applied against women than men,

"Under public order laws, indecent dress is punishable by a maximum of 40 lashes, a fine, or both. Authorities in the North applied this law more frequently against women than men. It was applied against both Muslims and non-Muslims."²⁸⁰

In its 2011 annual report covering the events of 2010 the *United States Commission on International Religious Freedom* reported that women were particularly subject to harassment based on perceived infringement of codes of morality and indecency,

"In the past year, dozens of Muslim and Christian women and girls in Khartoum were flogged for indecent dress in violation of the Public Order Regime. What constitutes indecent dress is not defined in any law, but is left to the discretion of arresting officers and prosecuting judges.

According to the African Centre for Justice and Peace Studies (ACJPS), indecency charges relating to dress or the brewing or selling of alcohol are used primarily against poor Southern women, the vast majority of the female inmate population in Khartoum. The public order laws also are used to discriminate against women of all classes, including the requirement that all women wear the hijab and wide restrictions on women's economic activities, including the limitation on work hours for women in Darfur. Under the guise of stopping prostitution, the laws have also been used against unmarried men and women who come together by sharing office spaces and taxi rides or attending parties together. These arrests often target the government's political opponents."²⁸¹

In its 2011 country report covering the events of 2010, the *USDOS* reported that societal and religious norms pressured married females to have children and that access to obstetric and postpartum care was limited,

"Couples were able to decide freely on reproductive issues, but societal and religious norms pressured married females to have several children. Contraception, skilled medical attendance during childbirth, and obstetric and postpartum care were not widely accessible. The UN Population Fund estimated the maternal mortality ratio at 750 deaths per 100,000 live births. Women had equal access to diagnosis and treatment for sexually transmitted diseases, including HIV."²⁸²

2. Gender-based violence

²⁷⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁸⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁸¹ USCIRF, 2011 Annual Report on Religious Freedom in the World, May 2011, p.158, <http://www.uscirf.gov/>, accessed 18 March 2012

²⁸² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

In its 2011 country report covering the events of 2010, the *USDOS* reported that Sudanese legislation does not currently specifically prohibit domestic violence, and that women are frequently subject to violence in their homes,

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

In the North, no law specifically prohibits sexual harassment, although the law prohibits gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere."²⁸³

In its 2011 annual report covering the events of 2010, *Amnesty International* stated that the public order police harassed, blackmailed, sexually harassed, arrested, detained and flogged women and girls for "indecent" or "immoral" dress or behaviour,

"The public order police continued to arrest women, young girls and men in the north, on grounds of "indecent" or "immoral" dress or behaviour, and courts carried out numerous flogging sentences during the year. More restrictions on public behaviour were introduced and the public order police reportedly formed committees to determine criteria for arresting people on the basis of "indecent" public behaviour or dress.

[]

Before the April elections, President Al Bashir reiterated his commitment to the public order regime, the set of laws and structures that allow for detentions and floggings in north Sudan. The public order police continued to blackmail women and sexually harass them during arrest and in detention and to target women from vulnerable backgrounds, including women living in poverty, IDPs and women from Eritrean and Ethiopian communities living in Khartoum."²⁸⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that women were subject to the enforcement of specific dress codes, and could be flogged if found in violation,

"Various governmental bodies have decreed that women must dress modestly according to Islamic or cultural standards, including wearing a head covering in the North. There were instances in the North in which police arrested women for their dress and authorities subjected them to flogging. However, women in the North often appeared in public wearing trousers or with their heads uncovered. In Khartoum persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards."²⁸⁵

²⁸³ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁸⁴ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

²⁸⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

In June 2011, *Human Rights Watch* reported on the involvement of Sudanese Government forces in acts of rape and assault on women and girls in Darfur. *Human Rights Watch* reported that legal immunities meant that soldiers and allied militia are not held criminally accountable,

"Since the renewed fighting started in December 2010, government forces were responsible for rapes and other sexual violence, especially against displaced women and girls.

On December 22, in the context of attacks on Shangil Tobayi area [North Darfur], three soldiers raped a 17-year-old girl. On February 18, two soldiers from Abu Zerega military camp abducted and raped a 10-year-old girl while she was herding sheep with her uncle to Zamzam displaced persons camp [North Darfur]. They were fleeing fighting in the area of Wadi Mora [North Darfur].

On March 22, armed police forcibly abducted four women from their home in Hillet Jedeed, near Shangil Tobayi, and detained them overnight. Two of the men raped the youngest, a 25-year-old woman, and tied her and one of the others with rope and subjected all of them to beatings. The women had returned to their village from Zamzam displaced persons camp to collect belongings after fleeing fighting in January.

The government has not arrested any of the perpetrators of these attacks. As Human Rights Watch has extensively documented, the government has not taken steps, such as lifting legal immunities for crimes by soldiers and police, that are needed to hold soldiers or allied militia criminally accountable."²⁸⁶

The UN Human Rights Council reported in August 2011 on the mission of the independent expert on the situation of human rights in the Sudan. The Council noted that women were subject to high levels of violence in Darfur, including rape,

"Several statements were made by Government officials during the reporting period publicly acknowledging and condemning violence against women. For example the Governor of North Darfur in a keynote address commemorating the 16 Days of Activism against Violence Against Women on a November 25, 2010 called on all Darfurians to join in the struggle to stop violence against women. In spite of the significant measures taken by the Government to address sexual violence in Darfur, the persistent climate of impunity continues to create an environment conducive to the perpetration of sexual violence. Many incidents of sexual violence were not reported due to fear of social stigma associated with rape, fear of reprisal and the victims' lack of trust in the police to effectively investigate and prosecute offenders. From May 2010 to June 2011, UNAMID documented more than 70 cases of sexual and gender based violence.

Furthermore, the police do not have the capacity to follow up and investigate cases of sexual violence in areas under the control or influence of armed groups. Notwithstanding these challenges, there have been a number of positive steps taken by the Government to combat sexual and gender based violence. UNAMID document 41 reported cases of sexual and gender based violence that were fully investigated by the police. In North Darfur, the authorities have significantly increased the number of female police investigators while in West and South Darfur, female police investigators have recently been posted in Family and Child Protection Units of the Police solely to handle cases of violence against women; statements were made by State officials regarding the overall weakness of the justice system to hold perpetrators accountable."²⁸⁷

²⁸⁶ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.20, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

²⁸⁷ UN HRC, Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council

Radio Dabanga reported in November 2011 that women and girls have been raped in rural areas and in IDP camps,

"Six rape cases were reported in the past five days in West Darfur, sources in the region told *Radio Dabanga*. In all these cases, shepherd militias have been accused of committing the crimes in farmlands. Three of the victims were raped in Garsila while three others near Banjajid refugee camp in Sirba locality.

Garsila rapes:

A citizen of Golumbu in West Deleinj locality told *Radio Dabanga* that a group of shepherds wearing military uniforms raped a refugee from the region in a farm on Sunday. "It happened after the farmers who were working in the field refused entry to the shepherds into their farms. They beat the farmers along with two other neighbors who tried to intervene in the proceedings," the witness said.

He added that the woman was then raped in the fields. The rape victim as well as those who suffered injuries in the fight have been taken to the hospital for treatment.

In yet another rape incident in Garsila, two refugees were gang raped in Faye area by an armed group on Friday, a relative of the victim told *Radio Dabanga*.

The relative said, "Eight gunmen on the backs of camels abducted two girls who were on their way to the camp after harvesting the farms and then took turns to rape her. The police was notified of the incident. However, they refused to track down the culprits."

Banjajid camp:

In a separate incident, an armed group raped three displaced women in West Darfur's Banjajid camp in Sirba locality on Thursday.

A witness told *Radio Dabanga* that four armed men riding camels and horses stopped the three women who were on their way back home from Arminkol camp, where they were visit their families. "They were gang raped and not set free until the following day," the witness said.

He added that the four militants were also responsible for the rape of another 15-year-old girl on the same day. "She had been working in a farm close to the camp. There were other women with her who were able to escape being raped, but she couldn't," the relative said.

The police from Banjajid station reportedly said that it wasn't their responsibility to track down the offenders after a case had been filed.

North Darfur:

[] An armed group allegedly raped a refugee from Kassab camp near Kutum town in North Darfur on Friday. A witness told *Radio Dabanga* that the gunmen abducted four women who were on their way to collect firewood in the north of the camp.

"They ordered the women to undress and sit down in front of them. Three of them escaped but raped the fourth refugee couldn't. She was young and couldn't flee the scene. So she got raped," the witness said. The militants allegedly gang raped her until late Thursday evening.²⁸⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that security forces in the north raped women in connection with the conflict in Darfur,

resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27, 22 August 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-18-40-Add1_en.pdf, accessed 13 March 2012

²⁸⁸ *Radio Dabanga*, Increased rape cases in West Darfur, 27 November 2011, <http://www.radiodabanga.org/node/21479>, accessed 13 March 2012

“Security forces in the North raped women, including in connection with the conflict in Darfur.”²⁸⁹

In 2011, *Human Rights Watch* reported that a woman was raped by government forces, requiring medical treatment,

“On December 22, three government soldiers forcibly entered a civilian home in Shangil Tobayi [North Darfur], stole money and raped a 17-year-old girl, requiring her to seek medical attention.”²⁹⁰

In its 2011 country report covering the events of 2010, the *USDOS* reported that unmarried women who became pregnant as a result of rape could be arrested,

“The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.

[]

Authorities often obstructed access to justice for rape victims.”²⁹¹

In April 2010, *The Enough Project* reported that sexual violence was prevalent in Darfur and that the expulsion of humanitarian organisations had greatly reduced the services available to victims,

[] It should also be noted that since the expulsion, support for “non-essential” services has suffered dramatically. The number of services available to survivors of sexual violence, for example, have massively declined even as sexual violence and assault remain prevalent in Darfur: an unsurprising effect given that 14 of the 16 expelled or shut down organizations had projects working to support survivors of sexual violence. Emergency efforts by the humanitarian community to fill this gap in services have thus far failed to return the level of gender expertise in Darfur to that existing pre-expulsion.”²⁹²

In its 2011 country report covering the events of 2010, the *USDOS* reported on marital restrictions placed on non-muslim persons,

“Under Sharia, a Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim unless he converts to Islam; this prohibition was not observed or enforced universally in the South or among the Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.”²⁹³

3. Female genital mutilation (FGM)

A report submitted to the *UN Human Rights Council* in February 2011 stated that type 3, Pharonic circumcision was banned under Sudanese legislation, but that other forms of female genital mutilation were not legally prohibited and the practice continued,

²⁸⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁹⁰ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.14, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

²⁹¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

²⁹² The Enough Project, *Grading the Benchmarks*, April 2010, p.7, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

²⁹³ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

"Whilst Sudan has had a law since 1946 now banning the most severe form of FGM the law is clearly insufficient as it does not ban all forms of FGM, and as it has failed to prevent the tragic death of Enaam a Sudanese little girl died after FGM operation. It has also failed to protect Sudanese girls and women at large, for an estimated 89 per cent of Sudanese women are subjected to FGM, and mostly to the most severe form, type 3 which is known as 'Pharonic Circumcision'.

As a result of little Enaam's death on December 14th a group of Sudanese civil society organizations led by the Sudanese Nurses Union took to the streets in Khartoum to protest against Enaam's death. They marched from the hospital in which she died, to the Ministry of Justice, to demand a law specifically banning all forms of FGM in Sudan. Medical report said that Enaam died due to excessive bleeding and blood poisoning after being submitted to this cruel tradition."²⁹⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that FGM was widespread and that the prevalence in Darfur had increased,

"Female genital mutilation (FGM) remained widespread, particularly in the North, but estimates on its prevalence varied widely. A 2006 Sudan Household Health Survey, the most recent available, reported FGM incidence at 69 percent. In the North, Ministry of Health bylaws prohibit the practice of FGM by physicians and medical practitioners; however, midwives continued to conduct FGM. In the South, performing or causing FGM to be performed is punishable by up to 10 years' imprisonment, a fine, or both. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. FGM was also increasing in IDP camps in Darfur. The government actively campaigned against it in partnership with UNICEF, civil society groups, and the High Council for Children's Welfare. Several NGOs also worked to eradicate FGM."²⁹⁵

In February 2011, the *UN Human Rights Council* noted that whilst FGM was less common than before, the practice still remains widespread,

"Although there is a decrease in FGM/C in Sudan from 90% to 69.4%, but the percentage is still high. The penalty for an FGM/C offence will be 10 years' imprisonment and compensation to the family if it caused the death of the victim. The attempt, assisting in the procedure and abetment will be penalized with two-year jail terms. Those propagating FGM/C and operating places where it is committed will also be punished and repeat offenders imprisoned for life.

Many efforts have been conducted in to combat FGM/C in Sudan, among these efforts are:

A national strategy was launched in Sudan in (2008-2018) with the aim of total abolition and zero tolerance within 10 years. The strategy addresses the religious, social, health, and cultural dimension of FGM/C.

The National Council for Child Welfare, a government authority is coordinating the campaign in collaboration with UNICEF to abolish FGM/C in Sudan.

²⁹⁴ UN HRC, Joint written statement - Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, a non-governmental organization in special consultative status, the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster, 25 February 2011, pp.6-7, A/HRC/16/NGO/105, <http://www.crin.org/docs/FileManager/G1111349.pdf>, accessed 13 March 2012

²⁹⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

The Sudanese medical council issued a very important decree to ban all types of (FGM) practice in Sudan. According to dr. imam Siddig, the secretary general of the council, this decree was issued after a broad and wide discussion. He stated that the council will strongly follow the implementation of this decree and any medical doctor to violate this decree will be harshly punished and this punishment can be suspension of the doctor's license.

Inter African committee on traditional harmful practices and Sudan national committee on harmful traditional practices (SNCTP) has launched a continuous campaign for the past 25 years to abolish (FGM) not only in Sudan but also in the whole African continent.

Dr. Balgis Badri comments on that by saying (FGM) /c punishment must extend to any medical personnel particularly the midwives.²⁹⁶

In February 2011 *Radio Netherlands* reported that pharaonic circumcision, whereby the clitoris and labia are removed, is practiced in Darfur. *Radio Netherlands* further reports that a girl and her family would be socially stigmatised if FGM is not performed,

“Isaad underwent a far-reaching form of genital mutilation, sometimes called pharaonic circumcision or infibulation, in which the clitoris and the labia are removed.

In Sudan having your daughter circumcised is almost compulsory, she explains. “If you don't, the girl will be bullied at school and her parents will become social outcasts.”

The ritual is barely a matter for discussion in Sudan despite the risks involved and a legal ban on infibulations, in force since 1946.

The World Health Organisation estimates that 90 percent of Sudanese women have been circumcised. If a girl survives the mutilation, it affects her entire life, both psychologically and physically. The procedure leaves her with such a narrow opening that urinating and menstruating become difficult.

Isaad lost her first baby during childbirth because she did not receive the special help she needed.

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She speaks candidly about her physical mutilation and its effects on her sex life. “I'm often reluctant to have sex,” she confides. “Sometimes I manage to reach a climax, but only because my husband helps me. We try hard to create the right mood.”

But she is not content with only having occasional orgasms. “I would like to feel complete, both physically and emotionally. I want to overcome my inferiority complex.” She is considering having an operation to reverse her circumcision.

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Despite the problems she encounters due to her mutilation, reconstruction is still very much taboo, even among well-educated women from Darfur. She cannot even contemplate getting any support from her family in Sudan. “They would never approve. I wouldn't even tell them.”²⁹⁷

²⁹⁶ UN HRC, Joint written statement* - Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, a non-governmental organization in special consultative status, the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster, 25 February 2011, p.3, A/HRC/16/NGO/105, <http://www.crin.org/docs/FileManager/G1111349.pdf>, accessed 13 March 2012

²⁹⁷ Radio Netherlands, Reversing femal circumcision, 6 February 2011, <http://www.rnw.nl/english/article/reversing-female-circumcision-remains-taboo>, accessed 26 March 2012

4. Children

[See also Section I, Further Human Rights Considerations; 3. Forced Conscriptations]

Article 14 of the 2005 *Interim National Constitution of the Republic of Sudan* on children, youth and sports states,

“(1) The State shall adopt policies and provide facilities for child and youth welfare and ensure that they develop morally and physically, and protect them from moral and physical abuse and abandonment.

(2) The State shall promote sports and empower the youth to develop their potentials.

(3) The State shall protect and support popular sports institutions and guarantee their independence.”²⁹⁸

Paragraph 5 of Article 32 of the 2005 *Interim National Constitution of the Republic of Sudan* on the rights of women and children states,

“(5) The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.”²⁹⁹

In its 2011 country report covering the events of 2010, the *USDOS* reported that children in Sudan were entitled to an education up to the age of 13 years, however pupils had to pay for their schooling,

“The interim national constitution states that persons born to a Sudanese mother or father have the right to citizenship. The government did not register all births immediately. The law provides for free basic education up to grade eight; however, students often had to pay school, uniform, and exam fees. In Darfur few children outside of cities had access to primary education.”³⁰⁰

In its 2011 country report covering the events of 2010, the *USDOS* reported that in the North, there was no minimum age for consensual sex or a statutory rape law and the legal age of marriage is 10 years for girls,

“The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but it remained a problem.

Child prostitution and trafficking of children also remained problems, particularly in the South. Penalties for offenses related to the child prostitution and trafficking varied and could include imprisonment and/or fines.

In the North, there is no minimum age for consensual sex or a statutory rape law.”³⁰¹

The *US Department of State* reported in its June 2011 trafficking report on Sudan that the Child Act of 2008, enacted in 2010, offers some protections but does not prescribe punishment, further no members of the armed forces have been prosecuted under the legislation,

²⁹⁸ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

²⁹⁹ Interim National Constitution of the Republic of Sudan, 2005, <http://unmis.unmissions.org/Portals/UNMIS/Constitution-making%20Symposium/INC%20of%20Sudan.pdf>, accessed 26 March 2012

³⁰⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

³⁰¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

"The GNU's Child Act of 2008, enacted in January 2010, prohibits, but does not prescribe, punishments for forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups. It includes provisions, however, for the rehabilitation and reintegration of children victimized by such crimes. The GNU has never used this statute to prosecute any person in its armed forces suspected of such crimes. Some states, such as Southern Kordofan, subsequently enacted their own Child Acts based on the national law."³⁰²

The *US Department of State* reported in its June 2011 trafficking report that legislation governing the Armed Forces prohibits child recruitment, prostitution and enslavement,

"The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children under 18 years of age, enslaving civilians, or coercing civilians into prostitution; the act prescribes penalties of up to five years' imprisonment for child recruitment and up to 10 years' imprisonment for enslavement or forced prostitution."³⁰³

In its 2011 country report covering the events of 2010, the *USDOS* reported that child abuse and abduction was common,

"Child abuse and abduction were widespread. Criminal kidnapping of children for ransom was reported on several occasions during the year."³⁰⁴

The *US Department of State* reported in its June 2011 trafficking report that forcible recruitment of children continues amongst government forces and armed groups,

"In Darfur, Sudanese children were conscripted, at times through abduction, and used by armed groups during the reporting period, including the Sudan Liberation Army (SLA)/Minni Minawi, SLA/Abdul Wahid, SLA Historical Leadership, Justice and Equality Movement (JEM), government-supported Janjaweed militia, and Chadian opposition forces. Elsewhere in northern Sudan, government security forces used child soldiers; at least two children were verified as being associated with the Border Intelligence Forces and seven with the PDF during the year."³⁰⁵

In its 2011 country report covering the events of 2010, the *USDOS* reported on the ongoing problem of child soldier recruitment in Sudan, which is especially serious in the Darfur region,

"Recruitment of child soldiers remained a serious problem in Darfur. The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators.

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The majority of such cases occurred in West Darfur. These groups included the SAF, police including the CRP and Border Intelligence Force, government-aligned militias, Chadian rebels, JEM, JEM (Peace Wing), Movement of Popular Force for Rights and Democracy, SLA/AW, SLA/Abu Gasim/Mother Wing, SLA/Free Will, SLA/MM, SLA/Peace Wing, and SLA/Unity. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad in 2009.

³⁰² USDOS, Trafficking in Persons Report 2011 - Country Narrative: Sudan, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

³⁰³ USDOS, Trafficking in Persons Report 2011 - Country Narrative: Sudan, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

³⁰⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

³⁰⁵ USDOS, Trafficking in Persons Report 2011, 27 June 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>, accessed 13 March 2012

Although UNICEF signed an action plan in 2007 with SLA/MM that committed the rebel group to identifying locations of child soldiers, SLA/MM continued to use child soldiers.

On July 21, JEM signed an action plan with UNICEF to end the use of child soldiers. From February through April, 574 children were released by JEM-Peace Wing, SLA-Peace Wing, and the Movement for Popular Forces for Rights and Democracy.

There were no new developments in the 2008 case of children detained in connection with the JEM attack on Omdurman. As of December 2009, 119 children received pardons and were released, but some children were sentenced to death and remained detained at year's end.³⁰⁶

In February 2011, *Amnesty International* reported that the JEM militia group was still recruiting child soldiers despite signing a Memorandum of Understanding with the UN in July 2010,

"The Sudanese armed opposition group, especially the Justice and Equality Movement (JEM), has recruited and continued to use children in its ranks. They also used refugee camps in eastern Chad as recruitment centres through 2010. Eyewitnesses have told Amnesty International that armed JEM fighters have entered refugee camps in military vehicles and were more numerous than Chadian soldiers in some areas especially until the end of 2009. But JEM fighters have become less visible in eastern Chad following the normalization of the relations between Sudan and Chad at the beginning of 2010.

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A number of parents told Amnesty International that their children went to Foro Baranga [West Darfur], Sudan, between September and December 2008 and were recruited by Sudanese armed opposition groups. In one case, a group of five children from the Djabal refugee camp, aged between 9 and 14 years old, were arrested by members of the Chadian security forces at the beginning of May 2010 at Koukou-Angarana on their way to Sudan, apparently to join a Sudanese armed opposition group. Their parents and relatives raised the alarm when they disappeared from the refugee camp.

Some of the children captured among JEM combatants by the Sudanese army following the attack on the Sudanese town of Omdurman in May 2008 were recruited from refugee camps in eastern Chad.

Humanitarian workers said that at least 13 children taken prisoner by Sudanese armed forces following the attack had been reunited with their families in the camps. Two children who had taken part in the attack, including Hassan a 16 year old, returned to the Djabal refugee camp from Sudan in April 2010. Hassan told Amnesty International that he had joined the JEM in December 2006. At least eight former and active child combatants involved with the JEM were living in the Djabal refugee camp when Amnesty International delegates visited the camp in June 2010. Some joined the JEM in 2008 and 2009, others more recently. Most told Amnesty International that they joined the JEM because of the lack of opportunities in the refugee camp. They also said that four children aged 16 and 17, who had been living in the Djabal camp since the beginning of 2010, had rejoined JEM forces in the area around El-Geneina in west Darfur in May 2010. Other children told Amnesty International that they were on leave in the camp, primarily to visit their parents, but that they fully intended to return to active duty with JEM forces.

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³⁰⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

The JEM signed a Memorandum of Understanding with the UN on 21 July 2010 regarding the protection of children in Darfur.

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The two parties also agreed "ground rules" on the conduct of humanitarian operations in areas controlled and contested by the JEM. It was not clear at the end of 2010 whether or to what extent JEM had started to implement this agreement, particularly with respect to the recruitment of children in refugee camps and the use of some refugee camps in eastern Chad as recruitment bases."³⁰⁷

The *US Department of State* further reported in its June 2011 trafficking report on Sudan that efforts in Darfur were underway to demobilize child soldiers and reintegrate them into communities,

"In January 2011, the North Sudan Disarmament, Demobilization, and Reintegration Commission (NSDDRC), the UN-African Union Mission in Darfur, the UNICEF, and a local NGO screened 93 boys associated with the Sudan Liberation Movement Army and Good Will Movements in El Fasher, North Darfur, providing medical exams and education on the dangers of HIV/AIDS; 84 were registered and demobilized as part of the process. It is unknown whether children were demobilized from the SAF or associated militias during the year.

Implementation of the SPLA's November 2009 UN- sponsored one-year action plan to end its use of child soldiers is behind schedule; local observers estimate the required activities will not be completed until the end of 2012, partially due to the fact that some SPLA barracks where child soldiers have been documented are nearly inaccessible due to the poor road conditions or insecurity. In August 2010, the SPLA officially launched, with UNICEF funding, its year-old central Child Protection Unit (CPU) in Juba to oversee implementation of the plan, compliance with child protection standards at major SPLA bases, and removal of children from SPLA payrolls. It also began establishing CPUs at SPLA division headquarters in all 10 southern states. To date, CPUs have been established in Mapel, Wunyiik, Duar, Panpandiar, and Mongiri."³⁰⁸

The *US Department of State* stated in its June 2011 trafficking report on Sudan that the government sentenced three individuals believed to be child soldiers to death,

"According to their lawyers, the government sentenced to death eight individuals believed to be child soldiers in 2009 for participating in JEM's May 2008 attack on Omdurman; four reportedly remain in detention, though there is no independent access to the detention centers to verify their presence or ages at the time of the attack. In November 2010, the government sentenced to death three individuals believed to be child soldiers, while a fourth received a lesser sentence for their participation in a May 2010 JEM attack on a fuel convoy; their case was under appeal at the close of the reporting period."³⁰⁹

Amnesty International stated in its 2011 annual report that the courts in north Sudan passed death sentences against juveniles,

"Courts in north and south Sudan continued to pass death sentences, including against juveniles. Although 50 men were released following the signing of the framework agreement for peace negotiations between the JEM and the government in February in Doha, 55 men

³⁰⁷ Amnesty International, *A compromised future: Children recruited by armed forces and groups in eastern Chad*, February 2011, pp.23-24, Available at: <http://www.amnesty.org/en>, accessed 13 March 2012

³⁰⁸ USDOS, *Trafficking in Persons Report 2011 - Country Narrative: Sudan*, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

³⁰⁹ USDOS, *Trafficking in Persons Report 2011 - Country Narrative: Sudan*, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

remained in prison awaiting the results of the appeals against their death sentences. Eight of the 55 were believed to be children and although the government gave assurances that they would not be executed, their sentences had not been commuted by the end of the year.

On 14 January, six men were executed for the murder of 13 policemen during clashes in the IDP camp of Soba Aradi, south of Khartoum. Violence erupted after the security forces attempted to forcibly evict the camp residents in May 2005. The six men were only allowed access to a lawyer five months after their arrest. All were reportedly tortured to “confess”. The Constitutional Court upheld the death sentences despite the allegations of torture.

On 21 October, a special court in Darfur sentenced 10 men to death. Four were reportedly under the age of 18: Idriss Adam Abbaker; Abdallah Abdallah Daoud; Ibrahim Shareef Youssif; and Abdelrazig Daoud Abdessed. They were convicted of involvement in an attack on a government escorted convoy in South Darfur. The trial did not meet international standards of fair trial. Only two of the alleged children were medically examined to determine their age. Idriss Adam Abbaker was confirmed as a child and had his sentence commuted. One medical examination confirmed that Abdallah Abdallah Daoud was a child, but a second examination found that he was over 18 and was taken into account by the court.³¹⁰

In September 2011, *Radio Dabanga* reported that young girls had been raped by government militia forces in both West and South Darfur,

"Three girls in Garsila and another in Kas were gang raped in two separate incidents. Three minor girls in Garsila and another in Kas were gang raped by government-backed militia wearing military uniforms in two separate incidents on Sunday, sources told Radio Dabanga. While the three girls in Mando area of West Darfur were aged between 14 and 17 years of age, the victim in Kas, South Darfur was 16 years old.

A relative of the three teenage girls in Mando told Radio Dabanga, “An armed group wearing military uniforms intercepted the three girls who were on their way from the village to collect firewood. They then arrested them and raped them for an entire day.” The girls weren't released until the next day. A relative of the 16-year-old victim in Kas also stated that the six gunmen who attacked the girl were wearing military uniforms. “Four of them were riding on camels and two others on horses. The girl was with her mother on her way back from the farm to the village,” the relative told Radio Dabanga.

It was then that the armed group intercepted them and arrested them. The group took turns to rape her for the next 12 hours and also beat the girl's mother.³¹¹

In November 2011, *Radio Dabanga* reported that girls faced the risk of being raped when travelling in rural areas, and noted cases in which the police refused to investigate such crimes,

"In all these cases, shepherd militias have been accused of committing the crimes in farmlands. Three of the victims were raped in Garsila [West Darfur] while three others near Banjajid refugee camp in Sirba locality.

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In yet another rape incident in Garsila, two refugees were gang raped in Faye area by an armed group on Friday, a relative of the victim told Radio Dabanga.

³¹⁰ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

³¹¹ Radio Dabanga, Increased rape cases in West Darfur, 27 November 2011, <http://www.radiodabanga.org/node/21479>, accessed 13 March 2012

The relative said, "Eight gunmen on the backs of camels abducted two girls who were on their way to the camp after harvesting the farms and then took turns to rape her. The police was notified of the incident. However, they refused to track down the culprits."

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In a separate incident, an armed group raped three displaced women in West Darfur's Banjadid camp in Sirba locality on Thursday. A witness told Radio Dabanga that four armed men riding camels and horses stopped the three women who were on their way back home from Arminkol camp, where they were visit their families. "They were gang raped and not set free until the following day," the witness said. He added that the four militants were also responsible for the rape of another 15-year-old girl on the same day. "She had been working in a farm close to the camp. There were other women with her who were able to escape being raped, but she couldn't," the relative said.

The police from Banjadid station reportedly said that it wasn't their responsibility to track down the offenders after a case had been filed."³¹²

Radio Dabanga further reported in March 2012 that three girls were raped by armed men in North Darfur when they left an IDP camp in search of firewood,

"Three girls between the ages of 14 and 17 were raped on Monday by armed men in Tabet area of North Darfur. The girls ventured out of the camp to collect firewood when they were attacked and raped by the men. They were found in a bad state, said a relative of one of the girls to Radio Dabanga. Relatives reported the case to the government's central reserve forces who refused to track down the attackers who witnesses say fled to the Shangil Tobaya area."³¹³

In its 2011 country report covering the events of 2010, the *USDOS* reported that the use of child labour in Sudan was a serious problem and that child labour laws are not effectively enforced,

"Although mandated by the interim national constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.

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The use of child soldiers, child trafficking, and child prostitution were problems.

The Ministry of Social Welfare, Women, and Child Affairs had responsibility for enforcing child labor laws; however, enforcement was ineffective."³¹⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that homeless children could be detained for indefinite periods in reformatory camps,

"The government operated reformatory camps for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were very basic, and living conditions often were primitive. All of the children in the camps, including non-Muslims, must

³¹² Radio Dabanga, Increased rape cases in West Darfur, 27 November 2011, <http://www.radiodabanga.org/node/21479>, accessed 13 March 2012

³¹³ Radio Dabanga, Girls raped by pro-government militia in Darfur camps, <http://www.radiodabanga.org/node/217679>, accessed 13 March 2012

³¹⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

study the Qur'an, and there was pressure on non-Muslims to convert to Islam. War Child and other international and domestic humanitarian NGOs were permitted to monitor the camps and sometimes assisted the government with certain aspects of camp operations.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction."³¹⁵

5. LGBTI rights and treatment

In its 2011 country report covering the events of 2010, the *USDOS* reported that sodomy is punishable by death and that discrimination against homosexuals was widespread,

"The law prohibits sodomy, which is punishable by death. There were no reports of antisodomy laws being applied. There were no known lesbian, gay, bisexual, or transgender organizations.

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On August 4, authorities publicly flogged 19 men who were arrested on July 29 at a party in Omdurman for breaking moral codes by wearing women's clothes and makeup, reportedly during a wedding between two men. The men had no lawyers, and the trial judge stated that police who raided the party found the men dancing "in a womanly fashion." Some legal-aid lawyers said that they were scared to defend the group. On August 2, residents of the Muhandaseen neighborhood in Omdurman held an antihomosexual demonstration.

On June 25, authorities raided a mixed-gender fashion show and arrested a number of male models. Officially the arrests were based on a public order law preventing amplified noise after 11 p.m., although it was widely assumed that the show was targeted because of the perceived sexual orientation of its male participants.

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Societal discrimination against homosexual persons was widespread both in the North and the South. In the North, vigilantes targeted suspected homosexual persons for violent abuse, and there were public demonstrations against homosexuality. Key members of parliament proposed legislation that would allow "severe punishment" for homosexuality."³¹⁶

Amnesty International reported in its 2011 annual report that men were arrested in Khartoum by law enforcement officers for cross-dressing and wearing make-up,

"In August, 19 young men were arrested in Khartoum by the public order police for cross-dressing and wearing make-up. The men were denied access to a lawyer, and publicly given 30 lashes before a reported audience of some 200 people."³¹⁷

³¹⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

³¹⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

³¹⁷ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

G. Slavery and Trafficking in persons

1. Former slaves

In 2008, the *BBC* reported that thousands of children and adults were being used as slaves in Darfur,

"Strong evidence has emerged of children and adults being used as slaves in Sudan's Darfur region, a study says.

Kidnapped men have been forced to work on farmland controlled by Janjaweed militias, a coalition of African charities says.

Eyewitnesses also say the Sudanese army has been involved in abducting women and children to be sex slaves and domestic staff for troops in Khartoum.

But Khartoum said the report was "very naive" and called the authors ignorant.

"The government does not condone abductions and it is not government policy," a government spokesman told the *BBC*.

"We are working hard to stop such violations. The rebel factions are mostly to blame for abductions in Darfur." "

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Most of the abductees are women and girls, but there is new evidence in Darfur of kidnapers targeting men and boys for forced agricultural labour, says the report.

The abducted women and girls, meanwhile, are raped and forced to marry their captors as well as carry out household chores and sometimes cultivate crops, according to the study.

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The report includes the testimony of children forced to become domestic workers. One boy said he had suffered regular beatings from his Janjaweed abductors.

"They were treating me and the other boys very badly, they kept telling us that we are not human beings and we are here to serve them, I also worked on their farms," he said.

A woman said she was kidnapped from a refugee camp and her captors "used us like their wives in the night and during the day we worked all the time.

"The men they abducted with us were used to look after their livestock. We worked all day, all week with no rest."

Sudan's government has always denied the existence of slavery in the country, although Khartoum has previously admitted abductions occurred in the north-south civil war of 1983-2005, when up to 14,000 people were kidnapped.

But a senior Sudanese politician who did not want to be named said kidnappings had also occurred more recently in Darfur.

"The army captured many children and women hiding in the bush outside burnt villages," he told the report's authors.

"They were transported by plane to Khartoum at night and divided up among soldiers as domestic workers and, in some cases, wives."³¹⁸

In February 2011, *iAbolish*, a US based anti slavery organisation, reported the story of a Darfuri man who was enslaved as a boy by Arab rebels,

"Bok, 32, who told students how he was enslaved when he was 7 years old. One day his mother asked him to go to the local market to sell eggs and peanuts. It was that day that Arab rebels raided his home village, killed his parents and brutalized people all around him.

He was captured and forced into slavery for 10 years before making a successful escape to Sudan's capital city, Khartoum, where he was arrested and enslaved again by police for two months.

Bok made his final escape when he fled to Cairo, Egypt. He was able to obtain a refugee visa to the U.S. and was resettled in North Dakota by the U.N."³¹⁹

Christian Solidarity International, a faith based organisation which has worked in Sudan since 1995, has reported that many tribes were victimised by slavery but that members of the Dinka tribe from areas south of Darfur on the border with Northern Sudan are the most affected,

"Most of Sudan's slaves are members of the Dinka tribe. Their homeland is in Northern Bahr El Ghazal. This area borders Northern Sudan. It is south of Darfur and Kordofan. Many other tribes in other parts of Sudan have also been victimized by slavery, but not to the same extent as the Dinka tribe."³²⁰

In an undated article, *Christian Solidarity International* reported that many slaves are held in Darfur,

"Most of the slaves are taken from Southern Sudan to the North, and are kept by their captors in Darfur and Kordofan. Some slaves are taken to other parts of the country. There are credible reports of Sudanese slaves being sent to Libya and the Gulf States."³²¹

Christian Solidarity International further reported that they provide persons who have been enslaved with basic survival equipment, upon release,

"CSI's field staff interviews and photographs each liberated slave. Once the documentation is complete, each slave receives a survival kit, including a mosquito net, a blanket, a plastic sheet, a water container a cooking pot, a sickle, fishing hooks and food rations. The freed slaves find their way back to their home areas through the chieftainship network. Most slaves find their relatives. The few who do not are taken in by a chief or the church."³²²

³¹⁸ BBC, 'Thousands made slaves' in Darfur, 17 December 2008, <http://news.bbc.co.uk/1/hi/7786612.stm>, accessed 26 March 2012

³¹⁹ iAbolish, Slavery is alive and well, former slave tells UCF students, 2 February 2011, http://www.iabolish.org/index.php?option=com_content&view=article&id=253:slavery-is-alive-and-well-former-slave-tells-ucf-students&catid=33:in-the-news&Itemid=34, accessed 26 March 2012, see also UCF Speaker Series: Francis Bok, <http://www.youtube.com/watch?v=ROdzWD7qbOA>, accessed 26 March 2012

³²⁰ Christian Solidarity International, Slave liberation in Sudan, undated, http://csi-usa.org/slave_liberation.html#17, accessed 26 March 2012

³²¹ Christianity Solidarity International, Slave liberation in Sudan, undated, http://csi-usa.org/slave_liberation.html#17, accessed 26 March 2012

³²² Christianity Solidarity International, Slave liberation in Sudan, undated, http://csi-usa.org/slave_liberation.html#17, accessed 26 March 2012

Christian Solidarity International reported the existence of a retrieval system for the return of individuals who have been enslaved,

"Local Arab-Dinka peace agreements are the basis of the slave retrieval system. In the early 1990s, some Arab clans which have an economic dependence on Southern Sudan - either the need for trade or land for dry season grazing – forged peace agreements with their Black African neighbors to the South. These Arabs were allowed to trade at designated markets in Southern Sudan and graze their cattle in designated areas, in return for rejecting the Government of Sudan's declared jihad and facilitating the return of women and children who had been enslaved. Masters expected some payment for the release of their slaves, and the retrievers incurred costs. For nearly a decade, CSI paid 50,000 Sudanese pounds for the liberation and return of a slave. In local terms, that is the purchase price of two goats. In U.S. currency the value has ranged over the years between \$50 and \$35. At the present time, CSI does not exchange cash for slaves. Instead, we make cattle vaccine available to slave-owning cattle camp Arabs. When slaves are returned to Southern Sudan, they are documented by local community leaders and CSI staff. Tribal chiefs help locate the families of the liberated slaves."³²³

2. Trafficking in Persons

The US Department of State reported in its June 2011 trafficking report on Sudan that Sudanese legislation does not prohibit all forms of trafficking activity,

"The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though its Articles 156 and 163 prohibit inducing or abducting someone to engage in prostitution (seduction) and forced labor, respectively. Prescribed penalties of up to five years' imprisonment for seduction are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Article 156 prescribes penalties of up to seven years' imprisonment for aggravated seduction of a child. Prescribed penalties for forced labor of up to one year's imprisonment or a fine are not sufficiently stringent. Nevertheless, no trafficker has ever been prosecuted under these articles, and it was unclear whether the National Security and Intelligence Service – the entity responsible for investigating cases of human trafficking – did so during the reporting period."³²⁴

The US Department of State reported in its June 2011 trafficking report that the Sudanese government made limited efforts to tackle human trafficking in Sudan and noted that limited information was made available on the scale of the problem,

"The Government of National Unity (GNU) of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While the government took some steps to identify, demobilize, and reintegrate child soldiers during the reporting period, combating human trafficking through law enforcement, protection, or prevention measures was not a priority. The GNU did not acknowledge that forced labor, forced prostitution, or child prostitution exists within the country, and did not publish data regarding its efforts to combat human trafficking during the year nor respond to requests to provide information for this report. Though the Government of Southern Sudan's ability to monitor human trafficking in its jurisdiction or to provide accurate or comprehensive information regarding its limited anti- trafficking efforts remained weak, it demonstrated some willingness to

³²³ Christianity Solidarity International, Slave liberation in Sudan, undated, http://csi-usa.org/slave_liberation.html#17, accessed 26 March 2012

³²⁴ USDOS, Trafficking in Persons Report 2011 - Country Narrative: Sudan, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

engage on and work with the international community to address such issues – particularly those related to child soldiering – during the reporting period."³²⁵

The US Department of State reported in its June 2011 trafficking report that Sudan has done little to take steps to identify and provide protective services to victims of trafficking,

"The GNU made only minimal efforts to protect victims of trafficking during the past year, and these efforts focused primarily on the demobilization of child soldiers. The government did not publicly acknowledge that women and children are exploited in prostitution or domestic servitude in Sudan, nor did it take steps to identify and provide protective services to such victims. Sudan has few victim care facilities readily accessible to trafficking victims, and the government did not provide access to legal, medical, or psychological services. Police child and family protection units in Khartoum, Western Darfur, Northern Darfur, Southern Kordofan, Northern Kordofan, and Gedaref States offered legal aid and psychosocial support to some victims of abuse and sexual violence during the year; these units were not fully operational due to lack of staff and equipment, and it is unknown whether they provided services to trafficking victims. The government did not employ a system for proactively identifying trafficking victims among vulnerable populations or a referral process to transfer victims to organizations providing care. It did not encourage victims' assistance in the investigation and prosecution of trafficking crimes or provide legal alternatives to the removal of foreign victims to countries where they would face hardship or retribution. No reliable data exists regarding the detention or punishment of trafficking victims for unlawful acts committed as a result of being trafficked, though NGOs believed that such detentions occurred in 2010."³²⁶

3. Forced labour

[See also Section G. Slavery and Trafficking in Persons, 1. Former Slaves]

In its 2011 country report covering the events of 2010, the *USDOS* reported that compulsory labour is prohibited,

"The law prohibits forced or compulsory labor, including by children; however, such practices continued."³²⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that slavery and forced labor exists in Sudan despite Government denials,

"Although the government continued to deny that slavery and forced labor existed in the country, the government's Committee to Eradicate the Abduction of Women and Children acknowledged that abductions had occurred in the 1980s and 1990s and that not all abductees had since been freed.

The forcible recruitment of persons into armed groups continued."³²⁸

³²⁵ USDOS, Trafficking in Persons Report 2011, 27 June 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>, accessed 13 March 2012

³²⁶ USDOS, Trafficking in Persons Report 2011 - Country Narrative: Sudan, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

³²⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

³²⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

The *US Department of State* reported in its June 2011 trafficking report that people abducted by militia forces are subjected to forced labour in Darfur and women and girls are also subjected to sexual exploitation,

"As part of the Darfur conflict, government-supported militia, like the Janjaweed and the Popular Defense Forces (PDFs), and elements of the Sudan Armed Forces (SAF) abducted civilians between 2003 and 2007, mostly from the Fur, Massalit, and Zaghawa ethnic groups. Abducted women and girls are subjected to sexual exploitation and forced domestic and agricultural labor, while men and boys are subjected to forced labor in agriculture, herding, portering goods, and domestic servitude; some of these individuals likely remained captive at the end of the reporting period."³²⁹

In June 2011, the *US Department of State* reported that men and women are subjected to forced labour and sex trafficking,

"Sudan is a source, transit, and destination country for men, women, and children who are subjected to forced labor and sex trafficking. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to forced labor as domestic workers in homes throughout the country; most are believed to be working without contracts or government-enforced labor protections.

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During the year, Sudan People's Liberation Army (SPLA) forces in Lul Payam (Upper Nile State) reportedly forced men and women to perform heavy manual labor without remuneration, while subjecting them to physical abuse."³³⁰

The *US Department of State* reported in its June 2011 trafficking report that registering domestic workers required a complicated process that resulted in few performing the step, though required under law,

"The Law of 1955 Regarding Domestic Servants outlines a process for employing and registering domestic workers, and provides limited labor rights and protections for such workers. Local observers, however, indicate that attempting to officially register domestic workers, as required by the law, entailed a long and complicated process fraught with bureaucratic impediments, including high fees and officials' expectation of receiving bribes. As a result, it appears that few, if any, employers register their domestic workers, and the law is not enforced."³³¹

4. Sexual exploitation

In June 2011, the *US Department of State* reported that street children and child labourers are vulnerable to labour and sexual exploitation,

"[] Sudanese girls engage in prostitution within the country – including in restaurants and brothels – at times with the assistance of third parties, including law enforcement officials. Khartoum, Juba, Nyala [South Darfur], and Port Sudan have reportedly seen a significant rise

³²⁹ USDOS, Trafficking in Persons Report 2011, 27 June 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>, accessed 13 March 2012

³³⁰ USDOS, Trafficking in Persons Report 2011, 27 June 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>, accessed 13 March 2012

³³¹ USDOS, Trafficking in Persons Report 2011 - Country Narrative: Sudan, p.337, <http://www.state.gov/j/tip/rls/tiprpt/2011/>, accessed 13 March 2012

in child prostitution in recent years, as well as in numbers of street children and child laborers – two groups which are highly vulnerable to labor and sexual exploitation."³³²

The Sudan Tribune reported in February 2012 that IDP women and girls were at risk from sexual exploitation while being forced to work as maids to earn an income to pay for food,

"Some internally displaced people (IDPs) have been forced to work low-paid jobs in al-Fasher [North Darfur] making them vulnerable to exploitation due to new policies by the World Food Programme (WFP), the report found.

Instead of receiving monthly provisions from WFP they are now being given 22 Sudanese pounds (just over \$8) per month to buy goods from merchants, the reports says. SUDO's report found that WFP's policy of providing money rather than direct aid has had the consequence of women and girls being sexually exploited as they are forced to work as maids, resulting in many illegitimate births."³³³

³³² USDOS, Trafficking in Persons Report 2011, 27 June 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>, accessed 13 March 2012

³³³ The Sudan Tribune, Situation in Darfur's Abu Shouk Camp deteriorating - report, 12 February 2012, <http://www.sudantribune.com/Situation-in-Darfur-s-Abu-Shouk,41592> , accessed 13 March 2012

H. Freedom of Movement

1. Domestic legal framework

Article 42 of the 2005 *Interim National Constitution of the Republic of Sudan* on the freedom of movement and residence states,

“(1) Every citizen shall have the right to freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law.

(2) Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right of return.”

In its 2011 country report covering the events of 2010, the *USDOS* reported that rights to freedom of movement were restricted in practice,

"The interim national constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice.

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The government impeded the work of the Office of the UN High Commissioner for Refugees (UNHCR) and delayed full approval of UNHCR activities, particularly in North and South Darfur. While in some cases it cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers, the government restricted and harassed such organizations. The UNHCR confirmed that the government continued to disregard international agreements and targeted refugees and asylum seekers for abuse. The government's encampment policy requires asylum seekers and refugees to stay in 12 designated camps. The government permitted refugees from Eritrea and Ethiopia to remain in the country.

In Darfur the government and rebels restricted the movement of the UN, humanitarian organizations, and citizens. Rebels also restricted freedom of movement.

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Movement was generally unhindered for citizens outside conflict areas[].³³⁴

In 2011, the *International Organization for Migration (IOM)* reported that Sudan lacks a comprehensive migration management strategy,

"Sudan does not have yet a comprehensive migration management strategy. Many ministries and national institutions in Sudan are involved in various aspects of migration policy and management, however coordination appears to be limited, although increasing under the work of High Council for Migration and the national Technical Working Group (TWG) established for the purpose of this national profile. National initiatives in the field of migration management are strongly supported by the international institutions (also under the framework of regional initiatives).

Given the size and ramifications of migration-related phenomena in Sudan, refugees, asylum seekers and IDPs (including returns), irregular migration and trafficking of human beings, border management, and migration and development are the most pressing priority for

³³⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

policymakers."³³⁵

2. Movement within Darfur

In December 2011, the *UN Secretary General* reported that UNAMID continued to face restriction on freedom of movement within Darfur,

"Between 1 October and 12 December, UNAMID carried out 19,644 military and police patrols, during which the Operation's movements by land were restricted on 31 occasions (compared with 35 in the previous reporting period). With regard to air movements, of the 4,810 flights carried out by UNAMID during the same period, Government officials refused 190 flight clearance requests (up from 131 in the previous reporting period). On the vast majority of occasions, flights and patrols were restricted by Government authorities while attempting to enter areas of ongoing military activity, including Kabkabiya (Northern Darfur), Kulbus (Western Darfur) and Shaeria (Southern Darfur). UNAMID continued to call on Government authorities to allow it unhindered freedom of movement throughout Darfur."³³⁶

In April 2011, *Human Rights Watch* reported that freedom of movement was impeded in Darfur by continued conflict,

"In Darfur, continued insecurity presented an obstacle to holding free and fair elections. Large areas of Darfur were inaccessible to election officials and candidates; insecurity due to banditry and ongoing conflict restricted candidates' freedom of movement."³³⁷

The *Institute for War and Peace Reporting (IWPR)* reported in April 2011 that IDPs continue to be obstructed in their freedom of movement in Darfur,

"Thousands of people uprooted by war continue to be cut off from aid as United Nations agencies and the governments which fund them fail to effectively confront Khartoum on the issue.

Eight years after the conflict began, the joint UN/African Union peacekeeping mission is still denied access to key conflict zones, while UN aid agencies are prevented from assessing humanitarian needs and delivering supplies.

Meanwhile, the leaders of camps for displaced people across Darfur report shortages of food and medical supplies which have caused child malnutrition and mortality to soar. They say the government is failing in its duty to protect and provide for them, and is in fact doing the opposite."³³⁸

In April 2011, *IWPR* reported that the Sudanese government restricted humanitarian organisations' access to IDPs in Darfur,

"The Sudanese government is hampering international efforts to address chronic levels of malnutrition in camps for displaced people in Darfur, according to the country head of the United

³³⁵ IOM, Migration in Sudan - A COUNTRY PROFILE 2011, 2011, http://publications.iom.int/bookstore/free/mp_sudan.pdf, accessed 13 March 2012

³³⁶ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32,0.html>, accessed 26 March 2012

³³⁷ Human Rights Watch, World Report 2011: Sudan, April 2011, <http://www.hrw.org/world-report-2011/sudan>, accessed 13 March 2012

³³⁸ IWPR, International Failures Prolong Darfur's Misery, April 2011, p.4, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

Nations children's agency UNICEF. Nils Kastberg told Fi al Mizan, a programme about justice issues, co-produced by IWPR for Dutch-based broadcaster Radio Dabanga, that Khartoum was blocking access to camps as well as delaying the release of vital nutrition surveys required by agencies such as UNICEF and the World Food Programme, WFP, to supply food aid to the region. "We are extremely concerned," Kastberg said. "When we conduct surveys to help us address issues, in collaboration with the ministry of health, very often other parts of the government such as the humanitarian affairs commission interferes and delays in the release of reports, making it difficult for us to respond in a timely way." Kastberg claimed that the country's security services also hinder or delay access to the camps.³³⁹

In February 2010, *IWPR* reported that IDPs in Darfur were at risk of violence from militia when leaving the camps,

"IDPs report that, whenever they try to leave the camps, they are in danger of being attacked by militiamen. When two IDPs, Omer and Ali, left their camp at Kereinig, east of El Geneina [West Darfur], recently to cultivate peanuts a few km away, they were ambushed by armed men. They were then beaten and Omer's arms were broken.

"We were very lucky to survive," he said. "We thought they were going to shoot us, but instead they beat us and threatened to kill us if we come back again." Omer said that the two men had wanted to leave the camp to grow something for their families to eat.

"But these armed men in military uniform have prevented us," he said. "They told us that they are the government, and they are the masters of this land." Ibrahim Adam, from the Kasab IDP camp in Kutum, North Darfur, recalls how he was attacked by four armed soldiers when he took his goats to graze in bushland 20 minutes walk away from the camp.

"They knocked me down and started to kick me with their boots all over my body while I kept rolling like a ball," he said. "Then they tied me to a tree and left with the goats." Ibrahim was eventually discovered by his family, who managed to free him from the tree. Ibrahim says that neither UNAMID, the UN peacekeeping operation in the region, nor the police were able to take any action.

"We are just living in big prisons," he said. "We have no freedom to move, let alone go back to our destroyed villages." Nouredine Mezni, a UNAMID spokesman, said peacekeepers cannot be present 24 hours a day in every single camp, but are doing their best.

"Wherever we are present we are trying to make a difference. We are urging the international community to provide us with equipment like helicopters. We are struggling every day to give protection to IDPs," he said. "We are not there to replace the government or to be a party to the conflict. We are in a very sensitive mission – we are a peacekeeping mission in an area where there is no peace on the ground to keep."³⁴⁰

In January 2010, the *New York Times* reported that some IDPs feared leaving camps in Darfur and returning to their villages, due to the risk of violence,

"In the camps, the transient life of the refugee is becoming permanent. Most people hate living here. The crowded huts, the waiting for food handouts, the idleness are steadily taking their toll. "I am uncomfortable and depressed," said Abbas Abdallah Mohamed, a farmer who fled his

³³⁹ IWPR, *International Failures Prolong Darfur's Misery*, April 2011, p.6, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

³⁴⁰ IWPR, *Land Rights Confusion Hinders Darfur IDP Returns*, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 13 March 2012

village four years ago. But like many others, he was not ready to venture home. "If we go back, maybe there will be tribal war," he said, referring to one of the biggest problems today in Darfur, the fighting between different ethnic groups over shrinking grazing land.

Some camp dwellers have begun taking jobs in nearby towns making bricks the biblical way, out of mud and straw, building solid homes for others while they themselves live in temporary shelters often constructed from twigs and plastic bags.

"The possibility is that they could be here forever," said Mohamed B. Yonis, a top United Nations official in Darfur.³⁴¹

In February 2010, *IWPR* reported IDP fears of returning to villages without resolution to land disputes or protection from militia attacks,

"camp residents are afraid that they will be forced back to villages in which there is no guarantee of protection from government or janjaweed attack, or a system to resolve the land rights disputes.

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Sheik Ali Ibrahim El Tahir, leader of the Kalma camp [South Darfur], recently told *IWPR*, "The government is trying to block food and create an atmosphere of harassment and fear around the camps, so that people will leave the camps. I call on all IDPs to resist any such forceful removal unless the conditions of displacement created by the government are brought to an end and the security situation improves."³⁴²

In March 2012, *The Sudan Tribune* reported that the Darfur Regional Authority (DRA) was attempting to assist voluntary return within Darfur for IDPs, though displaced people in camps raised concern about the viability of this programme,

"Darfur Regional Authority (DRA) will hold a conference for the internally displaced people (IDPs) and refugees next month before to set out plans to organise the voluntary return to their villages.

Speaking with *Sudan Tribune* from Nyala [South Darfur] where he chairs the first preparatory meeting for the conference, Tadjadine Bechir Niam, DRA Minister of Reconstruction, Development and Infrastructure stressed they want to associate the IDPs in the process and take in consideration their concern.

"We want to listen carefully to their concerns but also to their points of view and criticisms. Everyone can speak freely without fear of arrest or persecution," he said. "Also it means to encourage reconciliation among the different tribes," he added.

Asked about the voluntary character of the process, Niam underlined that the DRA will not encourage them to return unless security and basic services such as water, education and medical services, are provided. The conference which will take place during the third week of April aims to involve the concerned population and to prepare things in a way to respond to their expectations, Niam said.

The regional minister said they know that there are IDPs who are not willing to return to their original places and prefer to remain where they are. But he pointed out that the camps have to

³⁴¹ The New York Times, *Fragile Calm Holds in Darfur After Years of Death*, 2 January 2010, <http://www.nytimes.com/2010/01/02/world/africa/02darfur.html?scp=270&sq=darfur&st=nyt>, accessed 13 March 2012

³⁴² *IWPR*, *Land Rights Confusion Hinders Darfur IDP Returns*, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 13 March 2012

be transformed into residential areas.

Niam said donors should continue to provide the humanitarian assistance to those who return to their villages and areas because they will keep depending on aid during the first phase of the process."³⁴³

In March 2012, *UNAMID* reported on limits placed on women's freedom of movement due to the risk of violent attack when they leave camps or populated areas,

"Like many women living in Darfur, Irba Ibrahim Abubakar has complained tirelessly of attacks and rapes against them while working outside. "We need to go outside to work so that we can take care of the orphans, the widows and the elderly, and sometimes we are also frightened to go out in the field."

Irba, a woman leader living in Kassab internally displaced persons camp (IDP) in Kutum town, North Darfur explained that attacks against women in the area were on the increase, and requested the African Union-United Nations Mission in Darfur to enhance its security patrols in and around the camps. "We are faced with attacks by unknown men," she said. "We need these heinous attacks to stop and the perpetrators need to be brought to justice."

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More than eight years after the Darfur conflict broke out, there continues to be a disturbing number of rapes of women who are usually out working.

A large number of IDP women have been victims of assault or rape after leaving the relative safety of their camps to gather wood in the open wilderness. One of the steps taken by UNAMID peacekeepers since they started their mission in 2008 was to establish firewood and farming patrols in order to provide women with protection while conducting their chores outside the camps. Presently, the Mission's troops conduct more than 15 such patrols each day in about 100 IDP camps and villages throughout Darfur.

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"The South African troops stationed in Kutum town and the Rwandan battalion in Sortony in North Darfur conducts escort patrols twice a week, travelling to areas more than 30 kilometres away. They spend about seven hours a day escorting women and children to and from the IDP camp to protect them from direct attacks," said Brig. General Mahlobo Sithabiso, UNAMID Sector North Commander. "The Mission also supplies water to the local community to prevent the women from going out to distant places and risking attack," he added.

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Awareness-raising activities for women and traditional leaders in displaced persons camps has helped the community develop protection mechanisms such as the formation of firewood collection groups, daily security patrols and regular meetings with residents of the camps.

"We are aware that women and girls have to go out to perform their chores so we encourage them to always travel in groups and report all cases to the police," said Christabel Nsiah. "We encourage the women by telling them that when they report these incidents, they are helping to stop more attacks."³⁴⁴

In its 2011 country report covering the events of 2010, the *USDOS* reported that women and girls freedom of movement was restricted by the risk of rape and sexual violence,

³⁴³ The Sudan Tribune, Darfur authority to organise IDPs conference in April, 16 March 2012, Available at: <http://reliefweb.int/node/483442>, accessed 13 March 2012

³⁴⁴ UNAMID, UNAMID strives to end Darfur women's long struggle with violence, 1 March 2012, <http://unamid.unmissions.org/Default.aspx?tabid=5328&ctl=Details&mid=6598&ItemID=16499>, accessed 13 March 2012

"There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes and beatings. Government attempts to resettle IDPs were generally unsuccessful, except in the case of former Kalma residents returning to West Darfur in December. [] Outside of IDP camps, insecurity restricted IDP freedom of movement; women and girls who left the town and camps risked sexual violence. Darfur IDPs did not return in any significant numbers to their place of origin, although small-scale spontaneous returns to certain villages occurred."³⁴⁵

In April 2011, *IRIN* reported that women were at risk of rape and sexual violence when fetching water or firewood,

"A water project supported by the UN-African Union peacekeeping force (UNAMID) in eight villages of North Darfur will not only facilitate residents' access to water but also help to reduce sexual and gender-based violence (SGBV) in the region, local residents and UNAMID officials said.

"For years we have been afraid of being attacked while fetching water and collecting firewood; it is not always possible to move in groups and we are often escorted by men or UNAMID peacekeepers," a resident of Kuma Garadayat village, who declined to be named, told IRIN on 27 April.

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Because of generally poor access to justice, a sense of impunity, and the social stigmas attached to SGBV, the international community in Darfur has launched several prevention, protection and response activities, including firewood patrols."³⁴⁶

In March 2012, *IRIN* reported that ongoing conflict in Darfur was hindering freedom of movement for Darfuris living in IDP camps,

"Fighting between JEM and government forces in Jebel Moon area in West Darfur State, eastern parts of South Darfur State, and southern parts of North Darfur State, as well as communal conflict between the Misseriya and Rezighat in south/east parts of West Darfur State and the south/west of South Darfur State displaced thousands to Mukjar, Bendesi and Zalingei in May.

"Prevailing insecurity conditions in Darfur continue to prevent people from engaging in typical livelihood strategies such as firewood/grass collection, seasonal migration for labour, and wild food collection," it said."³⁴⁷

3. Movement outside of Darfur

In its 2011 country report covering the events of 2010, the *USDOS* reported that, "[] movement was generally unhindered for citizens outside conflict areas."³⁴⁸

In May 2010, the *Internal Displacement Monitoring Centre (IDMC)* reported on the situation of internal displacement in Sudan; noting that, as of May 2010, at least 4.9 million people are internally displaced in Darfur, the Greater Khartoum area, South Kordofan and the ten States of Southern Sudan, with

³⁴⁵ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁴⁶ IRIN, Sudan: North Darfur water project helps protect women from sexual violence, 27 April 2011, <http://www.irinnews.org/Report/92597/SUDAN-North-Darfur-water-project-helps-protect-women-from-sexual-violence>, accessed 26 March 2011

³⁴⁷ IRIN News, SUDAN: Government must ensure aid reaches Darfur, says EU, 17 March 2012, <http://www.irinnews.org/Report/89534/SUDAN-Government-must-ensure-aid-reaches-Darfur-says-EU>, accessed 23 March 2012

³⁴⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

unknown numbers of internally displaced people in the other northern and eastern States. The IDMC noted new challenges to freedom of movement outside Darfur,

"Some people have been displaced for more than two decades, while others were newly displaced in 2009 and 2010. In Southern Sudan over 390,000 people were newly displaced in 2009, twice as many as in 2008, and another 60,000 during the first four months of 2010. The increase in new displacement is a consequence of heightened inter and intra-tribal violence, attacks by the Lord's Resistance Army (LRA), and conflicts between pastoralist communities; poor governance, the proliferation of firearms and land disputes between returning IDPs, refugees and residents, all exacerbated by drought and food shortages. A new feature of the violence in 2009 was the deliberate targeting of women and children, who were often shot at water points, in the fields or while collecting firewood.

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In the first four months of 2010, another 60,000 people have been displaced, bringing the total number of newly displaced people since January 2009 to 450,000. This rise is a consequence of several factors: increased inter and intra-tribal violence exacerbated by drought and food shortages and related migration conflicts between pastoralist groups and between pastoralists and agriculturalists; the increase in intensity and frequency of attacks by the Lord's Resistance Army (LRA); the proliferation of firearms and GoSS's inability to undertake civilian disarmament; and the overall poor governance and mounting land disputes among returning IDPs, refugees, and residents. There has also been a change in the nature of violence. While inter-tribal cattle rustling is common in these areas, in 2009 the violence within tribes increased. Villages were targeted and women and children were often shot at water points, in the fields or while collecting firewood."³⁴⁹

In May 2011, IDMC reported problems facing freedom of movement for displaced persons in returning to the north and south,

"Humanitarian agencies have warned from the start of the return process that returnees' achievement of durable solutions would be difficult in a region ravaged by war, still plagued by insecurity and offering limited access to water, health care, education and livelihood opportunities. Many internally displaced people (IDPs), after up to three decades in Khartoum, have not returned to their villages as envisaged by the GoSS, but have headed for towns and the transit sites around them. In Northern Bahr el Ghazal, over 16,000 returnees were stranded in transit sites in April 2011, and some had been there for months.

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Reports have increased of returnees wanting to go back to the north because of impossible living conditions in the south. However, a UNHCR protection monitoring update reported in April that returnees are facing difficulties if they want to return north. According to the update, "Southerners wishing to return north will have to obtain travel authorization from their County Commissioner, which should then be endorsed by the [...] Police. [...] The officer informed that no one had approached his office for permission to return to stay or settle in the north, and that those who did leave for the north without authorization papers are stopped at the border by southern authorities." During IDMC's visit to Northern Bahr el Ghazal, several people were arrested and imprisoned for trying to return to the north. Until 9 July 2011, Southern Sudan remains part of Sudan and people should have the right to freely move to another part of the country if they wish to."³⁵⁰

³⁴⁹ IDMC, SUDAN: Rising inter-tribal violence in the south and renewed clashes in Darfur cause new waves of displacement, 28 May 2010, p.6, [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DB0323A0B16A3492C12577300038CCB3/\\$file/Sudan+-May+2010.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/DB0323A0B16A3492C12577300038CCB3/$file/Sudan+-May+2010.pdf), accessed 13 March 2012

³⁵⁰ IDMC, Briefing paper on Southern Sudan: IDPs return to face slow land allocation, and no shelter, basic services or livelihoods, 30 May 2011, <http://www.internal-displacement.org/briefing/south-sudan>, accessed 13 March 2012

In March 2011, *Refugees International* reported on the difficulties experienced by the southern Sudanese in northern Sudan returning to their homelands in the south, noting that some routes across Southern Kordofan were particularly dangerous,

"In September 2010, the Government of Southern Sudan (GOSS) launched the "Come Home to Choose" campaign and announced its intention to facilitate the return of roughly 1.5 million southerners living in the north before the January 2011 referendum. International donors and aid agencies deemed the campaign to be politically motivated and did not endorse it. Though the GOSS expected international support and funding, they forged on with plans and facilitated the return of southerners from the north in sponsored convoys. Between October 30, 2010 and March 8, 2011 the International Organization for Migration (IOM) estimates that 253,682 people have returned south, some 38,000 more people have returned to Abyei, and another 5,000 to Southern Kordofan.

Initially, the returns process was extremely chaotic and disorganized due to a lack of centralized leadership and minimal information-sharing with operational agencies. Before the SSRRC began coordinating the process, individual state governors made it their personal responsibility to facilitate the transportation of returnees and did not notify agencies when convoys would be arriving. This created severe bottlenecks at transit sites and way stations. As a result, the Humanitarian Country Team (HCT) in the south activated the Emergency Response Sector (ERS), led by IOM and the UN Refugee Agency (UNHCR), in order to provide a coordination mechanism and establish guidelines for operational partners to respond to the influx in returnees.

The Southern Sudan Relief and Rehabilitation Commission (SSRRC) has since assumed formal responsibility for the returns, however the process has still been plagued with difficulties. Though the referendum voting period was relatively peaceful throughout the south, there were a series of security incidents in Southern Kordofan on the road to Abyei. One attack led to the closure of the most direct route between the north and the south through Abyei. Convoys and barges also stopped operating during this period because the SSRRC had run out of money. This caused approximately 6,000 people to be stranded at Kosti way station and another 22,000 at designated departure spots in Khartoum who are still waiting for transportation south. As it stands now, the SSRRC estimates that there are a total of 145,000 people who are urgently waiting for transportation to the south and the UN estimates that 500,000 more southerners will return to the south by August."³⁵¹

In December 2011, *Refugees International* reported on the difficulties for southern Sudanese in Sudan returning to their homelands across the newly established border,

"In the past year, at least 350,000 "returnees" – southerners moving from cities in Sudan to their places of origin in South Sudan – began the journey back home. The return process, however, has been fraught with problems. During a visit to Sudan and South Sudan in early 2011, RI noted significant bottlenecks in the return process, with thousands of people waiting for onward transport in camps near Khartoum and at the transit site at the port of Kosti, in White Nile State.

During our most recent visit in October, RI saw that some progress had been made to relocate people from both cities. However, new returnees rapidly repopulated the site, leading to significant overcrowding in Kosti. While unable to visit Sudan on this visit, RI's team received

³⁵¹ Refugees International, Sudan: Overcoming Obstacles to Peace, 16 March 2011, <http://www.refugeesinternational.org/policy/field-report/sudan-Overcoming-Obstacles-to-Peace>, accessed 13 March 2012

reports of thousands of people stuck in Khartoum and Kosti. Additionally, in Renk (a new transit site in Upper Nile, just across the border from White Nile State) the RI team spoke with returnees in three separate camps. While provision of water and medical services was seemingly sufficient, food supplies had long since run low and people were finding it difficult to cope. Returnees complained that they were given little to no information about when and how they would be assisted in their movement further south.

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The RoSS government wants southerners to move to South Sudan as quickly as possible. However, there has been no provision of the required practical means to assist people reaching their desired destinations in the South. The Return and Reintegration Commission (RRC), the agency responsible for overseeing the movement of the returnees, requires assistance from the northern Sudanese Humanitarian Affairs Commission (HAC). But unfortunately, HAC has shown little interest in helping southerners who want to leave. There are also logistical constraints, including a lack of available barges and insufficient funds to meet the inflated prices charged by barge owners."³⁵²

In March 2012, *UNHCR* reported that the bombing of transit routes for IDPs and refugees from South Sudan made travel especially dangerous,

"Hundreds of people have been fleeing to South Sudan's Upper Nile state and western Ethiopia to escape renewed fighting in disputed border areas between Sudan and South Sudan. Last week, UNHCR staff registered 2,287 new arrivals in the Doro and Jammam refugee sites in Upper Nile, bringing to more than 80,000 the total number of registered refugees in this region.

Meanwhile, the security situation remains precarious in the other disputed border area between South Sudan's Unity state and Sudan's Southern Kordofan. Bombing was reported on February 29 along the western border of Pariang County and three days earlier in the Lake Jau area.

"In November last year bombs hit Yida, located in Unity state. In Upper Nile state, further east, bombs also fell in January on a transit centre for refugees at Elfoj, which at the time was hosting 4,000 people.

"UNHCR is continuing to transfer refugees away from volatile border areas to refugee sites we have established at safer distances from the fighting. The UNHCR-built sites allow for provision of food, clean water, health care and shelter as well as critical services in education and agriculture production," Lejeune-Kaba said []."³⁵³

The New York Times reported in February 2012 that improvements in the transit routes from Chad to Darfur have aided in the return of villagers to West Darfur,

"More than 100,000 people in Darfur have left the sprawling camps where they had taken refuge for nearly a decade and headed home to their villages over the past year, the biggest return of displaced people since the war began in 2003 and a sign that one of the world's most infamous conflicts may have decisively cooled.

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And while the many thousands going home are only a small fraction of Darfur's total displaced population, they are doing so voluntarily, United Nations officials say, [] .

³⁵² Refugees International, South Sudan: Displacement Plagues World's Newest Nation, 14 December 2011,

<http://www.refugeesinternational.org/policy/field-report/south-sudan-displacement-plagues-worlds-newest-nation>, accessed 13 March 2012

³⁵³ UNHCR, Back on track: Journey "home" to South Sudan, 5 March 2012, <http://www.unhcr.org/4f54ed366.html>, accessed 13 March 2012

If ever there was a ghost town, it was the village of Nyuru, on a windswept hill in western Darfur, where countless people were gunned down by men on horseback or stabbed with crude little daggers when this region of Sudan exploded in bloodshed in 2003. After that, everybody fled, and they stayed away for years.

But on a recent morning, thousands of Nyuru's residents were back on their land doing all the things they used to do, scrubbing clothes, braiding hair, sifting grain and preparing for a joint feast of farmers and nomads.

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The most obvious is that Sudan recently made peace with Chad, securing a border that used to be crawling with proxy forces and militiamen toting bazookas. Western aid groups are now trying to capitalize on this, partially shifting away from emergency aid and increasing funds for what they call "recovery," providing brave pioneers with all the essentials they need to go home and stay home, like seeds, wells, plows and workshops to make plows.

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Of course, all is not well in Darfur. More than two million people remain stuck in internal displacement or refugee camps, and some rebel groups fight on. But people who have been victimized and traumatized are sensing a change in the air and acting on it, risking their lives and the lives of their children to leave the relative safety of the camps to venture back to where loved ones were killed.

Abdallah Mohamed Abubakir, a skinny farmer, just brought his family back to Nyuru. "Things aren't great," he said, "but they're getting better."³⁵⁴

UNHCR reported in March 2012 that the agency was working to address the needs of southern Sudanese IDPs wishing to return to South Sudan,

"After months of living in limbo, some 1,400 southern Sudanese recently started the long journey to South Sudan on board the year's first southbound train from the Sudan capital of Khartoum. Frisella Achul, a 38-year-old mother of three, was among the crowd that gathered anxiously at Soba train station in eastern Khartoum last Thursday.

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However, the transport capacity in Khartoum could not cope with the masses of people suddenly wanting to head south, causing thousands to become stranded in open-air departure points around the capital. "I have been living in a bad situation in the open since I left my house to wait in this empty space [close to the station] to take the train," said Frisella. "I no longer work for an NGO and have had no income for the past months since the separation of the south."

As co-chairs of the Returns Sector, the UN refugee agency and the International Organization for Migration (IOM) have stepped in to help coordinate the movement of the stranded southerners. Among the most vulnerable, 319 people have so far been flown to South Sudan. And with the resumption of railway services to Wau in South Sudan last week, it is expected that some 4,500 others will go south by train this month.

A recent agreement between Sudan and South Sudan should pave the way for larger-scale movements of people from the north to the south. But there are still issues to be ironed out, including funding, logistics and security arrangements along the way. [] A pregnant woman lost her baby while another was on the verge of delivery, watched over by three doctors, a midwife and a pharmacist on board.

³⁵⁴ The New York Times, A Taste of Hope Sends Refugees Back to Darfur, 26 February 2012, http://www.nytimes.com/2012/02/27/world/africa/darfur-refugees-returning-home.html?_r=1&scp=2&sq=darfur&st=nyt, accessed 13 March 2012

The train will take at least two weeks to reach Wau, if it does not break down en route. Despite assurances that the government is monitoring safety along the way, Frisella worried about the safety of passengers, especially the children. [] She has relatives in South Sudan, but does not own land or property and will likely live in a temporary camp for internally displaced people. Nonetheless, she said, "I feel I am going back to my country," before adding: "We are not seen as nationals by the north, but we are also seen as foreigners in the south by people who have lived there longer than us. I am worried we will face the same feeling of alienation as in the north."

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There are an estimated 500,000 southern Sudanese living in Sudan today whose status will come into question in April, when the deadline for regularizing residency status lapses nine months after independence. UNHCR and IOM have been advocating with the governments of Sudan and South Sudan to provide clear information and procedures on how south Sudanese can remain in the north if they wish to do so.³⁵⁵

³⁵⁵ UNHCR, Back on track: Journey "home" to South Sudan, 5 March 2012, <http://www.unhcr.org/4f54ed366.html>, accessed 13 March 2012

I. Further Human Rights Considerations

1. Administration of justice

a. *Due process*

In its 2011 country report covering the events of 2010, the *USDOS* reported that the judiciary was subservient to the President and Sudanese security forces, particularly where defendants were alleged to have committed crimes against state authorities,

"Although the Interim National Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. On occasion courts displayed a degree of independence; however, political interference with the courts was commonplace, and some high-ranking members of the judiciary also held positions in the Ministry of Interior or other ministries in the executive branch.

Special courts existed in Darfur under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur state capital.

The judiciary was inefficient and subject to corruption. On June 3, a group of lawyers complained to the chief of the judiciary in Khartoum that judges in el-Geneina, West Darfur, were continually absent from work, resulting in a backlog of court cases. A number of replacement judges were eventually sent from Khartoum.

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

Persons in Darfur did not generally have access to legal counsel. The independent expert on human rights in the Sudan noted that, during his February visit, he found 13 of the 54 persons on death row at a North Darfur prison did not have legal counsel during their trial."³⁵⁶

In June 2011, *Human Rights Watch* reported that the government has not made progress in prosecuting war crimes and that immunities protecting soldiers and officials remain in place,

"While the Sudanese government has paid lip-service to justice in Darfur with various declarations and appointments, it has made no real progress in prosecuting war crimes and human rights abuses, or reforming laws and repealing legal immunities present in several relevant laws that shield members of the security forces from prosecution.

³⁵⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

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The UN and AU have endorsed recommendations of the AU's High-level Implementation Panel on Darfur, headed by former South Africa President Thabo Mbeki. The so-called Mbeki Panel suggested a range of steps that Sudan should take to improve accountability and strengthen its criminal justice system. These include creation of a hybrid court composed of Sudanese and non-Sudanese judges and other officials to prosecute serious crimes in violation of international law, and broad reforms to the criminal justice system. Sudanese officials rejected the idea of hybrid courts outright, and the government has not removed legal and de facto immunities that protect soldiers and officials, provided guarantees for fair trial rights, or brought laws, such as the National Security Act, in line with the international standards or its own constitution.³⁵⁷

In August 2011, the *UN Human Rights Council* reported on the mission of the independent expert on the situation of human rights in Sudan and noted that legislations granting immunities to security personnel have prevented the prosecution of security personnel,

"On the issue of Darfur crimes, the Minister of Justice decreed the appointment of a Special Prosecutor of Darfur Crimes in October 2010. The Special Prosecutor announced that his office planned to establish a witness protection programme. He however announced his resignation in April 2011. The Government announced the establishment of commissions of inquiries to investigate two major incidents of gross human rights violations during the reporting period. In October 2010, the Government established a commission of inquiry to investigate the circumstances surrounding an attack on a marketplace in Tabarat, North Darfur which killed over 30 civilians including women and children. A second commission of inquiry was set up to investigate a case involving the killing of civilians during fighting between a local Zaghawa community and an unidentified militia group between 31 May and 3 June. To date, the Government has not published the findings of the commissions and the perpetrators of the two incidents have not been brought to justice.

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Legislations granting immunities to security personnel have effectively prevented the prosecution of security personnel in the regular courts. Immunities continue to exist for law enforcement and security agents under various laws, including the Police and Armed Forces Acts and NSS Act. While the Government has maintained these immunities are only procedural and could easily be lifted when the need arises, practice has shown that the waiver of such immunities is very cumbersome and time consuming, and very often requires decisions from authorities in Khartoum."³⁵⁸

Amnesty International reported in its 2011 annual report that conflict in Darfur escalated in 2010 and that NISS committed abuses with impunity,

"The conflict in Darfur escalated and included attacks on villages which resulted in thousands of newly displaced people. Sexual violence against women remained rife in and around camps for the internally displaced. Abductions and attacks on humanitarian convoys also increased. Human rights violations, mainly by the National Intelligence and Security Service (NISS), continued to be committed with impunity. Perceived critics of the government were arrested, tortured or ill-treated and prosecuted for exercising their rights to freedom of expression, association and assembly. Death sentences were handed down, including against juveniles.

³⁵⁷ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p. 24, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

³⁵⁸ UN HRC, *Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27, 22 August 2011*, p.9, http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-18-40-Add1_en.pdf, accessed 13 March 2012

Women, young girls and men were arrested and flogged in the north because of their “dress” or “behaviour” in public places.”³⁵⁹

In June 2011, *Human Rights Watch* reported that investigations identifying 23 perpetrators of a government attack against civilians in 2010 has not led to prosecutions,

“In September 2010, the Sudanese government expressed commitment for “supporting the work of Sudan’s appointed special prosecutor for Darfur and related national tribunals to carry out their mandates.” Shortly thereafter, in October 2010, justice ministry officials announced new investigations and appointed high-level justice and security representatives to work in Darfur, replacing special prosecutor Nimer Ibrahim (who was appointed in August 2008, but did not make progress) with a justice ministry undersecretary, Abdul-Dayem Zamrawi.

In late 2010, Zamrawi carried out an investigation into a serious attack by government forces and militia on civilians in Tabarat, an ethnic Fur town in North Darfur on September 2, 2010. According to sources involved in the investigation, the investigation named 23 perpetrators, including a known commander in the border guards unit of the armed forces, as suspects. However, efforts to prosecute them have stalled for reasons that remain unclear. In April 2011, Zamrawi resigned, citing personal reasons.”³⁶⁰

In January 2012, *Human Rights Watch* reported that Sudanese authorities had done little to advance accountability and had not implemented AU recommendations on justice reforms,

“Despite the appointment of several special prosecutors for Darfur, Sudan has done little to promote accountability and made none of the justice reforms recommended by the AU’s High-level Panel on Darfur, headed by former South Africa President Thabo Mbeki, in its 2009 report.”³⁶¹

In 2011, *Human Rights Watch* reported that the 1997 Emergency and Public Safety Act is in operation in Darfur which allows indefinite detention without judicial review,

“The 1997 Emergency and Public Safety Act, which authorizes the executive branch to detain people indefinitely without any judicial review, is used in Darfur. Since August 2009, authorities in North Darfur have held a group of displaced persons who were initially arrested in connection with the murder of a sheikh, then re-arrested under the emergency laws, without charge for long periods; four remain in detention. Detainees in El Fasher’s Shalla prison told Human Rights Watch that more than 20 people are being held there under emergency laws, some without access to family members or legal counsel.”³⁶²

In 2011, *Human Rights Watch* reported that the National Security Act of 2010 allows detention without judicial review for up to four and a half months,

“According to the Darfur Bar Association, 64 Darfuri civilians are currently detained in prisons in Darfur and Khartoum arbitrarily without charge, some for prolonged periods in violation of Sudan’s own National Security Act of 2010, which allows for detention without judicial review for up to four and a half months. The Darfur lawyers alleged that one detainee, a 30-year-old pro-democracy activist from Zalingei has been arbitrarily detained since July 2008 during a

³⁵⁹ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

³⁶⁰ Human Rights Watch, Darfur in the Shadows, The Sudanese Government’s Ongoing Attacks on Civilians and Human Rights, June 2011, p. 24, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

³⁶¹ Human Rights Watch, World Report 2012, 22 January 2012, p.183, <http://www.hrw.org/world-report-2012>, accessed 13 March 2012

³⁶² Human Rights Watch, Darfur in the Shadows, The Sudanese Government’s Ongoing Attacks on Civilians and Human Rights, June 2011, p. 23, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

peaceful protest following the Justice and Equality Movement attack on Omdurman in May 2008, and is in urgent need of medical treatment.⁷¹ In May 2011, the minister of justice appointed a representative to investigate allegations of unlawful detentions of Darfuris.³⁶³

In its 2011 country report covering the events of 2010, the *USDOS* reported that the judiciary lacked independence and that there were problems with the enforcement of court orders,

"Civil Judicial Procedures and Remedies: There was access to a court for lawsuits seeking damages for human rights violations; however, the judiciary was not independent. There were problems enforcing domestic court orders."³⁶⁴

In April 2010, *The Enough Project* reported that the Sudanese authorities used the powers granted under the National Security Act to arbitrarily detain and arrest citizens and gave an account of security forces torturing a political detainee,

"The National Security Act, which grants government security forces extensive powers to arbitrarily detain and arrest citizens without charge, remains the legal foundation of Khartoum's powers to control its population and has been regularly used to arrest and intimidate political actors seen as threatening by the ruling party in the North. The National Security Act passed only by mechanical majority of the NCP in the National Assembly, with SPLM and opposition parties voting against it. The failure of these reforms was not for lack of effort on the part of the SPLM or the opposition parties in the North. Unfortunately, the international community was notably silent and largely invisible during these negotiations, rather than making a clear statement that "verifiable progress" from Sudan required more substantial reform to these laws. Security forces continue to arrest and detain activists that speak out against the NCP.

On March 15, Sudanese security forces in the North detained and tortured an 18-year old member of the voter education group Girifna. The political activist was reportedly beaten by 13 men, including with electric wires, and interrogated about the campaign's activities. Before being released, the activist was forced to sign a paper saying he would not participate in political activities and that he would report on Girifna's activities.³⁶⁵

In June 2011, *Human Rights Watch* reported that 64 Darfuri citizens were being held arbitrarily without charge and that an investigation into allegations of unlawful detention of Darfuris was planned,

"According to the Darfur Bar Association, 64 Darfuri civilians are currently detained in prisons in Darfur and Khartoum arbitrarily without charge, some for prolonged periods in violation of Sudan's own National Security Act of 2010, which allows for detention without judicial review for up to four and a half months. The Darfur lawyers alleged that one detainee, a 30-year-old pro-democracy activist from Zalingei has been arbitrarily detained since July 2008 during a peaceful protest following the Justice and Equality Movement attack on Omdurman in May 2008, and is in urgent need of medical treatment. In May 2011, the minister of justice appointed a representative to investigate allegations of unlawful detentions of Darfuris."³⁶⁶

In its 2011 country report covering the events of 2010, the *USDOS* reported that torture was perpetrated in Darfur by rebels and government forces, the latter had tortured detainees and IDPs.

³⁶³ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p. 23, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

³⁶⁴ US Department of State, *2010 Human Rights Reports: Sudan*, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁶⁵ Enough Project, *Grading the Benchmarks*, April 2010, p.3, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

³⁶⁶ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.23, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

The *USDOS* also reported that armed groups and government forces had raped women and children,

"All parties to the conflict perpetrated acts of torture and abuse. The government abused persons detained after armed conflict as well as IDPs suspected of having links to rebel groups. There were continued reports that government security forces, Arab militia, and other armed persons raped women and children. Sexual and gender-based violence continued during the year throughout Darfur. IDPs reported that perpetrators of such violence were often government forces, members of Arab militia, or unidentified men. Assailants assaulted, raped, threatened, shot, beat, and robbed women.

The government's expulsion of 13 international NGOs and closure of three national NGOs in 2009 ended most gender-based violence programs, as well as reduced reporting on gender-based violence."³⁶⁷

In July 2010, *Amnesty International* reported on the use of torture by the NISS and noted that arbitrary detention was used against government critics,

"The Sudanese National Intelligence and Security Service (NISS) is carrying out a brutal campaign of killings, torture, arbitrary detentions, and mental and physical intimidation against opponents and critics of the government, [].

Since the presidential and parliamentary elections in April 2010, the NISS has also renewed its clampdown on freedom of expression, censoring the press, closing newspapers and even torturing journalists, [].

The NISS uses a variety of torture methods, according to the report, including: beating detainees while held upside down against a wall, electric shocks, whipping, sleep deprivation, kicking and stamping on detainees and beating them with water pipes.

"The NISS rules Sudan by fear. The extensive, multi-pronged assault on the Sudanese people by the security services has left the critics of the government in constant fear of arrest, harassment or worse," said Erwin van der Borght, Amnesty International's Africa program director. "The Sudanese authorities are brutally silencing political opposition and human rights defenders in Sudan through violence and intimidation. NISS agents benefit from total impunity for the human rights violations they continue to commit."

During the first half of 2010 Amnesty International documented the arrest of at least 34 individuals by the NISS, including journalists, human rights activists and students."³⁶⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Interim National Constitution prohibited the use of arbitrary arrest and detention, however the practices were nonetheless commonplace,

"The Interim National Constitution prohibits arbitrary arrest and detention without charge; however, the government continued to arbitrarily arrest and detain persons, often under the National Security Act. Throughout the country, arbitrary arrests and detention were common. While not legally invested with arrest powers, the SPLA arrested and detained persons."³⁶⁹

³⁶⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁶⁸ Amnesty International, Sudan: Government's intelligence and security service carrying out brutal campaign of killings, torture, arbitrary arrests against opponents, 19 July 2010, <http://www.amnestyusa.org/>, accessed 13 March 2012

³⁶⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

In its 2011 country report covering the events of 2010, the *USDOS* reported that individuals accused of violating national security were frequently detained indefinitely without charge, and that this practice was permitted under the Sudanese criminal code,

"Warrants are not required for an arrest in the North. The criminal code permits authorities to detain individuals for three days without charge, which can be extended for 30 days by order of the director of security and another 15 days with the approval of the prosecuting attorney. Individuals accused of violating national security were frequently detained indefinitely without charge, although the National Security Act specifies that such individuals may be detained without charge for three months, which the director of security may extend for another three months.

The law provides for the individual to be informed of the charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system in the North. Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. Authorities in the North arbitrarily arrested and detained individuals."³⁷⁰

In its 2011 country report covering the events of 2010, the *USDOS* reported that government security services and armed groups arbitrarily arrested and detained individuals. According to *USDOS*, UNAMID documented over 140 such cases in 2010,

"The NISS conducted numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer. In Darfur, UNAMID documented more than 140 cases during the year in which the NISS, military intelligence, Sudanese Armed Forces (SAF), or SLA/MM arbitrarily arrested and detained persons."³⁷¹

In May 2011, the *United States Commission on International Religious Freedom* reported that Sharia law forms the basis of the justice system in the North, which is applied to people of all religions,

"All Sudanese in the North, including Christians and followers of traditional African religions, are subject to sharia (Islamic law). In meetings in Khartoum in December 2009, both Christians and Muslims told USCIRF that they felt their religious freedoms were infringed by the government's imposition of its own particular Islamic ideology on the entire population, including its enforcement of religiously-based morality codes and corporal punishment.

In the run-up to the April 2010 elections, several opposition parties called for Sudan to become a secular state and for the repeal of the mechanisms enforcing religiously-based morality (known as the Public Order Regime). However, President Bashir and Vice President Ali Osman Taha characterized these calls as advocating disunity, a sentiment echoed by newspapers and clerics supportive of the NCP and President Bashir. In December 2010, President Bashir stated that sharia would be the basis of a new constitution in Sudan once the South becomes independent and the Interim National Constitution expires, thus eliminating references to Sudan being a multi-ethnic, multi-religious and multi-cultural state. This

³⁷⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁷¹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154371.htm>, accessed 18 March 2012

announcement was promptly criticized by opposition and civil society leaders, who are calling for an inclusive and transparent constitution-drafting process.

The government enforces religiously-based morality laws and imposes corporal punishments on both non-Muslims and Muslims through the Public Order Regime, despite provisions in the CPA and the Interim National Constitution that non-Muslims be provided alternatives to the punishments prescribed for Muslims. This Regime comprises the Public Order Police, the Public Order Courts, the Public Order Acts, and sections of the 1991 Criminal Act on —offences of honor, reputation and public morality, including undefined —indecent or immoral acts. Public order violations carry a maximum penalty of 40 lashes through flogging, a fine, or both."³⁷²

In May 2011, the *United States Commission on International Religious Freedom* reported that special provisions to protect the rights of non-Muslims contained in the Interim National Constitution have not been implemented and that the Commission for the Rights of Non-Muslims in the National Capital has been ineffective,

"According to the Interim National Constitution, there are supposed to be special provisions to protect the rights of non-Muslims in northern Sudan; non-Muslims would still be subject to the sharia-based provisions of the penal code but, at the discretion of the courts, not to the same penalties as those prescribed for Muslims. The CPA-mandated Commission for the Rights of Non-Muslims in the National Capital was created to ensure that such exemptions are made, but it has proven to be ineffective. Employers suffer no penalty for failing to comply with a law requiring them to give their Christian employees two hours before 10 a.m. on Sunday for religious purposes. The labor law provides for reduced working hours during the Muslim holy month of Ramadan, but does not provide for similar treatment for Christians during their holidays. In September, the Commission proposed a set of amendments to the law to exempt non-Muslims from restrictions on civil liberties in the North, including during Ramadan. One proposal was that local restaurants should not be forced to be closed and that those owned by Christians should be allowed to operate under their normal schedules, without incurring extra fees to local authorities to stay open. It also proposed that local shops be open during prayers or on Fridays. The government has yet to respond."³⁷³

In its 2011 country report covering the events of 2010, the *USDOS* reported that lawyers considered to be political opponents were arrested and harassed,

"Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession whom it considered to be political opponents."³⁷⁴

In November 2011, London and New York based NGO, *The African Centre for Justice and Peace Studies* reported that a special court in Darfur upheld a verdict sentencing seven people to death and crucifixion and noted various procedural errors in the court's handling of the cases,

"On 28 November 2011, Judge Altyeb Alamin Elbashir of the Special Criminal Court in North Darfur sentenced seven individuals to death and ordered them crucified following their execution. The purpose of crucifixion is to draw attention to their crimes. The group, affiliated with the Justice and Equality Movement (JEM), was on trial for a carjacking committed on 3 May 2010. Three other defendants were sentenced to varying amounts of time in prison. The

³⁷² USCIRF, 2011 Annual Report on Religious Freedom in the World, May 2011, p.158, <http://www.uscifr.gov/>, accessed 18 March 2012

³⁷³ USCIRF, 2011 Annual Report on Religious Freedom in the World, May 2011, p.159, <http://www.uscifr.gov/>, accessed 18 March 2012

³⁷⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

group was originally found guilty by the South Darfur Special Criminal Court and sentenced to death on 21 October 2010. However, the Supreme Court of Khartoum ordered a retrial due to the inclusion of minors in the sentencing and trial.

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Minors Idris Adam Abakar and Abdalla Abdalla Doud were sentenced to 2 years of imprisonment. Altyeb Mohamed Yagoup, also a minor, was sentenced to 2 years in reform prison. In the original case, despite giving their actual ages, they were tried as adults. This was in violation of the Child Law of 2004, which established special courts and juvenile detention centers, and Article 34 of the Interim National Constitution, which provides the right to a fair trial.

The defendants were charged under Articles 5 and 10 of the 2005 Terrorism Act as well as Articles 139 (armed robbery), 182 (criminal damage), and 168 (armed robbery) of the Sudanese Criminal Act. These charges respectively call for maximum sentences of the death penalty, 10 years of imprisonment, 3 years of imprisonment, 5 years of imprisonment, and death and crucifixion. The application of the death penalty to a child is forbidden by Article 37 of the Convention on the Rights of the Child, to which Sudan is a state party. Nonetheless, domestic law in Sudan continues to make provisions for the application of capital punishment for children in cases of "serious offenses," namely hudud crimes. Under the 1991 Sudanese Penal Code, certain hudud offenses, including armed robbery, are capital crimes.

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In violation of the Supreme Court ruling, the retrial was held in the North Darfur Special Criminal Court, instead of the South Darfur Court. The defendants were held in Shalla Prison [North Darfur], despite orders that they be held in Nyala Prison [South Darfur]. Their location inhibited defense lawyers from meeting with their clients, families from visiting and hindered the ability of witnesses to attend the hearings. Despite requests that the case be sent back to South Darfur, the presiding judge refused.

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This case is an example of the National Congress Party's strategy of using the law to oppress its citizens rather than protect them. The case was tried not in the Special Courts, which were created following the opening of the International Criminal Court's investigation into Darfur, but by special local courts that were created in 1997 to specifically prosecute cases of armed robbery and hijackings. These courts receive considerably less judicial oversight and monitoring than the more recently created Special Courts. Given the defendants' affiliation with JEM, the judge's verdict can be seen as an attempt to suppress ethnic minorities and individuals who are viewed as a potential security threat to the state."³⁷⁵

In its 2011 country report covering the events of 2010, the *USDOS* reported that in military trials a defendants lawyer can not address the court, in security courts defendants face limitations in meeting with counsel and presenting witnesses, Sharia law is applied in the North and some tribal courts were in operation,

"Military trials, which sometimes were secret and brief, did not provide procedural safeguards. For example, the defendant's attorney could advise the defendant but could not address the court.

The Special Courts Act created special three person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the penal code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled

³⁷⁵ Special Court in Darfur Upholds Verdict Sentencing Seven to Death and Crucifixion, 29 November 2011, <http://www.acjps.org/Publications/Press%20releases/2011/11-29-11%20Special%20Court%20in%20Darfur%20Uphold%20Verdict%20Sentencing%20Seven%20to%20Death%20and%20Crucifixion.html>, accessed 13 March 2012

most security-related cases. Defendants in these courts had limited opportunities to meet with counsel and were not always allowed to present witnesses during trial.

Under the interim national constitution, Sharia is applied in the North but not in the South.

In domestic cases pertaining to Coptic Christians, courts often allowed a Coptic priest to make the final ruling, a practice most commonly employed for divorces and other family suits involving Copts.

In some instances tribal courts that were not considered part of the official legal system decided cases. Such courts did not provide the same protections as regular courts.³⁷⁶

In its 2011 country report covering the events of 2010, the *USDOS* reported wide scale breaches of basic rights pertaining to privacy and freedom from interference in the home,

"The interim national constitution and law prohibit such actions, but the government routinely violated these rights in practice. Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes.

Police often entered IDP areas without a warrant in search of illegal alcohol brewing and seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison.

The government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods."³⁷⁷

b. Prison conditions

In its 2011 country report covering the events of 2010, the *USDOS* reported on conditions in Sudanese prisons, stating that detention facilities were overcrowded and that prisoners died from lack of healthcare and harsh conditions,

"Prison conditions throughout the country remained harsh and overcrowded. Health care was often below standard; prisoners sometimes relied on family or friends for food. Officials continued to arbitrarily deny visits to prisoners.

The government routinely mistreated persons in custody. Security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions. For example, in Darfur, prison overcrowding contributed to the spread of meningitis and the deaths of at least three prisoners during the year. A South Darfur prison with a capacity of 250 persons held 750 individuals as of September 7.

Men and women were not held together in the North. In Khartoum, juveniles did not occupy adult prisons or jails but sometimes were held with adults elsewhere in the North. Political prisoners were held in special sections of prisons. The main prison in Khartoum, Kober Prison,

³⁷⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁷⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

contained separate sections for political prisoners, those convicted of financial crimes, and an unknown number of JEM detainees.

Prisoners were allowed to take part in religious observance, including attending church, as well as Muslim prayers in the North. Authorities permitted prisoners, but not detainees, to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions in prisons and documented the results of such investigations. However, these rights were not always granted to pretrial detainees, political prisoners, and those in the custody of police or security forces.³⁷⁸

In June 2011, *Human Rights Watch* reported on the use of emergency laws in Darfur by the Sudanese authorities to detain persons indefinitely,

"The 1997 Emergency and Public Safety Act, which authorizes the executive branch to detain people indefinitely without any judicial review, is used in Darfur. Since August 2009, authorities in North Darfur have held a group of displaced persons who were initially arrested in connection with the murder of a sheikh, then re-arrested under the emergency laws, without charge for long periods; four remain in detention. Detainees in El Fasher's Shalla prison told Human Rights Watch that more than 20 people are being held there under emergency laws, some without access to family members or legal counsel."³⁷⁹

In its 2011 country report covering the events of 2010, the *USDOS* reported that despite the Interim National Constitution prohibiting torture, law enforcement officials were responsible for torturing detainees in custody,

"Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment:

The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict, government forces, rebel groups, and tribal factions committed torture and abuse [].

In accordance with Sharia (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. In practice such physical punishment other than flogging was not frequently used. Under the Interim National Constitution, the government exempts the 10 southern states from Sharia, although it was applied there on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol."³⁸⁰

The UN Human Rights Council reported in August 2011 on the mission of the independent expert on the situation of human rights in Sudan and noted that the Sudanese security agencies continued to subject detainees to torture and ill treatment and that those targeted include human rights activists, community leaders and those perceived to have links to armed groups, further UNAMID had limited access to detention centres in Darfur,

³⁷⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁷⁹ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.23, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

³⁸⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

"The Government security apparatus, notably the National Security Service and the Sudan Military Intelligence continued to commit human rights violations including arbitrary arrests and detentions, torture and ill treatment of detainees. Individuals targeted included human rights activists, community leaders and people perceived to have ties with the armed movements. During the reporting period, UNAMID documented at least more than one hundred cases of arbitrary arrests and detentions involving over two hundred victims. The detainees were often held for prolonged periods without charge and not given the opportunity to contest the lawfulness of their detention before a court of law. The Government did not issue new instructions that summary executions, arbitrary detention, enforced or involuntary disappearances and torture are illegal and will not be tolerated, and that they can amount to war crimes and crimes against humanity.

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UNAMID human rights monitors do not have unfettered access to detention centers in Darfur especially access to persons held under emergency and national security laws. Access to NSS and Military Intelligence detention centers remain a challenge while limited access to the prisons have been granted on ad hoc basis usually after the submission of written requests."³⁸¹

In December 2011, *The Sudan Tribune* reported that the Sudanese law enforcement authorities opened fire on and beat inmates in El-Fasher prison when they tried to prevent the execution of rebels who had been sentenced to death,

"Sudanese Security forces opened fire on inmates in El-Fasher prison two days ago when they attempted to prevent the execution of some rebels sentenced to death, rebel and independent sources said. Last Thursday Shala prison authorities in the capital of North Darfur called on some 26 rebels sentenced to death to execute them. However, as rumours were already spread inside the prison, the inmates attempted to prevent the move of the first batch of five prisoners and clashed with the security forces.

At least seven inmates were severely injured when the guards and other security forces started to beat the protesters. Sources also said one guard opened fire on the protesters but JEM spokesperson Gibreel Adam Bilal said the authorities meant to shoot the prisoners.

Gibreel further said that despite the grave injuries sustained by the protesters, the guards in retaliation put the wounded inmates in small cells and denied them treatment, food and drink for three consecutive days. He added that the all 600 prisoners are also deprived health services, water, and food."³⁸²

In December 2011, *Radio Dabanga* reported that JEM-affiliated prisoners clashed with the central reserve force when they entered Shala prison in North Darfur to execute prisoners sentenced to death,

"The central reserve force or Abu Tira clashed with prisoners of the Justice and Equality Movement (JEM) who were sentenced to death in North Darfur's Shala prison, a statement released by the JEM said on Thursday.

The official spokesperson of the JEM, Jibril Adam Bilal, told Radio Dabanga that the JEM and the Liberation and Justice Movement (LJM) prisoners, who totaled up to 26 in number, clashed

³⁸¹ UN HRC, Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27, 22 August 2011, p.7, http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-18-40-Add1_en.pdf, accessed 13 March 2012

³⁸² The Sudan Tribune, North Darfur prison guards beat rebel inmates after riots, 9 December 2011, <http://www.sudantribune.com/North-Darfur-prison-guards-beat,40951>, accessed 13 March 2012

with Abu Tira on Thursday morning. The forces entered the prison with the aim of carrying out the execution verdict on the prisoners, leading to the wounding of seven prisoners -- Elsaddig Abakr Yahiya, Mohammed Adam Hassaballa, Adam Nour Adam, Mohammed Juma Ibrahim, Ahmed Ibrahim, Abdulla Mohammed and Abdul Salam Abdulla Abul Hai.

Bilal stated that the prisoners were in serious condition and that dozens of civilians in the city of El Fasher had gathered and protested against the presence of the Abu Tira inside the prison cells.

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He added that orders were given by the head of the prison, head of the central reserve force (Abu Tira) and the new National Congress Party (NCP) government to place the injured prisoners in cells that were only one cubic meter and prevented treatment, food and water from reaching the prisoners for three days with the aim of bleeding them to death. Bilal also said that the other prisoners who totaled up to 600 in number were deprived of health services, food and water and that the Abu Tira were still surrounding the building three days after the incident and occasionally threw tear-gas bombs on the prisoners."³⁸³

In its 2011 country report covering the events of 2010, the *USDOS* reported that house arrest could be arbitrarily imposed,

"Lengthy pretrial detention was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court.

The government routinely imposed house arrest without due process."³⁸⁴

In February 2010, the *UN News Centre* reported that the Sudanese authorities had agreed with UNAMID to cooperate on a project to improve prison conditions in Darfur,

"The joint United Nations-African Union peacekeeping mission in the war-ravaged Darfur region and the Sudanese Government today signed an agreement to improve prison management and inmates' living conditions.

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Germain Baricako, Director of UNAMID's Rule of Law division, voiced hope that the implementation of the new agreement will "help to provide prison support in a more systematic, coordinated and concentrated manner."³⁸⁵

In its 2011 country report covering the events of 2010, the *USDOS* reported that Darfur prison officials had participated in UN-sponsored capacity-building training,

"The government allowed some restricted visits to prisons by human rights observers in the North, although unfettered access continued to be denied. The International Committee of the Red Cross (ICRC) had limited access to government prisons during the year; however, released prisoners reported that officials hid high-profile detainees during visits. The Ministry of Justice occasionally granted UN Mission in Sudan (UNMIS) and UNAMID access to visit government prisons during the year. In Darfur, prison officials participated in UN-sponsored capacity-building trainings."³⁸⁶

³⁸³ Radio Dabanga, 'Clashes between prisoners and Abu Tira', 9 December 2011, <http://www.radiodabanga.org/node/21976>, accessed 13 March 2012

³⁸⁴ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

³⁸⁵ UN News Centre, Darfur: UN-African Union mission, Sudan commit to prison reform, 21 February 2010, <http://www.un.org/apps/news/story.asp?NewsID=33841&Cr=darfur&Cr1=>, accessed 13 March 2012

³⁸⁶ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

2. Land/ Property Rights

In October 2010, *The Small Arms Survey* reported on the historical background to land tenure in Darfur,

"The system of land tenure in Darfur—or *Dar Fur*, as it was then—dates back to the Fur sultanate (c. 1650–1916), when the Fur sultan granted hawakiir (landholdings, plural of hakura) to both tribal groups and individuals. The British, who sought to rule Darfur through a 'Native Administration' of tribal leaders, introduced a system of tribal dars that gave nazirs (paramount chiefs) clearly demarcated authority over ethnic groups and jurisdiction over civil affairs within their territory.

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The British assigned almost all the larger sedentarized groups in the region a dar, sometimes moving entire communities so as to create ethnically contiguous blocks. Most pastoralists in Darfur were awarded a combination of a dar and access to pasture on a pre-ordained annual calendar.¹³ However, some nomadic groups in northern Darfur, including the Northern Rizeigat, were not given land,¹⁴ fuelling a cycle of tribal conflicts and economic grievances that culminated half a century later with the emergence of the government-supported militias now known as 'janjaweed'. Without land of their own, the Northern Rizeigat relied on customary rights to graze and water their animals in areas dominated by farmers.

Although it was a flexible system that balanced the interests of landholders and land users, the reliance on customary rights within the hawakiir and dars of others became increasingly problematic as desertification spread southwards, farms expanded, and a new current of Arab supremacism turned neighbours into enemies.

In the aftermath of the great drought and famine of 1984–85, sedentary farming groups tried to exclude nomads from their land, refusing traditional hospitality for fear that the migrants might change the ethnic balance of their areas and affect the customary rights of the host groups. Land is not only an economic resource. Crucially, it has been a mark of political power, especially for marginalized Abbala. Tribes that are in control of a dar have had a distinct political advantage: as the majority group, they have dominated political representation and, by implication, control over and access to resources. The denial of land rights deprived Darfur's Abbala of political power and, by extension, access to broader rights and services. Their current demands, which are only just beginning to be acknowledged internationally, are articulated in terms of equity and access to basic services— especially education."³⁸⁷

In January 2011, the US based *Middle East Institute* reported that access to land was a significant factor in the 2003-2004 conflict,

"The distinction between nomads and farmers, or sedentary and non-sedentary groups is a somewhat simplistic portrayal of the reality on the ground, but is relevant in so far as it is used as a means of self-identification by the population itself. Over time, farming communities, for example, the Fur, have aspired to own livestock as a means of investment and acquiring wealth (often hiring herders to work for them). More recently, the number of "real nomads" — groups of people who have no fixed home and move with their livestock in response to seasonal variations in rainfall and pasture — is declining. Conversely, agro-pastoralism — where households combine long-distance livestock herding and more sedentary localized

³⁸⁷ Small Arms Survey, *The Other War: Inter-Arab Conflict in Darfur*, October 2010, p.12, <http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-22-The-Other-War-Inter-Arab-Conflict-in-Darfur.pdf>, accessed 13 March 2012

farming activities — has increased over the years, particularly as many adapted their livelihoods to the pressures of drought in the mid-eighties and early nineties. This has led to increased demands for access to farming land, resulting in land occupation and further exacerbating inter-communal conflict.

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Access to land, as well as exclusionary aspects of traditional land tenure systems, as a driving force of the 2003–2004 conflict has received relatively little attention among analysts, who have focused more on underdevelopment and political marginalization as triggers. However, the first field study carried out in Darfur following the conflict indicated that prevailing opinion on both sides was that the war was primarily a broad struggle for land that had grown out of earlier, more localized conflicts. At the risk of oversimplification, the ranks of the insurgency/counterinsurgency forces essentially pitted sedentary farmers (i.e., those with traditional land tenure rights) against landless nomadic groups from northern and western Darfur, who hoped to gain permanent land rights as a condition for their pro-government loyalty. This was the predominant state interest in Darfur: it is an asset that can be offered free to the government's allies in order to encourage them to fight at a low cost to government coffers."³⁸⁸

The *Middle East Institute* reported in January 2011 on the ongoing difficulties associated with land tenure in Darfur, following the protracted conflict in the region, and noted that the blocking of livestock migration and trade routes by conflict-related insecurity had badly affected traditional livelihoods,

"In August 2010, the Government of Sudan announced its New Strategy for Darfur which proposed a reorientation and domestication the flailing peace process and for the first time, address security, reconciliation and justice, and a transition from humanitarian relief to more sustainable development. In releasing the strategy, Presidential advisor Dr. Ghazi noted that not everyone would agree with the document in its entirety, but he invited the constructive engagement of the international community. High on the government's agenda is the issue of the return of more than two million internally displaced persons to areas of origin and a "normalization" of a situation that, in its view, had spiralled out of control and sullied the international reputation of the NCP-led government in Khartoum. However, unlike the failed 2006 Darfur Peace Agreement (DPA), which acknowledged the centrality of land rights to the conflict, the New Strategy made little mention of the land tenure shifts that have dramatically altered the face of post-conflict Darfur.

For humanitarian actors engaging in early recovery activities, addressing land tenure changes in Darfur is an operational grey zone, with many of the standard project interventions ill-suited to the task: on one hand, initiatives to promote and support coexistence and self-reliance in the absence of a formal political settlement appear fully justified, while on the other, such interventions, if not carefully considered, could result in the entrenchment of illicit land tenure, create of counterproductive pull-factors, and complicate future peace negotiations.

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Unfortunately, many of the traditional land and migration management mechanisms are in decline or have broken down altogether over the past several years, affected by the conflict, large-scale displacement of populations, and the changing livelihoods strategies of the inhabitants of Darfur. While the intensity of the 2003–2004 conflict is often cited as the breaking point, the traditional migratory system had been under duress for nearly three decades. The cyclical droughts of the 1970s, 1980s, and 1990s increasingly encroached on the lands of farmers and, in 1987–1989, resulted in a wide-ranging conflict pitting the

³⁸⁸ Middle East Institute, *Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action*, January 2011, pp.4-5, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

sedentary Fur against the camel-herding Abbala and, more significantly, introducing for the first time an ethnic character of Arab vs. non-Arab into the mix.

Nomadic groups are currently subject to the severe constriction of their pastoralist domain, accompanied by the blocking of livestock migration and trade routes by conflict-related insecurity, which has in turn badly affected traditional livelihoods. Their seasonal migratory movements are increasingly restricted, denying them access to preferential pastures particularly in the north. The control of the northern area of Darfur by the Zaghawa has also blocked the livestock trade with Libya and Egypt, an important source of livelihood for many pastoralists. Within West Darfur, the SLA/AW-controlled territory of Jebel Marra has interrupted passage through a traditional migration route to South Darfur, while the conflict in Chad has posed security problems in the border areas south of Foro Baranga, forcing a premature end to the route along Wadi Azoum. The restricted access and security-related interruptions to migratory routes has led to increasing competition between pastoralist and sedentary groups (and also between pastoralist groups) in the southern and upland areas over their access to land, pasture, or water. It has also resulted in herds remaining in one place for longer periods of time, overgrazing of pastures, increasing illnesses, and deaths of livestock."³⁸⁹

In February 2010, *IWPR* reported that the issue of the land ownership is complicated by poor record-keeping and that most land is not officially registered with the authorities,

"Since land ownership is such an integral part of the conflict in Darfur, many believe that, unless steps are taken to address the problem, it will be difficult to achieve a lasting peace in the region. [] One of the main problems is that war-related movement of populations has apparently caused the customary system of land tenure in Darfur to unravel.

Dr Idris Yousif Ahmed, an ex-parliamentarian and state minister for West Darfur, said, "Traditionally, people within our communities had access to land for living and farming, while newcomers had the right to live but no [ownership] rights. But now things have changed, with large numbers [of people coming from outside the region] whom the government has given citizenship to. This is not legal and will lead to conflict."

Helen Young, a researcher at Tufts University in the US, agrees that "in many places customary law has broken down irretrievably, and this is the fundamental problem. It doesn't matter if you are an IDP or Arab or who you are, land rights are a real problem. "Everyone who has resettled, not only outsiders like Chadians who have come in...but also any of the IDPs and others who have moved to a different part of Darfur, none of them have land rights that have a strong foundation in customary law." The issue of the land ownership is complicated by poor record-keeping. Most land is not officially registered with the authorities, so the only proof of ownership comes from the collective knowledge of the local community."³⁹⁰

In February 2010, *IWPR* reported claims that Khartoum engaged a policy to systematically resettle Arabs from Darfur and other countries on land previously occupied by Fur, Masalit and Zaghawa ethnic groups,

"Around three million Darfuris (mainly members of the Fur, Masalit and Zaghawa so-called black African Darfur tribes) have been displaced by government forces and allied janjaweed militia since 2003. Perceiving these tribes as disloyal and harbouring insurgents, the Khartoum

³⁸⁹ Middle East Institute, *Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action*, January 2011, pp.2-3, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

³⁹⁰ *IWPR*, *Land Rights Confusion Hinders Darfur IDP Returns*, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 13 March 2012

government deliberately targeted this section of the population, destroying homes, crops, livelihoods, killing men, raping women and forcing people off their land.

There are claims that Khartoum annulled traditional customary law - which gave ownership rights to the region's sedentary African tribes and leasing rights to Arab nomads - and then actively encouraged Darfur Arabs and Arabs from other countries such as Chad to settle on land previously occupied by the Fur, Masalit and Zaghawa, in a bid to swell support for Bashir's regime.

One estimate from the UN High Commissioner for Human Rights, UNCHR, puts the number of Chadians that migrated to Darfur between 2006 and 2007 at 30,000, but gives no indication that the Sudanese government was responsible for encouraging this influx. Aldoma says that he has documented many cases where settlers, who were clearly foreigners, were given Sudanese IDs. "In some places the settlers have taken full control of the land including farms, orchards and water resources," he said.

Aldoma says what he describes as the systematic settlement of land has been one of the strategic policies of the government in Darfur. "Since some Darfur ethnic groups have been classified as non-loyal and been targeted accordingly, it is easy to understand why the government brought in these people," he said.

But Sudanese minister of humanitarian affairs, Dr Abdulbagi Eljailani, contests this.

"We have never tried to replace one citizen by another; this is a complete lie. The allegation that we, as government, brought people from outside is mere propaganda and hollow political talk aimed at tarnishing the reputation of the government of Sudan," he said. "If it's proven that there are individuals living in villages that are not theirs, it's the duty of the government to remove them and give the land back to its original owners."³⁹¹

In January 2011, the *Middle East Institute* reported that the land property rights in urban areas are governed by the national legal framework and in rural areas the traditional hakura framework is arbitrarily applied,

"Land property rights in Darfur are governed by the national legal framework and the traditional hakura framework. The former is applied mainly in urban areas, while the latter continues to apply somewhat arbitrarily in the rural areas. The national legal framework contains a patchwork of laws."³⁹²

In January 2011, the *Middle East Institute* reported on the hakura (land concession) system,

"With the exception of the northern common grazing areas, Darfur is said to comprise a number of *hakuras* (land concessions) granted during the Fur Sultanate. Tribal *hakuras* were part of a complex administrative arrangement in the Sultanate, which was divided into four large administrative districts, with each being divided into a number of "tribal homelands" held in common by members of respective tribes. Custody of these tribal *hakuras* was vested in tribal leaders — in limited cases, there were individual *hakuras* granted to certain individuals as special rewards, which are inheritable by their descendants.

³⁹¹ IWPR, Land Rights Confusion Hinders Darfur IDP Returns, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 13 March 2012

³⁹² Middle East Institute, Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action, January 2011, p.11, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

There are many differing interpretations of the *hakura* system, and whether it should be reinstated, adapted, or even abolished. Some note the importance of balancing citizenship rights with customary land rights. Others note that a *hakura* is not, historically speaking, a tribal land grant, but rather a neighborhood in which rights need not be granted on a tribal basis. It should be emphasized that the granting of land was never freehold or in any way absolute in the Anglo-American legal sense. All grants were given and could be taken away at the behest of the sultan; eminent domain applied in Darfur and the sultan was the state.

The *hakura* system was not monolithic: different practices have prevailed in different places and the interpretation of *hakura* as “tribal land ownership” is a recent re-invention of tradition — a phenomenon of the 1980s to the present. With the growing clamor for mono-ethnic tribal *dars* (homelands), the *hakura* idea seems to have come into the political mainstream. This new focus on land has led to the increasingly repeated demand, especially by Arab groups, both old-established, such as the so-called northern Rizeigat, and recent immigrants from Chad — such as the Salamat (currently trying to carve out a “homeland” in Ta’aisha country), for mono-ethnic tribal “homelands.” Historically, however, not even the most remote Fur *shartaya* was ever solely inhabited by Fur alone. Each “homeland” contained groups from elsewhere, and there were recognized mechanisms for incorporating these groups peacefully into the host community. Now, however, land and ethnicity seem to be inextricably intertwined and are becoming increasingly difficult to unravel.

The prevailing attitude appears to be that the *hakura* system is an all-pervasive system of tribal land ownership rights (and has been enshrined as such in paragraph 158 of the Darfur Peace Agreement of May 2006), which exists throughout Darfur. According to O’Fahey, however, it appears that historically there were only two geographical areas that were the principal beneficiaries/targets of the *hakura* system, namely:

- North/Central Darfur around El Fashir and Kobbei stretching northwards to Kutum and Mellit and some way into parts of Dar Zaghawa.
- Southwest Darfur, i.e. the Fur heartlands around Zalingei, the historical province of Dar Diima comprising 12 Fur chieftancies, or *shartayas*, still ruled by the title-holder the *Aba Diimang* (lord of Diima).

Irrespective of its historical roots, the *hakura* system—or at least its continued reference by IDPs and policymakers alike, suggests widespread legitimacy throughout rural Darfur. In particular, the principle of hospitality, with newcomers entitled to settle on free land provided that they respected the customs of their hosts, has seemingly facilitated migratory movements and resettlement for generations, often in response to prolonged droughts or other economic dislocations. It appears that according to the current established understanding of the *hakura* system among most of the major ethnic groups in Darfur, the leadership in a particular *Dar* is restricted to the original landlords. Newcomers, therefore, have no right to compete over that leadership, but are allowed to settle on unused land in a tribal *dar*, provided they respect the existing administrative arrangements and customs (i.e., *Nazirate*).³⁹³

In January 2011, the *Middle East Institute* reported that humanitarian organisations in Darfur are failing to acknowledge the importance of resolving land disputes in facilitating the return of IDPs to their areas of origin,

“Humanitarians working in Darfur ignore the centrality of land issues, both as a trigger for conflict and for the impact they have on different possibilities for post-conflict recovery, at their

³⁹³ Middle East Institute, *Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action*, January 2011, p.11, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

peril. The land tenure changes that have resulted from the 2003–2004 crisis are complex, emotionally-charged, and politically sensitive. It is not surprising that humanitarian actors prefer to fall back on annual distributions of plastic sheets and buckets, regular food distributions, doctrinal protection of displaced populations, and idealized visions “happily ever after” return and reintegration rather than enter the morally ambiguous debate over possible compromises on land tenure. Yet this reaction has also kept IDPs in a state of suspended animation, hostage to an IDP narrative which views dislocation from traditional lands as the basis for their status of IDPs and entitlement to the continued protection of the international community.

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Despite the negative connotations often associated with land tenure shifts, there are significant opportunities for engagement by the government and the humanitarian community to foster durable coexistence in rural areas — particularly among farmers and local pastoralists who, prior to the conflict, benefited from economic interdependence and the shared use of the land.

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In many areas, the traditional land tenure system appears to have broken down in several key respects. Of particular concern is the apparent erosion of the principle of hospitality, a cornerstone of the Hawakeer system, which has facilitated the resettlement of populations in different areas of Darfur for generations, provided they respected the customs of the hosts. In the current context, the substitution of new settlers as administrators in place of traditional custodians of the land is a cause for concern, particularly in the absence of a formal political settlement. Additional research/analysis of the flexibility and potential modernization of existing land tenure arrangements, with a focus on developing concrete programmatic approaches, is necessary.

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The present dynamics in many parts of Darfur suggest that there may be significant opportunities for eventual shared land use, including: 1) the rapid urbanization and associated land alienation as a result of the conflict implies that many will not return to areas of origin, increasing the possibilities for compromise on land use; and 2) the fact that returnees appear to identify more strongly with an area of land, rather than a specific farm, which indicates some potential for flexibility regarding land use.

These elements should not, however, detract from the broader rights of IDPs to return to areas of origin or seek restitution for damages and lost property. Moreover, the proliferation of interim land tenure arrangements (i.e., temporary/informal rentals, opportunistic occupation by IDPs and nomadic/pastoralist groups, local land-share agreements) pose unique challenges to humanitarian actors in the context of early recovery.

The composition of permanent vs. transient residents in a given community needs to be well understood before services are provided. Otherwise, humanitarian assistance/early recovery interventions can potentially create harmful “pull” factors and/or cement illicit land tenure arrangements.³⁹⁴

In February 2010, *IWPR* reported that the Darfur Land Commission was established in 2006 to resolve land disputes, but that the commission lacks funding,

"Few of those that have been displaced by the fighting in Darfur have heard of an official body that is supposed to resolve land disputes in the region. Even fewer have any idea about what it is supposed to do. The Darfur Land Commission, DLC, was set up in 2006, under the terms of the Darfur Peace Agreement, DPA. Among other things, the DPA stipulated that those who

³⁹⁴ Middle East Institute, *Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action*, January 2011, p.14, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

had seized land by force during the hostilities should not automatically retain the right to settle there.

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“How can we start thinking about who owns the land while there is still fighting going on?” Adam Ahmed, head of the body, said. Instead, the activities of the DLC are limited to a comprehensive data-gathering exercise, which, while an important element of its mandate, is still a long way from the organisation's main remit.

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One of the key dilemmas the DLC faces, Ahmed admits, is a lack of money, compounded by an apparent unwillingness from the Sudanese authorities to honour the original agreements that they made. [] “The only way to resolve the Darfur crisis is to document the historical land rights of the people, and we must get the government to agree to pay for this.”

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International officials know that putting IDPs back in their villages may expose them to more danger, and do not know whether to dig wells and build schools in previously flattened villages. If they encourage IDPs to return home, and the government renews its attacks, they'd be guilty of putting the vulnerable in an even more dangerous position. Confusion and inaction therefore continue to surround the international community's efforts to do anything about land ownership rights in Darfur. The UN Development Programme, UNDP, which is tasked with helping Sudan achieve sustainable peace and development, recognises the importance of resolving disputes over land ownership but says that there is very little coordinated action at the moment.

Regional instability makes it difficult to find an enduring solution to the question of land rights, since large swathes of Darfur remain off-limits for many organisations.

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UN Habitat conducted an assessment mission on land tenure issues in Darfur two and half years ago, but have not been able to complete their research because of the security situation. “We have been waiting for long to be able to go and generate [the information we need]. As soon as people move out of secure areas they are hijacked or whatever. “So we are prevented from getting to the next level of information which would allow us to quantify and qualify our proposals on how to render [adequate] support.”” Mohamed Abdalla Aldoma, a lawyer from the Darfur Bar Association, said, “Land occupation in Darfur is a very vital issue. But, unfortunately, everybody, including the [United Nations] who documented it in 2007, are silent now.”³⁹⁵

In 2009, the Swiss based NGO, *Darfur Relief and Documentation Centre* reported the following shortcomings of the DPA in relation to the restitution of land and property,

“1. The DPA provided that the Compensation Commission (article 21, paragraph 201) – and to that effect the Compensation Fund (paragraph 210) – is to be established by a Presidential Decree. In this regard, it is more reassuring to the stakeholders, especially to the victims, to see to it that the Compensation Commission and Fund are established and protected by a special law enacted by Parliament. This is important because an institution established by a Presidential Decree can be easily amended or repealed by a similar decree from the President of the Republic.

2. The DPA contains no reference to the notion of an apology for the victims of the conflict in Darfur which is an unfortunate omission. The notion of an apology implies recognition of the humanity and dignity of the victims of tort. It is directly linked to recognition of guilt on the part of the perpetrators and to satisfaction and acceptance on the part of the victims which are

³⁹⁵ IWPR, Land Rights Confusion Hinders Darfur IDP Returns, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 13 March 2012

necessary steps toward forgiveness and reconciliation. A public apology from the State carries with it an important moral commitment and responsibility to assure the victims that the whole process is genuine and sincere. An apology is, thus, indispensable for peace, healing and social reconciliation in Darfur.

3. The DPA provided that no compensation claims can be made after 10 years of its entry into force (paragraph 208). This provision is unjust and morally unacceptable provision. It could deliberately be used to deprive some victims and their descendants of their rights. For example, a child born in early 2005 and soon after its birth the village where it was born was attacked in a military operation and all members of the child's family and close relatives were decimated and the family's wealth was looted. It was established that the atrocities committed against civilians during the attack on that village represent war crimes and crimes against humanity. In law the child is entitled to reparations for the damage caused to him/her in 2005. According to the DPA this child cannot make any claim for compensation when he/she reaches the age of adulthood in 2023.

4. The DPA provided that payment of compensation money is contingent upon the capacity of the perpetrator(s) to pay monetary compensation, (DPA, paragraph 205, "g") and in paragraph 206 "c" it has linked payment of compensation money to the identification of the perpetrator(s). The DPA has thus relegated the role of the State towards successful completion of the reparations scheme to a secondary status and instead it has left such an important role to the government's discretion.

5. A specific amount of US\$30 million was earmarked in the DPA as the initial compensation fund to be paid by the GoS. Soon after SLM-Abdelwahid and JEM rejected the DPA, GoS promised to increase the compensation fund to US\$100 million. It is largely perceived that this amount represents a fraction of the amount that a genuine reparations scheme for Darfur is expected to entail. It is therefore unrealistic and discouraging, especially for the victims of the conflict, to be left under the impression that a certain amount of money has been fixed as the ceiling for the reparations scheme and that the whole process will terminate when the earmarked fund is exhausted."³⁹⁶

a. Demographics in villages inhabited by individuals who are not past inhabitants

In February 2010, the *IWPR* reported on the difficulties experienced by those in IDP camps whose land had been occupied during their absence,

"Abdalla Adam, an IDP (internally displaced person) leader from Alryad camp in El Geneina, West Darfur, says that he desperately wants to return to his village, Mestarei, from which he was forced to leave in 2003, but cannot because others have occupied his land. Shortly after he was expelled, Arab settlers moved in. He says that at first they were simply illegal squatters, but between 2007 and 2008 many were given the opportunity to register the land they had acquired, through the local municipality in El Geneina.

"We were evicted by force from our land, which was given to settlers," he said. "The ultimate goal of this campaign of killing and displacement is to eliminate us and give our land to these

³⁹⁶ Darfur Relief and Documentation Centre, The impact of restitutive, reparations and compensation on the peace process in Darfur, October 2009, p.16, http://www.darfurconsortium.org/member_publications/2009/October/DRDC.ImpactofReparations.100909.pdf, accessed 26 March 2012

settlers. We don't want to live in these camps but for now we have to because there is no where to go."

Adam says that a committee was formed to take this issue before Sultan Sad Abdulrahman Bahreldin, the traditional ruler of Dar Masalit, the regional district, who advised the IDP leaders to complain to the minister of agriculture of West Darfur.

"The minister said he would refer the issue to President Omar al-Bashir, but so far the leaders haven't heard anything back," Adam said. "In the meantime, the settlers have succeeded in registering the land and received legal documents. Today, they are not only the de facto occupants of the land, but can prove ownership as well."

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Adam is not alone in expressing such anxieties. Many other IDPs would also like to leave the camps and return to their former villages, once the situation improves, but fear that they no longer have land to go back to. Nor are they confident the government will ensure they return safely or protect them once they return."³⁹⁷

In January 2010, a study by the *University of Gothenburg* estimated that 435,000 'non rebel tribe individuals' have moved into areas left by 'rebel tribe individuals' following displacement by conflict and that there are 1,200 squatted villages in Darfur ,

"The key natural resource in Darfur is land which is primarily used for cultivation of crops like millet and for raising livestock such as camels or cattle. As in many other developing countries, the main model for land rights in Darfur is customary land tenure, i.e. that sedentary groups own the land surrounding their village communally. In this system, households typically have usufructuary rights to plots but not private property rights in the Western sense of the word. If a household stops using a piece of land, the community leader can reallocate the land to some other household who is deemed to need it more. Similarly, newcomers from other villages can be given plots if they show a willingness to contribute to the community. Uncultivated land is free for anyone to use.

Another important element of customary land tenure in Darfur is that fields are traditionally left open for grazing animals after harvest, a practice referred to as talique. This grazing right is also typically open to nomadic pastoralist groups who are allowed to let their animals graze on farmer lands in exchange for milk or meat. Sedentary groups who keep livestock sometimes even leave their animals in the care of the nomads.

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Our study shows that nearly 300,000 rebel tribe individuals (about 40 percent of initial total population) have been displaced from our sampled villages whereas total population has decreased by about a third. If we believe that our region is representative for the rest of Darfur, it would imply a displacement of some 2.6 million rebel tribe individuals throughout Darfur, a number which comes fairly close to the official estimate of 3 million displacements in total (2.7 million refugees plus 300,000 killed). If total settled population has decreased by only about a third (i.e. by 2.165 million to 4.335 million), it implies a net inflow of non-rebel tribe individuals of about 435,000. Furthermore, if squatting has occurred in one fourth of all villages as in our sample, the projection would be about 1,200 squatted villages in all of Darfur.

Needless to say, the implications in terms of destroyed livelihoods and land re-allocations that arise from these figures are daunting. For instance, it would not seem altogether unreasonable for Arab groups, without dars of their own and with no part in any hostilities, to claim land in

³⁹⁷ Institute for War and Peace Reporting, Land rights confusion hinders Darfur IDP returns, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 26 March 2012

abandoned villages which they effectively might have occupied for years. In Baya, the destroyed Fur village referred to above, we know that 10 Meseriya households had settled already in the fall of 2006. Should these households still live there today, more than three years later, it seems likely that they have erected new buildings, planted new crops, maybe even invested in planting new trees. In that case, even customary land tenure institutions would give them rights to their new land.

On the other hand, the 2.7 million displaced persons, scattered in numerous camps in Darfur and Chad, have been illegally removed from their homes and will most likely want to return to their villages once peace has been secured. It appears that any successful reconstruction of Darfur inevitably would have to involve land reforms that all major groups somehow can be made to agree upon.

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Our results indicate that some 300,000 households belonging to the rebellious Fur, Masalit, and Zaghawa ethnic groups have been displaced from their villages of origin whereas Arabs and other African groups have increased their presence in the region. About a fourth of all villages have further been squatted by newcomers. Our regression analysis shows that squatting is more likely in villages where many rebel tribe households have fled and few now reside. Squatting is also more likely in relatively peripheral villages that are close to wadis and where soils are of good quality.

The patterns of land reallocation documented in this study will most likely have serious consequences for post-conflict reconstruction efforts. When the 2.7 million refugees in camps throughout Darfur and Chad eventually return to their villages, they will often find that their abandoned fields have been taken over by other groups, who in turn can claim to have support for rights to land in customary as well as in more recent land tenure rules."³⁹⁸

In January 2011, the *Middle East Institute* reported demographic changes in Darfur with a significant number of the population classified as urban, the displacement of farming communities has had an impact on pastoralists who relied on the farmers markets for supplies,

"It is anticipated that, with the large-scale displacement of the population following the conflict in 2003, and with the creation of IDP camps and settlements in/near urban sites, population distribution has evolved, with a significant number of the population in Darfur now classified as urban. These movements have likely contributed to the rising incidence of land occupation as more land is abandoned, lays fallow, and ownership claims become increasingly difficult to establish over time. Perhaps a more pressing question, however, is the extent to which newly urbanized populations, having increased access to centers of power and a wide range of services including health care and education, fully intend to return to rural areas to re-establish their claim to land.

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Darfurians themselves, particularly IDPs, have adjusted to the new, more urban order in several key respects, underscoring the likelihood that many will remain permanently in urban areas of displacement. In the seven years since the crisis, livelihoods and social structures have changed dramatically. Traditional leaders have been swept aside in favour of new camp sheikhs, who exercise enormous authority over aid resources and, to varying extents, over land, commerce and security. Reconstituting the traditional order is impossible. Moreover, in many respects, the IDP camps have already become de facto townships. For reasons of safety and security and access to livelihoods/services, IDPs have invested resources/assets in creating permanent establishments in IDP camps rather than areas of origin.

³⁹⁸ University of Gothenburg - Ola Olsson, After Janjaweed? Socioeconomic Impacts of the Conflict in Darfur, January 2010, pp. 5-16, http://gupea.ub.gu.se/bitstream/2077/21858/1/gupea_2077_21858_1.pdf, accessed 13 March 2012

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The impact of land tenure shifts as an obstacle to both a comprehensive peace agreement and subsequent IDP return is undeniable, but there is a need for a more in-depth analysis of the process of urbanization in Darfur in order to fully understand the changing dynamics between those classified as sedentary and nomadic, the decision making processes of displaced populations vis-à-vis return to their places of origin, and the extent to which land occupation, if further entrenched, may contribute to or encourage renewed conflict between deeply polarized groups.[] Feinstein Center/Tufts University have argued that livelihoods are currently in transition, both as a result of blocked previous livelihood strategies and to new opportunities presented by urbanization and the distorting effects of the presence of a large international community. They concluded that it is unlikely that a majority of IDPs will return to areas of origin and recommence previous rural-based livelihoods. Far more likely is the possibility that they will remain in urban areas to pursue “multi-nodal” (diversified) and trans-national (remittances) livelihoods.

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The fact that not all nomadic groups stand to benefit from the displacement, as well as the impact of land alienation among sedentary populations, should also be underscored. The displacement of many rural farmers to towns and camps may have given pastoralists access to land and the upper hand in rural power dynamics but, at the same time, it has removed a critical part of the social and economic fabric of pastoralist society. For instance, the absence of rural farming communities has destroyed local markets, which nomads depend on to buy essential goods and sell their own produce. While the return of IDPs remains key to the reconstitution of rural markets and a prerequisite for durable peace in Darfur, a return to the old order is highly questionable — conflict, repeated droughts and population growth have placed significant stress on nomadic and pastoralist ways of life and subsequent interaction with sedentary communities.³⁹⁹

In January 2011, the *Middle East Institute* reported an ethnic element to return, noting that those groups who supported counter-insurgency or were neutral are better able to return permanently,

"Land tenure changes are neither a new phenomenon in Darfur nor limited in its application to one or two particular ethnicities. The entrenchment of land tenure shifts do not occur across the board. In some areas, land has been selectively allocated to certain Arab groups, favoring them over others and creating deep divisions between nomadic groups, which exploded in 2010, and resulted in the highest level of fatalities and displacement since the 2004 crisis. It should also be emphasized that land tenure changes have occurred in all three Darfur states, in differing forms based on local characteristics.

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Current trends in land tenure changes appear reflective of broader forces in Sudanese politics, including the 2010 national elections, the referendum on the possible secession of South Sudan, and jockeying for position in the ongoing AU-facilitated peace negotiations, all of which has contributed to apparent efforts to entrench land tenure shifts.

A 2009 visit by the AU Panel to Darfur highlighted the salience of land occupation issues for internally displaced persons in the region. Two interrelated issues arose: the alleged preferential award of citizenship to new settlers and the forced removal from land. The trend of forced removal was emphasized by one IDP who said that the name of his former village had been changed and the trees that had previously been the boundary markers had been cut down, so the place could not be recognized. The IDPs stated: “We look forward to a mechanism to come to the IDP community to look into our claims and address our issues in an

³⁹⁹ Middle East Institute, *Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action*, January 2011, pp.4-5, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

independent manner.” They said that they had all the evidence for land occupation, but a neutral body was needed to investigate and establish the facts.

Widespread opposition to the census — held in April 2008, in line with the Comprehensive Peace Agreement (CPA) of 2005 — also drew attention to the changing land tenure patterns. IDPs feared that a census held while so many of them were still displaced would result in the dispossession of their land. One IDP has been quoted as demanding that the government remove people who had recently arrived in Darfur and who were being “legitimized” by the state as Sudanese nationals, allowing them to take over the land of those who had been displaced.

In the context of present and future IDP/refugee returns, the permanent settlement of significant numbers of “outside” nomads has a number of adverse consequences for the establishment of peaceful coexistence. First, there appears to be an ethnic element to return patterns developing in West Darfur that, while sensitive, appears sufficiently extensive that it cannot be overlooked in analyses of factors enabling return and reconciliation to occupied and/or partially occupied areas. Among permanent returns documented in 2009, the Tama, Gemir, Burgo, Jebbel, and Daju tribes appear better able to establish equitable coexistence than do Fur or Masalit tribes. At the risk of over-simplification, ethnicities that were viewed as supportive of the counterinsurgency or remained neutral during the conflict appear somewhat more likely and better able to permanently return.⁴⁰⁰

b. Forced Evictions

In July 2010, *The International Alliance of Inhabitants* reported that the African Commission on Human and Peoples’ Rights ruled against the Sudanese government over forced evictions in Darfur in a case brought by the Geneva-based non-governmental organisation Centre on Housing Rights and Evictions,

"In a landmark decision, the African Commission on Human and Peoples’ Rights has ruled against the Sudanese government, accusing it of committing a wide range of human rights violations against the people of Darfur. In its decision, the African Commission found Sudan responsible for large-scale forced evictions and violations of a wide range of human rights, including the rights to life, housing, food, health, judicial remedies and to be free from torture, including rape.

The ruling, released today, was made in a case brought by the Geneva-based international human rights group, the Centre on Housing Rights and Evictions (COHRE), against the Sudanese government in 2005.

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⁴⁰⁰ Middle East Institute, *Addressing the Legacy of Conflict in Darfur: Shifting Land Tenure Patterns and Humanitarian Action*, January 2011, pp.4-5, http://www.refugeecooperation.org/publications/sudan/pdf/04_mundt.pdf, accessed 13 March 2012

The Commission also issued ground-breaking decisions on the right to water and the collective right to economic, social and cultural development, as contained in the African Charter."⁴⁰¹

3. Forced Conscription

[See also Section F. Women, Children and Sexual Orientation, 4. Children]

The US Department of State reported in its June 2011 trafficking report that forcible recruitment of adults and children continues amongst government forces and armed groups, but that this practice is less prevalent than in the past,

"Forcible recruitment of adults and particularly children, by virtually all armed groups, including government forces involved in Sudan's concluded north-south civil war was previously commonplace. Since the war formally ended with the signing of the Comprehensive Peace Agreement in 2005, the Government of Southern Sudan's army, the SPLA, committed to releasing all children from its ranks, including through the signing of an action plan with the UN in November 2009. During the year, UN personnel continued to observe children wearing SPLA uniforms, carrying weapons, and serving at SPLA checkpoints or as bodyguards for senior commanders. For example, in October 2010, UN personnel near Abeyi town witnessed two children ages 10 to 12 years atop a truck wearing SPLA uniforms and carrying AK-47 rifles. In late 2010, there were confirmed reports of unlawful SPLA recruitment of five street children from the SPLA guesthouse in Kadugli town (South Kordofan State), after which they were sent for military training at the SPLA barracks in White Lake/Jaw area. An unknown number of children remained with the SPLA at the end of 2010."⁴⁰²

In December 2011, *The New York Times* reported on the death of the leader of the JEM, and cited a statement from the Sudanese military claiming that he had aimed to forcefully conscript young men into the movement,

"According to a statement from the Sudanese military issued early Sunday, "The armed forces were able to destroy the renegade Khalil Ibrahim, who was killed among his group's leaders after a long chase that ended in surrounding him and his forces."

The statement accused Mr. Ibrahim of attacking unarmed civilians and said that "the armed forces were able to cut the escapees' line of retreat that was heading toward South Sudan." Al-Suwarmi Khalid, the Sudanese Army's spokesman, told journalists on Sunday that the group's current military move was an attempt to "forcefully conscript young men into the movement and then head towards South Sudan to join other rebel groups."⁴⁰³

In November 2010, scholar *Nicole Judd* of Duke University in the United States reported that Darfuri children have been forcefully conscripted by the Janjaweed,

"[] 10,000 Darfuri children were forcefully conscripted from refugee camps on the eastern border of Chad. Paramilitaries like the Janjawiid grow increasingly alienated from government sponsorship. In need of operational resources, these groups patrol the borders of refugee and

⁴⁰¹ International Alliance of Inhabitants, African Commission against Sudanese government for large-scale forced evictions and atrocities in Darfur, 29 July 2010, http://www.habitants.org/notizie/info_locali/african_commission_against_sudanese_government_for_large-scale_forced_evictions_and_atrocities_in_darfur, accessed 13 March 2012

⁴⁰² USDOS, Trafficking in Persons Report 2011, 27 June 2011, <http://www.state.gov/j/tip/rls/tiprpt/2011/164233.htm>, accessed 13 March 2012

⁴⁰³ The New York Times, Sudan's Government Says Powerful Rebel Leader Is Dead, 25 December 2011, <http://www.nytimes.com/2011/12/26/world/africa/sudanese-rebel-chief-reported-killed-by-army.html>, accessed 13 March 2012

IDP camps. Vulnerable children, whose hunger necessitates a life-or-death trip to collect firewood, are abducted to fill the dwindling ranks of both Janjawiid and rebel troops.

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In addition, the everyday life of a child soldier is wrought with abuses that violate the right to be cared for by family, to be protected from physical and mental violence, to freedom from torture and cruel treatment, to education, and the inherent right to life. Child soldiers face an ongoing assault on human rights which, even amongst the high level of suffering, is particularly deplorable."⁴⁰⁴

In August 2011, the *UN Human Rights Council* reported on the mission of the independent expert on the situation of human rights in the Sudan and noted that officers of the Sudan Armed Forces met with child protection representatives of UN agencies to discuss Sudan ending the use of child soldiers,

"In May 2010, the high ranking officers of the Sudan Armed Forces met with child protection representatives of UNAMID, UNMIS and UNICEF to discuss Sudan's preparation of and commitment to an action plan to end the use of child soldiers. In a follow up meeting in October 2010, the Government agreed to include basic child protection principles proposed by the UN in the action plan and to submit regular progress reports through UNMIS and UNAMID. While the UN team acknowledged that the Sudan Armed Forces do not have a policy to recruit children for combat, it expressed concern over continuous association of children with armed elements. The Ministry of Defence agreed to enable access to all its facilities by the UN."⁴⁰⁵

4. Revenge killings

In February 2012, *Radio Dabanga* reported that two men were killed at a mosque in South Darfur in a revenge for a previous attack,

"Two people were killed and two injured at an attack on Wednesday at a mosque in Sargela locality, South Darfur.

Witnesses told Radio Dabanga the cause goes back to an event on Tuesday when some people opened fire on a suspected thief and killed him.

They said some relatives of the deceased attacked worshipers at the mosque in revenge wounding two, including the imam.

Other witnesses said the attack was also for revenge but following an assault on a different man."⁴⁰⁶

In January 2012, *Allafrica.com* reported that local residents in West Darfur feared being subjected to a revenge attack after police shot dead a member of an armed group,

"On Thursday, police killed a man belonging to an armed group, south of Serba locality in West Darfur.

⁴⁰⁴ Duke University - Nicole Judd, Human Rights & Human Welfare - Security Now: Addressing the Needs of Darfur's Children, November 2010, p.64,

<http://www.du.edu/korbel/hrhw/researchdigest/minority/Darfur.pdf>, accessed 13 March 2012

⁴⁰⁵ UN HRC, Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8, pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27, 22 August 2011, p.7,

http://reliefweb.int/sites/reliefweb.int/files/resources/A-HRC-18-40-Add1_en.pdf, accessed 13 March 2012

⁴⁰⁶ Radio Dabanga, Two killed and two injured in mosque attack in South Darfur, 2 February 2012, <http://www.radiodabanga.org/node/24872>, accessed 26 March 2012

Witnesses said the armed men attempted to loot an ambulance carrying doctors and nurses back to El Geneina, near Kondobi.

Police confronted the militia resulting in an exchange of fire killing one member of the armed group. A citizen from Kondobi, told Radio Dabanga local residents feared reprisals over the killing, as citizens were at risk of being subject to revenge attacks.

He noted hardly any people had turned up at the market on Friday for fear of venturing out of their homes. On Thursday, police killed a man belonging to an armed group, south of Serba locality in West Darfur.⁴⁰⁷

5. Internally displaced persons (IDPs)

In its 2011 country report covering the events of 2010, the *USDOS* estimates that there were 1.9 million IDPs in Darfur,

"Large-scale displacement continued to be a severe problem in the country. There were an estimated 1.9 million IDPs in Darfur, 1.5 million displaced Southerners in the North, and 68,000 IDPs in the east. In the Three Areas, there were approximately 80,000 IDPs.

While in previous years the UN estimated that there were approximately 2.7 million IDPs in Darfur, more recent International Organization for Migration data indicated the number of IDPs in Darfur to be 1.9 million. As of November, the UN reported, the conflict in Darfur had caused approximately 268,000 new displacements during the year, an increase from the estimated 175,000 persons displaced in 2009.

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In December fighting between government and rebel forces in South Darfur and in Dar al-Salaam and Shangil Tobaya [North Darfur] displaced tens of thousands. Intercommunal violence significantly increased and correspondingly displaced civilians. This violence was fueled by increased competition for resources due to desertification and population growth, the weakening of traditional mediation mechanisms, the proliferation of arms, and long-standing ethnic rivalries. In addition violence in Kalma IDP Camp between pro- and anti-Doha elements in July caused approximately 30,000 IDPs to flee the camp."⁴⁰⁸

In January 2011, the *Internal Displacement Monitoring Centre* reported that there were 2,666,115 IDPs across the Darfur region; 508,499 in northern Darfur, 1,410,704 in southern Darfur, and 746,912 in western Darfur.⁴⁰⁹

In January 2011, the *Internal Displacement Monitoring Centre* reported that "[a]s of November 2010, an estimated 268,000 people had been newly displaced in 2010."⁴¹⁰

⁴⁰⁷ AllAfrica.com, Sudan: Police kill militia member in West Darfur, 20 January 2012, <http://allafrica.com/stories/201201231430.html>, accessed 26 March 2012

⁴⁰⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴⁰⁹ Internal Displacement Monitoring Centre, Estimates for the total number of IDPs for all of Sudan (as of January 2011), 4 January 2011, <http://www.internal-displacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/0026B2F86813855FC1257570006185A0?OpenDocument>, accessed 26 March 2012

⁴¹⁰ Internal Displacement Monitoring Centre, Estimates for the total number of IDPs for all of Sudan (as of January 2011), 4 January 2011, <http://www.internal-displacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/0026B2F86813855FC1257570006185A0?OpenDocument>, accessed 26 March 2012

In June 2011, *Human Rights Watch* reported that in December 2010, over 70,000 people fled to 10 different IDP camps,

"The fighting in early 2011 displaced tens of thousands of civilians. On March 17, the UN's humanitarian coordinator, Georg Charpentier, stated that since December more than 70,000 people had fled to about 10 different displaced persons camps or settlements, the majority to Zamzam camp, placing a strain on basic services. Many of the displaced had already been living in camps as a result of earlier conflicts."⁴¹¹

In its 2011 country report covering the events of 2010, the *USDOS* reported that IDPs suspected of links to rebel groups were harassed, arrested, and tortured by the NISS,

"There were multiple cases reported of IDPs being harassed, arrested, and tortured by the NISS. [] Other reports circulated of SLA/AW supporters who went missing."⁴¹²

In its 2011 country report covering the events of 2010, the *USDOS* reported that IDPs suspected of links to SLA/AW or of passing information to sources in the international community were arrested and detained, following violence at Hamidiya and Hassahissa camps,

"When political tension escalated into violence in the Hamidiya and Hassahissa camps [West Darfur], the NISS arrested and detained IDPs who were suspected of being affiliated with SLA/AW or suspected of providing information to sources in the international community.

Following a UN Security Council visit to Darfur, security officials arrested and harassed IDPs. On October 8, the NISS sought to arrest 16 persons in Abu Shouk and Al Salaam camps; the persons went into hiding. On October 10, authorities arrested Mohamed Abdallah Mohamed al-Haj of Abu Shouk and Abdalla Ishag Abdul Raziq of Abu Shouk Camp. On October 17, authorities arrested approximately 24 more persons, including some IDPs who had been arrested and released previously.

Fourteen of the 18 IDP leaders arrested and detained without access to counsel following the 2009 killing of IDP camp leader Omer Adam Ishaq and his wife were released, while four remained in jail at year's end."⁴¹³

In June 2011, *Human Rights Watch* reported that Sudanese officials targeted activists in IDP camps and detained persons without providing access to legal counsel,

"Inside Darfur, security officials have targeted activists in the displaced persons camps. For example, in the evening of May 6, security officials arrested a young community activist, Hawa Abdallah, for unknown reasons and have since transported her to Khartoum where she remains without access to family members or legal counsel.

Security officials also arrested those who criticized the government during a visit by the UN Security Council delegation to the Abu Shouk camp in October 2010. Two of them – Mohammed Abdallah Mohammed Alhaj and Abdallah Ishag Abdelrazik – remain in detention in Shalla prison, El Fasher."⁴¹⁴

⁴¹¹ Human Rights Watch, *Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights*, June 2011, p.16, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

⁴¹² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴¹³ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴¹⁴ Human Rights Watch, *Darfur in the Shadows*

In June 2011, *Human Rights Watch* reported on human rights abuses perpetrated by Sudanese Government forces in IDP camps, including assaults, looting and beatings,

"In the context of the renewed hostilities, government security forces conducted search-and-cordon operations in displaced persons camps at Shangil Tobayi, Tawilla and Zamzam in North Darfur whose residents are mostly Zaghawa and considered supporters of Minni Minawi. During a security operation on January 23 in Zamzam camp, police and security forces entered civilian homes, looted property and beat people, killing one man. They also detained more than 37 people, holding many for a period of two weeks before releasing them without charge.

In March, government forces carried out another operation, arresting 19 people and releasing most the same day. One camp resident told Human Rights Watch that a group of soldiers and central reserve police drove into the camp on March 24 and arrested him, dragging him into their Land Cruiser where they interrogated him for several hours and seriously beat him, requiring him to seek medical treatment.

In Shangil Tobayi on January 27, approximately 200 soldiers in 40 vehicles surrounded UNAMID camp's exit and an adjacent camp where thousands of displaced persons settled after the December clashes. They arrested four people and threatened to burn down the camp and UNAMID's team site.

The abuses by the security forces against the displaced persons camps recall past incidents in South Darfur's Kalma camp, most notably in 2008 when government forces carried out a violent disarmament operation that resulted in the death of more than 30 displaced persons. Beyond the illegality of these raids, they violate the Status of Forces Agreement."⁴¹⁵

In January 2012, the *UN News Centre* reported that government forces committed criminal acts in IDP camps with impunity but that UNAMID pressure had resulted in the formation of a special court and special prosecutor for Darfur. The *UN News Centre* further reported an increase of rapes in and near the camps,

"The chief of the joint United Nations-African Union operation in Darfur (UNAMID) stressed today his commitment to end impunity for criminal acts in displacement camps during a meeting with internally displaced persons (IDPs) in the state of North Darfur. "I have been taking up the issue of impunity with high-level officials of the Government of the Sudan," Ibrahim Gambari told representatives of the Kassab and Fataborno IDP camp in the town of Kutum. "Where the people who are engaged in criminal acts are known, they must be brought to justice. As a result of our pressure, now they [the Sudanese Government] have appointed a special court and a special prosecutor [for Darfur]," he said.

During the meeting, some women told the AU-UN envoy that rapes in and around the camp had increased and requested more security."⁴¹⁶

In its 2011 country report covering the events of 2010, the *USDOS* reported that violence in IDP camps caused by disputes over political representation in the Doha peace processes, lead to deaths and additional displacements,

The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.23, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

⁴¹⁵ Human Rights Watch, *Darfur in the Shadows*

The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.19, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

⁴¹⁶ UN News Centre, Impunity for criminal acts in Darfur camps must stop – UN official, 19 January 2012, <http://www.un.org/apps/news/story.asp?NewsID=40980&Cr=darfur>, accessed 13 March 2012

"Tensions in IDP camps regarding disputes over political representation in the Doha peace processes resulted in deaths and additional displacements during the year.

In late July violence erupted in Kalma IDP camp between IDPs who supported and those who opposed peace talks in Doha. At least 35 persons died, and approximately 30,000 IDPs fled the camp. The government sought six individuals for alleged responsibility for the violence. They remained under UNAMID protection at year's end. After UNAMID began round-the-clock police patrols in the camp, security improved; however, sporadic gunfire erupted occasionally at night, and houses were set on fire.

In August similar politically motivated violence in Hamidiya and Hassahissa IDP camps in West Darfur between pro- and anti-Doha factions resulted in the shooting death of a student.

On September 3-4, violence again erupted in Hamidiya IDP Camp between pro- and anti-Doha factions, leading to the deaths of seven IDPs in the camp and injuries to approximately 30. At least three of those killed were SLA/AW supporters. Prior to this, on July 27, SLA/AW supporters killed three pro-Doha supporters in the camp."⁴¹⁷

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government provided little assistance or protection to IDPs in Darfur, and that security within IDP camps was often inadequate,

"Insecurity within IDP camps was also a problem. Tensions regarding political representation in the Doha peace processes resulted in deaths and additional displacements during the year. This was exacerbated by the proliferation of arms in camps. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force. International observers noted that criminal gangs aligned with rebel groups operated openly in several IDP camps and operated back and forth across the border with Chad.

In late July violence erupted in Kalma IDP camp [South Darfur] between IDPs who supported peace talks in Doha and IDPs who condemned the talks. The violence killed at least 35 persons. Approximately 30,000 IDPs fled the camp. Five IDP leaders and one woman sought protection from UNAMID, fearing possible government or opposing groups' action against them. Five of the individuals were sought by the government, who stated they were responsible for the violence. Authorities blocked humanitarian assistance to Kalma Camp and to Bileil Camp until mid-August. On September 6, NGOs resumed health, nutrition, water, sanitation, and hygiene activities, but for the most part at reduced levels. IDPs and others stated that the government's blockage of humanitarian assistance was part of a process to force IDPs to relocate, and during the year the government discussed plans to relocate Kalma Camp. According to the UN, more than 1,500 persons from Kalma Camp voluntarily returned to areas of displacement in West Darfur in early December as part of a government-led return program.

Similar politically-motivated violence erupted in Hamidiya and Hassahissa IDP camps in West Darfur in August. There were multiple cases reported of IDPs being harassed, arrested, and tortured by the NISS. The government harassed IDPs in Darfur who spoke with foreign observers."⁴¹⁸

⁴¹⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴¹⁸ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

In February 2012, *ReliefWeb* reported on conditions in Abu Shouk Camp near al-Fasher, North Darfur,

"Abu Shouk Camp, 7 miles north-east of al-Fasher, is one of the biggest camps of internally displaced persons (IDPs) in North Darfur. It contains 30 blocks and more than 80,000 persons from nearly all ethnic groups in Darfur, but mostly from the Fur, Tunjur, Berti, Zaghawa, Gimer, Fellata and Hawara.

The purpose of this survey was to find out the humanitarian situation in Abu Shouk Camp. It took seven days from 23/1/2012 to 30/1/2012 and was carried out through interviews with a number of IDPs at the camp. Our findings are as follows:

Food:

IDPs said that formerly the WFP gave provisions by the month of an amount considered the basic necessities to support life in bread, oil, sugar, Mix, etc. This was handed over to the IDPs on production of a card showing the number of people in the household. However, the present situation is that each IDP just receives only 22 Sudanese pounds (about \$8¹/₄) per month; i.e. they no longer receive provisions but goes and buys goods worth 22 SDG from merchants who are contracted by WFP. This has made the situation very bad and spread dire poverty in the camps. The displaced have had to go out and seek other ways of gaining a livelihood. In addition many of the households have lost fathers and brothers leaving women as the heads of households and they therefore have to work in marginal low-paid jobs, as cleaners, domestic servants or day labourers in al-Fasher earning only 4-5 SDG per day.

This amount does not meet their daily needs and this search for daily work in al-Fasher has resulted in the sexual exploitation of women and girls who become pregnant, causing a large number of illegitimate births.

Health:

Formerly there were centres working in this sphere and the IDPs found excellent medical care, but now the health situation has gone back to zero. In this extremely large camp there is the Sudanese Red Crescent and the Arab Egyptian Centre which work for just four days a week and an hour per day. There are no specialised doctors and you only find few drugs like flajil and pandol and if your case needs more than these you have to go to the free market. So the health conditions for IDPs are poor and medical care is lacking.

The Security Situation:

People say that the camp has become an arena where the vehicles of police, security and central reserve police are constantly moving around and there are cars carrying different weapons of all calibres. This has a negative impact on the life of IDPs; who had originally come to the camp as a refuge from the traumas and displacement suffered from attacks. Now you are finding many arrests in the camp. People may find themselves arrested simply for expressing their opinion about the government, and in fact a large number of IDPs are actually working for the security, in particular the camp sheikhs who are often directly serving the government's agenda and are actually closer to the security than to the IDPs.

As for the activists and human rights defenders they suffer continuously from human rights violations, prosecutions and arrests. For example Mohammed Ali Kanjir was arrested in the market in Abu Shouk on 25 December 2011 by security personnel and at the time of writing has not yet been released. Two women activists, Nafisa Mohammed Adam and Hawa Abdallah suffered human rights violations and prosecutions and were lately detained for more than one month; now they are in Cairo.

One of the most dangerous methods used by the government is that of arming its clients among the IDPs. This has led to loose security and as a result arms are being used in minor quarrels and in liquidations for personal reasons. In one example there were exchanges of fire

among the IDPs in Blocks 16 and 25 of Abu Shouk a month ago which ended in injuries on both sides."⁴¹⁹

In April 2011, the *IWPR* reported that the government interfered with reporting on conditions within IDP camps in Darfur,

"In October last year, the head of the UN children's agency UNICEF, Nils Kastberg, told Fi al Mizan, a radio programme made by IWPR and Radio Dabanga, that Khartoum is preventing his agency from releasing reports about malnutrition in IDP camps.

"Part of the problem has been when we conduct surveys to help us address issues, in collaboration with the ministry of health, very often other parts of the government such as the humanitarian affairs commission interferes and delays in the release of reports, making it difficult for us to respond [in a] timely [manner]," he said.

"We are raising these issues with the government at the moment that the humanitarian affairs commission should not interfere with the release of these reports."

UNICEF reported early last year that as many as 21 nutritional surveys were conducted since June 2009, but only seven have been released by the humanitarian affairs commission. Six of those showed malnutrition rates of between 15 and 29 per cent, the report stated."⁴²⁰

In September 2011, the *OCHA* reported on the health issues present in the Hamediya IDP camp,

"Over the past six weeks, there has been an increase in the reported number of cases of bloody diarrhoea (BD), Malaria and Other Diarrhoea (OD) through the early warning alert and response network (EWARN) from three health facilities in Hamediya IDP camp, West Darfur. In response to this increase, health actors in Zalingei formed a task force to verify the reported cases against standard case management and to identify possible gaps in service delivery. The task force has recommended the following: to conduct water quality testing to make sure that chlorination of water sources is adequate; to undertake indoor and outdoor vector control; to prioritise solid waste management; and to increase health education and hygiene promotion activities in the camp. In addition, the governmental Water and Environmental Sanitation (WES) department (with the support of UNICEF) constructed 200 new household latrines and rehabilitated 500 latrines in Nertiti improving access to sanitation facilities for an estimated 3,500 people."⁴²¹

In April 2011, the *IWPR* reported that the Sudanese Government was using hunger, rape and fear to attack IDPs in the camps in Darfur,

"The grim situation has prompted further warnings from the International Criminal Court, ICC, of a continued campaign of genocide against internally displaced people, IDPs, in Darfur. Since 2003, the war-torn region has seen more than 2.5 million people pushed into these camps.

⁴¹⁹ ReliefWeb, The Humanitarian Situation in Abu Shouk Camp, al-Fasher, North Darfur, 14 February 2012, <http://reliefweb.int/node/476765>, accessed 13 March 2012

⁴²⁰ IWPR, International Failures Prolong Darfur's Misery, April 2011, p.9, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

⁴²¹ OCHA, SUDAN: Weekly Humanitarian Bulletin, 22 September 2011, Available at: www.unsudanig.org, accessed 13 March 2012

"The government is using hunger, rape and fear to attack these IDPs in their camps in Darfur," Islam Shalabi, from the ICC's office of the prosecutor, OTP, said. "This is another tool of war used by the government of Sudan."⁴²²

In its 2011 country report covering the events of 2010, the *USDOS* reported that IDPs had significant humanitarian needs and that services supporting victims of gender based violence had been greatly reduced,

"IDPs in Darfur faced significant humanitarian needs. The government's expulsion of 13 international humanitarian NGOs and closure of three local NGOs in 2009 continued to negatively impact the delivery of humanitarian services.

Government restrictions, harassment, and the threat of expulsion resulted in the continued closure of most gender-based violence programming. While gender-based violence programming was mainstreamed into other humanitarian efforts, reporting and reach were severely curtailed. As of August, 96 percent of IDP households lived below the poverty line, compared with 86 percent of non-IDP households; 44 percent of IDP households had incomes at least 50 percent below the poverty line."⁴²³

In November 2011, *Radio Dabanga* reported that people living in IDP camps were suffering due to a serious lack of basic commodities and food,

"The displaced people residing in camps across Darfur are currently coping with critical living conditions, a survey by Radio Dabanga reveals. As winter comes, they are exposed to the cold and the spreading of diseases, without sufficient numbers of blankets, food, fireworks and tents. The children and elderly among them are especially fragile under these conditions.

A survey by Radio Dabanga collected complaints from all three states; with the camps of ZamZam, Kassab and Saraf Omra in North Darfur, Garsila, Morni and Zalingei in West Darfur, and Kalma and Mirshing in South Darfur describing this winter as one of the harshest, with a substantial drop of temperatures. The cold is especially hard to handle during the nights, and adds-up to the difficulties brought by the lack of the most basic commodities and food.

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This critical situation is worsened by the rise of the already high food prices: The majority of displaced people only eats one meal per day, and families are unable to afford winter clothes for their children. Most of them have not been provided with tents since 2009, when the Sudanese Government expelled the humanitarian organizations working in their areas, and the ones they've had since that time are not useable anymore due to their exposure to the heavy rains and sun.

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The survey also pointed out the inability of the displaced to go out of the camps to fetch wood; women especially fear to be killed, raped or beaten up. "The displaced appeal to local and international organizations to provide them with the food, medicines, blankets and tents we need to face the winter," a displaced person told Radio Dabanga."⁴²⁴

In December 2011, the *UN Secretary General* reported that over 85,000 IDPs voluntarily returned to their places of origin in 2011,

⁴²² IWPR, *International Failures Prolong Darfur's Misery*, April 2011, p.6, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

⁴²³ US Department of State, *2010 Human Rights Reports: Sudan*, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴²⁴ Radio Dabanga, *Camps face critical living conditions as winter approaches*, 30 November 2011, <http://reliefweb.int/node/462393>, accessed 13 March 2012

"The trend of internally displaced persons and refugees voluntarily returning to their places of origin in Darfur continued during the reporting period. Humanitarian agencies, working in conjunction with the Government of the Sudan through the Joint Verification Mechanism, conducted assessment and verification missions to several return sites in all three Darfur States. Humanitarian agencies confirmed the voluntary return of 9,312 internally displaced persons and 15,993 refugees to various locations in Darfur in October. This brings the total number of verified voluntary returnees since the beginning of 2011 to 85,172, including 55,872 internally displaced persons and 29,300 refugees. Most of the returns were to rural areas in Wadi Salih, Garsila, Bindisi and Habillah in Western Darfur, where the security situation has improved as a result of the rapprochement between Chad and the Sudan."⁴²⁵

6. Water, food security and livelihoods

In June 2011, *Voice of America News* reported that lack of access to water was a driver of the conflict, and that women and children walk long distances to fetch water,

"The conflict in Western Sudan's Darfur region erupted more than eight years ago. It has claimed hundreds of thousands of lives and displaced an estimated two million people. Disputes over scarce water and grazing land between black African farmers and Arab pastoralist communities triggered the war. Lack of access to water remains one of the major drivers of the ongoing conflict in Darfur. An international conference in Khartoum at the end of June will focus on the critical issue of water and how the equitable use and management of this limited resource can help build peace in this troubled region.

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When people in Darfur want water, they have to search far and wide for it.

A UN video shows women and children walking long distances through the arid desert to fetch water in Darfur. They wait in lengthy lines at the communal well to fill their jerry cans with water for their drinking and washing needs. This process is repeated every three or four days.

According to the United Nations, one person uses nearly 400 liters of water per day, in the world's wealthiest countries. In Darfur, 400 liters of water is shared by 20 people.

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Robin Bovey, the Sudan Program Manager for the UN Environment Program, says providing water in the Sahel is difficult because there is not much of it. He calls managing water resources a massive undertaking that cannot be done in isolation.

"We are presently setting up drought committees in camps," said Bovey. "There will be another drought. I mean there will be droughts that occur again. This is just something that happens on a cyclical basis. But, where you have population shifts, you have to make sure that people are prepared."

Nils Kastberg, the representative for the UN Children's Fund for Sudan, says getting access to that water requires peace. And peace can best be achieved on the local level.

"If we put a well and that leads to different groups of people fighting over access to that water, than we are contributing to conflict," added Kastberg. "If, instead, we can use the access to water as a way for establishing dialogue between different groups, so that through that

⁴²⁵ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur, 30 December 2011, S/2011/814, <http://www.unhcr.org/refworld/country,,UNSC,,SDN,,4f1563f32,0.html>, accessed 26 March 2012

dialogue we can provide, for instance, access to water, but at the same time get the dialogue going that is so needed, then we are constructing peace from the local level."⁴²⁶

In June 2011, the *Darfur International Conference; Water for sustainable peace 2011* reported that Darfur water supplies are declining,

"The United Nations and the Sudan Ministry of Irrigation and Water Resources today launched an appeal to reverse the rapidly declining water supply in Darfur and in doing so to tackle one of the major factors in the ongoing conflict and contribute to the foundation of a sustainable peace.

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Government and UN officials described a dire situation in Darfur where climate change, rapid population growth and environmental degradation led to competition for dwindling natural resources and a water crisis. That crisis in turn has contributed to the recent conflict which erupted in 2003, resulting in the deaths of tens if not hundreds of thousands of Darfuris and currently about 1.8 million internally displaced persons. IDP camps are also contributing to the depletion of the water table. The Darfur Appeal Document intends to "break that vicious cycle through a development approach to the water sector," said the Conference's Spokesperson Salih Hamad Hamid."⁴²⁷

In 2010, *UNICEF* reported on the aims of the Darfur Urban Water Supply Project to provide adequate drinking water for urban communities,

"For over 40 years, Darfur has experienced the effects of climate change and associated droughts. These changes, combined with rapid urbanization and population growth have resulted in an enormous demand on limited water supply resources. Disputes over access to water have often led to conflicts between communities.

In 2011, the United Nations Office for Project Services (UNOPS) commenced the implementation of urban water supply improvement in three Darfur states, with financial support from the UK Department for International Development (DFID). The purpose of the project is to increase the availability and reliability of water sources and supply in the four main urban centres of Darfur.

In West Darfur, the project covers water supply improvement works in the state capital of El Geniena and also at Zalingei. The planned project activities include the supply of three-phase power supply to water pumps, replacement of under-performing pumps, and construction of water transfer pipelines, storage tanks, pumping facilities, and installation of water meters for operational improvements. The two-year project is in progress in close partnership with the SWC of West Darfur and the Public Water Corporation of Government of Sudan.

The successful completion of the project will bring significant benefits to an estimated 200,000 people at two project locations, in terms of resilience against drought, reduced household expenditure on expensive private water supplies, increased productivity and improved health outcomes arising from more water for sanitation. It will also complement the on-going network expansion in El Geniena by the Transitional Darfur Regional Authority (TDRA) and enhance

⁴²⁶ Voice of America News, Water scarcity root of Darfur conflict, 11 June 2011, <http://www.voanews.com/english/news/africa/Water-Scarcity-Root-of-Darfur-Conflict-123688459.html>, accessed 26 March 2012

⁴²⁷ Darfur International Conference; Water for sustainable peace 2011, International Water Conference attracts commitments to stable water supply for development and peace in Darfur, 28 June 2011, <http://www.darfurwaterforpeace.org/events/index.htm>, accessed 26 March 2012

the long term economic sustainability of the Urban Water Administration of El Geniena and Zalingei."⁴²⁸

In July 2011, the *UN Security Council* reported on UNAMID's efforts to secure the Darfur region with a functional clean water supply,

"On 27 and 28 June, the Darfur International Conference on Water for Sustainable Peace was co-chaired by the Government of the Sudan, UNAMID and the United Nations country team. Government figures and representatives of the United Nations and other international organizations and donors attended the event. Donors pledged a total of \$500 million in support of 65 approved projects to develop a stable and equitable water service system for Darfur. It should be noted that the Government of the Sudan pledged \$210 million in support of this initiative. Once again, we of UNAMID, working with the United Nations country team, believe that water is one of the root causes of the conflict in Darfur, and addressing it could very well contribute to sustainable peace in that region."⁴²⁹

In January 2012, *The Food and Agriculture Organization* reported that poor rains severely affected yields, especially of early planted cereal crops, leading Sudan to have to import crops, further conflict affected crop development and harvesting in surplus producing areas of South Kordofan and Blue Nile states,

"Harvesting of cereal crops is complete and production in 2011 (including the small irrigated wheat crop, to be harvested in March/April) is estimated at about 2.9 million tonnes, almost half of previous year's extremely good output and similar to the poor harvest in 2009. Rainfall in 2011 was more than 30-day late at the onset, poorly distributed during the season and finished early in most areas. Major moisture deficits were reported in northern and central zones of Gedaref, Sennar, White Nile, Blue Nile, South Kordofan and South Darfur. Dry weather conditions at planting time have caused a significant reduction in planted area of sorghum and millet crops. In the irrigated sector, the reduction in planted area with cereals is explained by increases in area with groundnuts, cotton, vegetables and forages for livestock. Poor rains also severely affected yields, especially of early planted cereal crops that suffered after germination during prolonged dry spells in June/July. Crop development and harvesting operations were further impeded by intense conflict since June and September in surplus-producing areas of South Kordofan and Blue Nile states."⁴³⁰

In April 2011, the *IWPR* reported that children suffered from malnutrition in IDP camps in Darfur and noted that the lack of food made it difficult for children to learn at school,

"[] Those in the camps say that the extent of their suffering is clear - and that children, many of whom were born there, are some of the worst affected by the blocking of international assistance.

"Some kids couldn't sit for exams because they were sick. Others cannot follow classes regularly because of malnutrition," one camp leader said.

A Darfur health worker explained that there were no longer any qualified doctors at the clinic in his camp. Special wards set up by NGOs to treat malnourished children were closed down

⁴²⁸ UNICEF, West Darfur - 2010 Water, Sanitation and Hygiene (WASH) Situation Analysis and MDG Planning, 2010, <http://www.darfurwaterforpeace.org/files/North%20Darfur%20Fact%20Sheet%20-%20Final.pdf>, accessed 13 March 2012

⁴²⁹ UN Security Council, Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2011/422), 22 July 2011, p.5, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SPV%206589.pdf>, accessed 13 March 2012

⁴³⁰ FAO, GIEWS Country Brief: Sudan 17-January-2012, Available at: <http://reliefweb.int/node/471028>, accessed 13 March 2012

after the Sudanese government took charge of the provision of humanitarian assistance to the region in 2009.

“When the aid organisations were running it, we had very good services. But after they were expelled and their role taken over by Sudanese, the quality of the services deteriorated,” the health worker said, explaining how clean water and medication, which used to be common in the camp, were now in short supply.

“It is very difficult for children below five to survive this. They will probably die.” One boy living in a camp said that some children don’t go to school because there is not enough food aid, and are forced to go out to work instead.

“There are kids who sometimes don’t show up in the class. This is because sometimes they cannot [find] food for themselves and for their families,” he said. “So they go out and search for food... earn money somehow. Kids sometimes go and work for farmers.” For those who do attend school, malnutrition often affects their studies.

“Because of these difficult conditions, they are absentminded in class,” a teacher in a camp school said. “[A child] is physically with you in the class, but his mind is somewhere else. [Children] have problems getting enough food at home. This is not helpful for them. For children to grow mentally, they need enough food supplies.”⁴³¹

In its 2011 country report covering the events of 2010, the *USDOS* reported that women experienced economic discrimination,

"In the North, the Ministry of Social Welfare, Women, and Child Affairs was responsible for matters pertaining to women.

[]

Women experienced economic discrimination in access to employment, credit, pay for substantially similar work, and owning or managing businesses. Women were accepted in professional roles; more than half the professors at Khartoum University were women."⁴³²

In its 2011 country report covering the events of 2010, the *USDOS* reported on the statutory minimum wage in Sudan and noted provisions in the legislation pertaining to working hours,

"The minimum wage was between 190 and 250 Sudanese pounds (approximately \$80 to \$100) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, is responsible for enforcing the minimum wage, which employers generally respected. In the South, civil service workers, including teachers, often worked for long periods without being paid.

The law, which was generally respected, limits the workweek to 40 hours (five eight-hour days), with days of rest on Friday and Saturday. Overtime should not exceed 12 hours per week or four hours per day. There was no prohibition on excessive compulsory overtime.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized."⁴³³

⁴³¹ IWPR, *International Failures Prolong Darfur's Misery*, April 2011, p.7,

http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

⁴³² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

7. Access to healthcare (including HIV/AIDS) and education

In February 2011, *MSF* reported that thousands displaced by violence in December 2010 have poor access to healthcare,

"[] In South Darfur state, fighting in early December 2010 also displaced thousands of additional families. Currently, an *MSF* team is finalising an assessment to determine the most urgent needs of hundreds of displaced families in Shaeria locality. *MSF* is also setting up a nutrition program, in collaboration with the Ministry of Health, to address serious levels of malnutrition for people that have been suffering from continuing violence and poor access to health care."⁴³⁴

In April 2011, the *IWPR* reported that the Sudanese health minister acknowledged that camp shortages included access to food and healthcare,

"Following a recent meeting with UNICEF, Tia, the health minister, acknowledged that camp shortages did not just include food supplies but also stretched to healthcare and adequate access to vaccinations. He said that he would be calling on government colleagues to address the situation.

"We will be ready to talk and confront the local health ministers and also the official from the humanitarian affairs [ministry]," he said. "We want things to go smoothly because our target is to help the ordinary people."⁴³⁵

In April 2011, the *IWPR* reported on the difficulties experienced by medics in helping persons in the IDP camps,

"One doctor in an IDP camp in Darfur confirmed that even the aid organisations that can still operate in Darfur have great difficulty getting into the camps.

"Since July, doctors who come from outside to work in the clinics inside the camp are only given two hours per day by the government [for their work]," he explained. "Sometimes they spend half of this time just getting there."

Siddig rejected claims that the government was intentionally blocking aid to camps, claiming that any such blockade was due to rebel groups.

"We have been working closely to ensure all organisations are working freely in all the IDP camps in Darfur, including Kalma camp where we witnessed some problems for some time," he said."⁴³⁶

In March 2012, the *World Health Organisation (WHO)* reported that in Mornei camp, the government hospital lacks equipment, medication, staff funding and offers inadequate inpatient care and facilities,

⁴³³ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴³⁴ *MSF*, Clashes displace thousands of people in Darfur, Sudan, 7 February 2011, <http://www.msf.org/msf/articles/2011/02/clashes-displace-thousands-of-people-in-darfur-sudan.cfm>, accessed 13 March 2012

⁴³⁵ *IWPR*, International Failures Prolong Darfur's Misery, April 2011, p.9, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

⁴³⁶ *IWPR*, International Failures Prolong Darfur's Misery, April 2011, p.8, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

"WHO statistics (2010) indicate that in Darfur only 710 (77%) health facilities are currently functioning, irrespective of the quality of services provided, 17 out of 26 rural hospitals managed by SMOH in Greater Darfur are supported by UN agencies as well as INGOs, on the other hand, all mobile clinics are operated by INGOs. In Mornei camp and surrounding villages, the lone government hospital has shortages of drugs, lack of medical equipment, inadequate RH services, limited funds for staff salaries and inadequate inpatient care and facilities while the INGO-run reproductive health clinic has greatly reduced quality of services forcing mothers to deliver with traditional birth attendants. In Rongataz, the only clinic run by an NGO was closed for some time until support from Concern was started in August 2010. Only 4 other health centres serve the over 30 other surrounding villages. In Seleia town, the MoH clinic is operating mainly through the support of Concern while a mobile clinic serves the rest of the villages around Arwsharo, Manjura and Hejilija.

[]

At present mortality and morbidity figures for West Darfur are limited by the lack of reporting of deaths that occur outside of health facilities. In 2009 the leading recorded cause of death in health facilities in children of less than 5 years was severe malnutrition, followed by malaria, acute respiratory infection, neonatal tetanus and meningitis. In Seleia the pattern of morbidity and mortality is similar to that of West Darfur state. Acute respiratory infection and diarrhea are the most common reasons for presentation to the clinics in children of less than 5 years. In Seleia almost all deliveries occur at home and most are assisted by a midwife, but maternal and infant mortality figures are not available for Seleia or for the state as a whole. The result of a Concern KABP survey in 2009 on Water, Sanitation and Hygiene promotion conducted in West Darfur shows that only 67% of children with diarrhea in the 2 weeks prior to the survey were taken to a health facility for treatment and 24% were treated with traditional medicine. This survey also reports that less than 50% of people with presumed malaria presented to a health facility for diagnosis and treatment."⁴³⁷

In January 2010, *The New York Times* reported that diseases have killed significant numbers of displaced Darfuris,

"With violence in Darfur in an extended lull, a new study assessing dozens of mortality estimates for the six years of fighting there has concluded that about 300,000 people died, but that disease, rather than violence, killed at least 80 percent of them.

[]

Violence, it said, was the main cause in 2004, the year after the rebellion in the Darfur region of western Sudan began [] .

But far more people fled before the marauders than were hacked or shot to death by them, and 2.7 million ended up in camps for displaced people. While some fell prey to bandits who waylaid them as they fetched water and wood, far more died of diarrhea spread by filthy water, pneumonia picked up in swirls of desert dust and fire smoke, malaria carried into their tents by mosquitoes and other maladies from years of rough living.

[]

Darfur is so vast, and the fighting lasted so long, that the mortality experts could never just count bodies and extrapolate, a common technique for battlefield deaths. Instead, their estimates relied on family interviews about when and how various members died, with comparisons to death rates in other parts of Sudan, which even in peacetime has high infant mortality rates.

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Violence and disease have waxed and waned. For example, in late 2006, the government resumed bombing and rebel groups began fighting among themselves. World Food Program

⁴³⁷ WHO, CAP Project Sheet, March 2012, Available at: <http://www.who.int/en/>, accessed 13 March 2012

handouts were cut in half when money ran out that year. Also, the government has periodically expelled humanitarian agencies, a move that would probably increase disease deaths."⁴³⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that there was occasional discrimination against persons with HIV/AIDS in Sudan, noting,

"There was occasional discrimination against persons with HIV/AIDS. In July a private primary school in Omdurman reportedly expelled a student with HIV."⁴³⁹

In its 2011 country report covering the events of 2010, the *USDOS* reported that children in Sudan were entitled to an education up to the age of 13 years, however, pupils had to pay for their schooling,

"The law provides for free basic education up to grade eight; however, students often had to pay school, uniform, and exam fees. In Darfur few children outside of cities had access to primary education."

[]

Internally displaced children often lacked access to government services such as education."⁴⁴⁰

In 2011, *Catholic Relief Services* reported that the agency had helped develop an education programme for children whose schooling had been interrupted by the conflict in West Darfur,

"During the long-standing violent conflict in the Sudan, many homes and schools in the West Darfur region have been destroyed, forcing people to flee and resettle elsewhere. Students who remained in the region have faced long breaks in their education because they are either marginalized or prevented from going to school. In addition, many youth have never attended formal school due to years of instability, frequent movement and a lack of opportunity for their families to earn a living.

[]

Since early 2005, CRS and its partners have built more than 154 permanent, 95 semi-permanent and 280 temporary classroom structures at schools across West Darfur to help communities provide schooling for their children. Other key activities have included teacher training, Parent- Teacher Association training, provision of water tanks and simple hand-washing stands, training students and cooks in hygiene and building kitchens and storage facilities to support school feeding. These efforts have helped more than 46,800 students in West Darfur receive education."⁴⁴¹

8. Access to assistance, including status of humanitarian space

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese government restricted the work of aid workers in Darfur by delaying visas,

"The government delayed issuing humanitarian and diplomatic visas and travel permits for Darfur and the Three Areas to foreign NGO staff.

⁴³⁸ The New York Times, Study Points to Disease as Main Killer in Darfur, 22 January 2010,

<http://www.nytimes.com/2010/01/23/world/africa/23darfur.html?scp=266&sq=darfur&st=nyt>, accessed 13 March 2012

⁴³⁹ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴⁴⁰ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴⁴¹ Catholic Relief Services, Supporting students in West Darfur through the Accelerated Learning Program, 2011, <http://pqpublications.squarespace.com/storage/pubs/education/Education-Innovations-Sudan-kublus.pdf>, accessed 13 March 2012

The government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens' travel, the government denied some humanitarian workers exit visas.

The government restricted persons from traveling outside of the country to attend conferences."⁴⁴²

In June 2011, *Human Rights Watch* reported that the Sudanese government restricted the activity of aid agencies in Darfur, including by arresting staff and expelling organisations,

"[] humanitarian organizations also face restrictions through often more hostile means, such as arrest and detention of national and international staff, and expulsion of the latter. In March 2009, shortly after ICC issued an arrest warrant for President Omar al-Bashir, the government expelled 13 aid groups and closed down three Sudanese human rights groups.

In 2010, the government expelled key staff of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees who were involved in overseeing programs to facilitate the return of displaced persons. In February 2011, the government expelled, Médecins du Monde, the only medical organization providing services in Jebel Mara, and has repeatedly threatened to expel another group from West Darfur involved in food distribution."⁴⁴³

In April 2010, *The Enough Project* reported that the expulsion of aid agencies in Darfur led to a widespread decline in assistance and service to those in need,

"Seven months after President Bashir's expulsion of 13 international aid agencies from Darfur and dissolution of three Sudanese organizations last March, the U.N. Panel of Experts observed a "widespread decline in the delivery of services to affected communities." Thanks to major efforts by other international and Sudanese humanitarian organizations, Oxfam Great Britain noted in March: "A major humanitarian emergency has largely been averted at least in the sense that what is still one of the biggest crises in the world has not got substantially worse."⁴⁴⁴

Amnesty International reported in its 2011 annual report that the Kalma camp's inhabitants were denied access to humanitarian aid by the government for several weeks,

"In Kalma camp in South Darfur, armed clashes between supporters and opponents of the Doha peace process led to tens of casualties amongst camp residents in July and forced half the residents out of the camp. The camp's inhabitants were denied access to humanitarian aid by the government for several weeks while those who left the camp were not easily traceable by humanitarian agencies."⁴⁴⁵

In February 2010, *IWPR* reported that insecurity prevents UN agencies from accessing people outside of towns,

⁴⁴² US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

⁴⁴³ Human Rights Watch, Darfur in the Shadows, The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011, p.18, <http://www.hrw.org/sites/default/files/reports/sudan0611ForWebUpload.pdf>, accessed 13 March 2012

⁴⁴⁴ The Enough Project, Grading the Benchmarks, April 2010, p.7, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

⁴⁴⁵ Amnesty International, Sudan - Amnesty International Report 2011, <http://www.amnesty.org/en/region/sudan/report-2011>, accessed 18 March 2012

"Other UN agencies, such as the UNHCR, say lack of security is a factor prohibiting them from working more on the land issue. "Security doesn't allow the humanitarian community access. We have our own security rules at the UN. Nearly everywhere we go outside the towns you need armed escorts, which is a huge limitation on your possibility to move around because they are not easily available," said a source.

The government, meanwhile, insists that people are leaving camps in vast numbers and going back to their villages. Eljailani, the minister of humanitarian affairs, said, "IDPs started to return back voluntarily since the beginning of the rainy season this year to cultivate their lands. The only challenge we are facing now is how to provide basic services such as water, food and health care to the returnees."

Responding to reports from IDPs that the situation is not secure enough for them to return, he said, "Yes this could be true but it's one of the repercussions of war - [but] this is not a complete deterioration of security. The security situation has improved by 98 per cent in North Darfur, for example. "We have only few isolated incidents perpetrated by gangs and outlaws in the form of abductions of aid workers and car-jackings but we are working closely with local communities and Darfur civil society leaders to combat this phenomenon. Overall, the situation in Darfur is peaceful and secure."⁴⁴⁶

In its 2011 country report covering the events of 2010, the *USDOS* reported that the Sudanese authorities severely restricted the work of NGOs and made registration difficult,

"NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. The HAC obstructed the work of NGOs, including in Darfur and the Three Areas. During the year the HAC often changed its rules and regulations without prior notification.

The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, contrary to provisions in the 2007 Joint Communique between the government and the UN. This included delaying the issuance of visas and travel permits to humanitarian workers.

The government's Advisory Council for Human Rights did not respond to requests by international organizations for investigations into human rights violations, and it did not provide lists of detained individuals to the international community.

The National Commission for Human Rights Act, purportedly created by law in April 2009, had not been set up by year's end."⁴⁴⁷

In April 2010, *The Enough Project* reported that aid workers in Darfur are at risk of abduction, harassment and hijackings by armed groups and that the government has done little to hold perpetrators accountable,

"Aid and U.N. workers operate under the threat of hijackings, abductions, and harassment by armed actors, as well as fears of expulsion by the Sudanese government. There have been little or no serious efforts by the Government of Sudan to hold local actors accountable for attacks on the United Nations or humanitarian assets and property. Indeed, the Government of Sudan widely looted vehicles and other supplies from humanitarian agencies that were kicked out of Darfur in March 2009 and continues to use them with impunity. Since the expulsion of foreign aid agencies in March 2009, the number of foreign aid workers and U.N. personnel

⁴⁴⁶ IWPR, Land Rights Confusion Hinders Darfur IDP Returns, 15 February 2010, <http://iwpr.net/report-news/land-rights-confusion-hinders-darfur-idp-returns>, accessed 13 March 2012

⁴⁴⁷ US Department of State, 2010 Human Rights Reports: Sudan, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>, accessed 18 March 2012

kidnapped has increased. The insecurity of the current operational environment has forced many agencies to limit their presence to areas around large towns, leaving some of the most needy populations, in remote and rural areas, without access to critical services. On October 22, 2009, a staff member of the International Committee of the Red Cross, or ICRC, was kidnapped in West Darfur and kept hostage for 147 days. As a direct consequence, the ICRC scaled back its field activities in the region. The staff member was only recently rescued with the help of the Sudanese government, signifying cooperation on the part of Khartoum at least in this respect."⁴⁴⁸

In its 2011 country report covering the events of 2010, the *USDOS* reported that Sudanese government forces were restricting the activities of humanitarian NGOs,

"Fighting, insecurity, bureaucratic obstacles, and government and rebel restrictions reduced the ability of peacekeepers and humanitarians to access impacted areas. Armed persons attacked, killed, injured, and kidnapped peacekeepers and humanitarians. Humanitarian organizations were often not able to access and deliver humanitarian assistance in conflict areas, particularly in Jebel Marra and Jebel Moon. The government's expulsion of 13 international humanitarian NGOs and three local NGOs in 2009 continued to degrade the delivery of humanitarian services. The lack of access as well as fear of government retribution resulted in reduced reporting on human rights and humanitarian information during the year."

In April 2010, *The Enough Project* reported that NGOs practice self-censorship in reporting as they risk expulsion if they are overly critical,

"Humanitarian organizations continue to operate under the threat of government expulsion, which occurs arbitrarily and for ambiguous reasons. Within such an environment, organizations are forced to self-censor for the sake of being able to stay in the country to continue providing services to vulnerable populations. Without the freedom to report honestly on conditions on the ground, the international community is without an important source of information and monitoring."⁴⁴⁹

In April 2011, the *IWPR* reported that in January 2011 the government withdrew the work permits of 26 NGOs,

"According to the ICC's Shalabi, the 13 aid organisations that were expelled in 2009 contributed approximately 40 per cent of the humanitarian assistance in Darfur and this has yet to be replaced.

In January this year, the government withdrew work permits for a further 26 NGOs. In July and August, five more aid workers were expelled.

"This practically means that the government intends to monopolise access to Darfur, and to control all the aid that the international community commits, [thereby controlling] the lives of the IDPs," Shalabi said.

Sudan's health minister, Abdullah Tia, admits there's malnutrition in the IDP camps, but insists this is common amongst the Sudanese population at large. He acknowledges, however, that the government has been unable to adequately fill the gap left by NGOs after they were expelled.

⁴⁴⁸ The Enough Project, *Grading the Benchmarks*, April 2010, p.7, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

⁴⁴⁹ The Enough Project, *Grading the Benchmarks*, April 2010, p.8, https://s3.amazonaws.com/PHR_other/grading-the-benchmarks.pdf, accessed 13 March 2012

“Unfortunately, despite all the talk about the ‘Sudanisation’ of the relief work, it has not been a success,” he said. “The only thing [the ministry of humanitarian affairs] did was review the work of some [international] organisations and try to coordinate with them, but the ministry of humanitarian affairs ultimately was not able to meet expectations.”⁴⁵⁰

In April 2011, the *IWPR* reported on allegations that the Sudanese government was preventing humanitarian organisations access to IDP camps and restricting the delivery of food to displaced people,

“Civil society leaders and aid workers in camps across Darfur say that food shortages and malnutrition have become worse since the government expelled foreign NGOs in early 2009, following the Bashir arrest warrant. They say the government is undertaking a deliberate policy to clear the camps in Darfur. Methods included stopping agencies providing enough support, thereby putting pressure on IDPs to go back to their villages.

But observers warn that their lands are often now occupied by armed militias, putting IDPs at risk if they were to return. “We think that the humanitarian affairs commission [is preventing the supply of] enough food because the government wants people to leave camps,” one camp leader from Darfur said. “This is a government policy. This is death by another policy.”

Hafiz Mohammed, of the London-based advocacy group Justice Africa, said he believed that the government was trying to exert control over access to the camps.

“IDP camps represent security threats for the government. That is why the government is not allowing full access to these camps, and the free movements of its residents,” he said.

The Sudanese minister for humanitarian affairs, Mutrif Siddig, denied the allegations that the ministry was hampering UNICEF operations in the IDP camps.⁴⁵¹

In April 2011, the *IWPR* reported that humanitarian agencies have been granted limited access to Darfur due to government fears that they may be collaborating with the ICC,

“Since the expulsion of the NGOs, the government has granted aid groups and UN agencies only very limited access to the region, arguing that they could be collaborating with the court. Once inside Darfur, the movements of aid workers are strictly controlled by the government. This has made it extremely difficult for the international community to assess the security and humanitarian situation on the ground. The government of Sudan has created a vacuum of information on Darfur,” Shalabi [Islam Shalabi, from the ICC’s office of the prosecutor] said. “The only conclusion we can make is that the government of Sudan has something to hide regarding the humanitarian situation.”⁴⁵²

⁴⁵⁰ IWPR, *International Failures Prolong Darfur’s Misery*, April 2011, p.7, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

⁴⁵¹ IWPR, *International Failures Prolong Darfur’s Misery*, April 2011, p.6, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012

⁴⁵² IWPR, *International Failures Prolong Darfur’s Misery*, April 2011, p.7, http://iwpr.net/sites/default/files/special_report_darfur_042011_web_0.pdf, accessed 13 March 2012