



COUNTRY OF ORIGIN INFORMATION REPORT

SUDAN

16 APRIL 2010

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 1 March 2010. The 'Latest News' section contains further brief information on events and reports accessed from 2 March 2010 to 10 April 2010. The report was issued on 16 April 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a compilation of extracts of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

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INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material

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

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Latest News

EVENTS IN SUDAN, BETWEEN 2 MARCH 2010 AND 10 APRIL 2010

- 10 April On the eve of national elections, activists warned of widespread violations which threatened to undermine the first democratic vote in quarter of a century. Georgette Gagnon, Africa Director for Human Rights Watch said, "Violations of human rights - particularly restrictions on freedom of assembly and freedom of the press - are threatening prospects for a free, fair and credible vote across Sudan. ... Sudanese authorities are clearly failing to uphold international standards..."
Reuters Africa, Fraud warnings intensify on even of Sudan elections, 10 April 2010
<http://af.reuters.com/article/sudanNews/idAFLDE63901220100410?sp=true>
Date accessed: 12 April 2010
- 7 April The European Union withdrew its election observers from Darfur amid fears over the safety of its team. Sudanese activists reportedly urged the international observer missions covering the election to withdraw, because they would be unable to fully cover the 10,000 voting centres and accurately report on election fraud.
Reuters Africa, UPDATE 1-EU pulls Darfur poll observers over safety fears, 7 April 2010
<http://af.reuters.com/article/sudanNews/idAFLDE63621P20100407?sp=true>
Date accessed: 9 April 2010
- 6 April The Sudan People's Liberation Movement (SPLM) announced it was boycotting elections in most states in northern Sudan as tensions with President Bashir's National Congress Party escalated. Other political parties were deciding whether to follow suit.
Reuters Africa, UPDATE 3-South Sudan party to boycott elections in north, 6 April 2010
<http://af.reuters.com/article/sudanNews/idAFNLDE6351ZW20100406?sp=true>
Date accessed: 9 April 2010
- 1 April U.S. Sudan envoy Scott Gration began crisis talks with political leaders in Khartoum after the withdrawal of Sudan People's Liberation Movement (SPLM) presidential candidate, Yasir Arman. The SPLM stated the withdraw of their candidate was due to concerns over election fraud, particularly in the Darfur region.
Reuters Africa, UPDATE 5-Main Sudan opposition withdraw from presidential polls, 1 April 2010
<http://af.reuters.com/article/sudanNews/idAFLDE6301TA20100401>
Date accessed: 9 April 2010
- 29 March Amid growing calls from opposition elements to delay the forthcoming elections owing to electoral irregularities and the continued conflict in Darfur, President Al-Bashir warned the south's main political party SPLM that if they refused to take part in the April elections, a southern referendum on secession would

not take place in January 2011 as scheduled.

Reuters Africa, UPDATE 1-Sudan's Bashir threatens southern referendum, 29 March 2010

<http://af.reuters.com/article/sudanNews/idAFLDE62S28Y20100329?sp=true>

Date accessed: 9 April 2010

- 22 March President Omar Al-Bashir threatened to expel election monitors following suggestions that the April 2010 elections should be postponed. "We wanted them to see the free and fair elections, but if they interfere in our affairs, we will cut their fingers off, put them under our shoes, and throw them out," Bashir was reported as saying.
Reuters Africa, UPDATE 2-Sudan's president threatens to expel election monitors, 22 March 2010
<http://af.reuters.com/article/sudanNews/idAFLDE62L29920100322>
Date accessed: 9 April 2010
- 18 March Sudan signed a ceasefire agreement with a second Darfur rebel group [see also entry at paragraph 4.12 below] , as part of the Government's campaign to resolve the conflict before elections. However there were concerns the recent deal with the Liberation and Justice Movement (LJM), an umbrella group of small factions, could threaten the continued fragile peace accord signed by the Justice and Equality Movement (JEM). A spokesperson for JEM dismissed the latest deal with the LJM as "meaningless".
Reuters Africa, UPDATE 3- Sudan signs deal with second Darfur rebel group, 18 March 2010
<http://af.reuters.com/article/sudanNews/idAFLDE62H0W120100318?sp=true>
Date accessed: 9 April 2010
- 18 March The Carter Center, in carrying out its role as election monitor, reported that the forthcoming elections in April may need to be postponed due to logistical issues and other irregularities. The Carter Center was also "deeply concerned" about the high levels of violence in Darfur and raised doubts over the integrity of the election campaign process.
Reuters Africa, Sudan may have to delay elections – observers, 18 March 2010
<http://af.reuters.com/article/sudanNews/idAFHEA85331720100318?sp=true>
Date accessed: 9 April 2010
- 17 March Amid signs the peace deal with the Justice and Equality Movement (JEM) was faltering, Sudanese security officials arrested 15 Darfur rebels weeks after President Al Bashir had pardoned and freed them as part of the Darfur peace process.
Reuters Africa, Sudan security re-arrests Darfur rebels: lawyer, 17 March 2010
<http://af.reuters.com/article/sudanNews/idAFHEA72820520100317?pageNumber=2&virtualBrandChannel=0&sp=true>
Date accessed: 9 April 2010
- 15 March Two newspaper editors were questioned by the National Press Council (NPC), amid accusations they had insulted President Omar-Hassan Al-Bashir over their reporting of the Darfur conflict and International Criminal Court (ICC) indictment charges brought against Bashir.
Reuters Africa, Sudan summons two papers for insulting Bashir, 15 March 2010
<http://af.reuters.com/article/sudanNews/idAFLDE62E1WS20100315?sp=true>
Date accessed: 9 April 2010

- 12 March Northern nomads from the Misseriya tribe launched an attack on a southern army base killing three soldiers. A similar event occurred in February in which 18 people were killed. The latest attack highlighted an urgent need to demarcate the north-south dividing line and determine the rights of those living along the disputed border.
Reuters Africa, South Sudanese army, nomad clash, three killed, 12 March 2010
<http://af.reuters.com/article/sudanNews/idAFMCD26510520100312?sp=true>
Date accessed 9 April 2010
- 10 March Ahead of forthcoming elections in April 2010, it was reported that opposition groups in the autonomous southern Sudan had complained of harrassment and intimidation, with commentators questioning the possibility for elections to be held under free and fair conditions.
Reuters Africa, South Sudan election candidate complains of arrests, 10 March 2010
<http://af.reuters.com/article/sudanNews/idAFMCD05292020100310?sp=true>
Date accessed: 9 April 2010
- 8 March Following recently reported fighting in the Jabel Marra region of Darfur between the Sudan Liberation Movement, loyal to Abdel Wahed Mohamed el-Nur (SLM/MM faction) and Sudanese Armed Forces, an army spokesman, although denying any large scale clashes had occurred, reported that they had overall control of the region. This was later refuted by SLM/MM who have claimed control of the area since 2003.
Reuters Africa, Sudan's army says rebels ambushed U.N –AU peacekeepers, 8 March 2010
<http://af.reuters.com/article/sudanNews/idAFLDE6272EU20100308?sp=true>
Date accessed:9 April 2010
- 3 March The rebel Justice and Equality Movement (JEM) leader, Khalil Ibrahim, threatened to pull out of peace talks with the Government, because of parrellel talks being progressed with other rebel groups. JEM has wanted to progress peace talks exclusively with the government and represent the collective interests of the various Darfur rebel groups.
Reuters Africa, Darfur rebels threaten to quit peace talks, 3 March 2010
<http://af.reuters.com/article/sudanNews/idAFHEA33245820100303?sp=true>
Date accessed: 9 April 2010

For further information on many of the events listed above see [Recent Developments](#), additionally see: [Security situation](#)

For information on political events refer to [Political Affiliation](#). For an understanding of the ethnic make-up of Darfur's rebel groups, see [Ethnic basis of Darfur's main rebel groups](#)

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REPORTS ON SUDAN PUBLISHED OR ACCESSED SINCE 2 MARCH 2010

Associate Parliamentary Group for Sudan, [HTTP://WWW.APG-SUDAN.ORG/](http://www.apg-sudan.org/)

On the brink: Towards lasting peace in Sudan, dated 30 March 2010

[HTTP://WWW.APG-SUDAN.ORG/IMAGES/STORIES/PDFs/HEARINGREPORT.PDF](http://www.apg-sudan.org/images/stories/PDFs/hearingreport.pdf)

Date accessed: 9 April 2010

The Carter Center, [HTTP://WWW.CARTERCENTER.ORG](http://www.cartercenter.org)

Preliminary statement on the final stages of Sudan's electoral process, dated 17 March 2010

[HTTP://WWW.CARTERCENTER.ORG/RESOURCES/PDFs/NEWS/PR/SUDAN-STATEMENT-031710.PDF](http://www.cartercenter.org/resources/PDFs/news/PR/SUDAN-STATEMENT-031710.PDF)

Date accessed: 9 April 2010

Human Rights Watch, [WWW.HRW.ORG/](http://www.hrw.org/)

Sudan: Government Repression Threatens Fair Elections, dated 21 March 2010

[HTTP://WWW.HRW.ORG/EN/NEWS/2010/03/21/SUDAN-GOVERNMENT-REPRESSION-THREATENS-FAIR-ELECTIONS](http://www.hrw.org/en/news/2010/03/21/sudan-government-repression-threatens-fair-elections)

Date accessed: 9 April 2010

International Crisis Group (ICG), [HTTP://WWW.CRISISGROUP.ORG/HOME/INDEX.CFM](http://www.crisisgroup.org/home/index.cfm)

Annual Report 2010 (covering events from 2009), dated March 2010

[HTTP://WWW.CRISISGROUP.ORG/LIBRARY/DOCUMENTS/MISCELLANEOUS_DOCS/ANNUAL_REPORT_2010.PDF](http://www.crisisgroup.org/library/documents/miscellaneous_docs/annual_report_2010.pdf)

Date accessed: 9 April 2010

Rigged Elections in Darfur and the Consequences of Victory in Sudan, dated 30 March 2010

[HTTP://WWW.CRISISGROUP.ORG/HOME/INDEX.CFM?ID=6601&L=1](http://www.crisisgroup.org/home/index.cfm?id=6601&l=1)

Date accessed: 9 April 2010

Norwegian Refugee Council, [HTTP://WWW.NRC.NO/](http://www.nrc.no/)

Southern Sudan 2010: Mitigating a Humanitarian Disaster, dated 11 March 2010

[HTTP://WWW.FLYKTINGHJELPEN.NO/ARCH/_IMG/9469097.PDF](http://www.flyktinghjelpen.no/arch/_img/9469097.pdf)

Date accessed: 9 April 2010

United Nations, <http://www.un.org/en>

Report of the Secretary-General on the United Nations Mission in the Sudan (S/2010/168), dated 5 April 2010

[HTTP://WWW.UN.ORG/GA/SEARCH/VIEW_DOC.ASP?SYMBOL=S/2010/168](http://www.un.org/ga/search/view_doc.asp?symbol=S/2010/168)

Date accessed: 9 April 2010

US Department of State, [HTTP://WWW.STATE.GOV](http://www.state.gov)

2009 Human Right Report: Sudan, dated 11 March 2010

[HTTP://WWW.STATE.GOV/G/DRL/RLS/HRRPT/2009/AF/135978.HTM](http://www.state.gov/g/drl/rls/hrrpt/2009/af/135978.htm)

Date accessed 9 April 2010

Refugees International, [HTTP://WWW.REFINTL.ORG/](http://www.refintl.org/)

Sudan: No time for 'business as usual', dated 25 March 2010

[HTTP://WWW.REFINTL.ORG/SITES/DEFAULT/FILES/032510_SUDAN_BUSINESSASUSUAL.PDF](http://www.refintl.org/sites/default/files/032510_sudan_businessasusual.pdf)

Date accessed: 9 April 2010

Waging Peace, [HTTP://WWW.WAGINGPEACE.INFO/](http://www.wagingpeace.info/)

The Sudanese Elections of April 2010, A Missed Opportunity for Peace and Democracy, dated 12 March 2010

[HTTP://WWW.WAGINGPEACE.INFO/IMAGES/IMAGES/WAGING_PEACE_REPORT_ON_SUDAN_ELECTIONS_MARCH2010.PDF](http://www.wagingpeace.info/images/images/WAGING_PEACE_REPORT_ON_SUDAN_ELECTIONS_MARCH2010.PDF)

Date accessed: 9 April 2010

Background information

1. GEOGRAPHY

SIZE AND POPULATION

- 1.01 The Permanent Committee on Geographical Names for British Official Use (PCGN) recorded, as of 16 April 2009, Sudan's official title as 'Republic of the Sudan'. [141]
- 1.02 The Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). (Europa World Online, undated, accessed 15 January 2010) [1b] (Country Statistics, Area and Population) (p1) Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. (UN Map, April 2007) [6a]
- 1.03 The Central Intelligence Agency (CIA) World Fact book, updated 15 December 2009, noted that the population of Sudan was estimated to be 41,087,825 in July 2009. [2a] (Geography). However the Economist Intelligence Unit Country Profile – Main Report, Sudan, dated 4 March 2009 (EIU Country Profile 2009) observed that estimates of Sudan's population were "imprecise". [114c] (p14)
- 1.04 A constitutional decree, issued in February 1994, redivided the country from nine states, sub-divided into 66 provinces and 281 local government areas into just 26 states, (Europa World Online, undated, accessed 15 January 2010) [1b] (Country Statistics, Area and Population), since further reduced to 25 states with the abolition of Western Kordofan, which was merged into Northern and Southern Kordofan states in August 2005. (*Sudan Tribune*) [12by] "Khartoum, the smallest of the states, contains the Three Towns of Khartoum: Khartoum, Omdurman and Khartoum North." (Encyclopedia Britannica, The Sudan: Settlement Patterns, undated). [62a] Other states in Sudan include Northern Darfur, Western Darfur and Southern Darfur. For a full list of the 25 states, including details of which states come under the jurisdiction of the Government of Southern Sudan (GoSS) refer to [Annex C: States of Sudan](#).
- 1.05 Major towns in Sudan include Port Sudan, Kassala, El-Obeid, Nyala, El-Gezira, Gedaref, Kosti, El-Fasher and Juba. (Europa World Online, undated, accessed 15 January 2010) [1b] (Country Statistics, Area and Population)
- 1.06 Darfur lies in west Sudan. The population of Darfur is estimated to be around six million, comprising one seventh of Sudan's population. "Previously administered as one entity, Darfur was divided into three states in the early 1990s. Al-Fasher, the historic capital of Darfur, is the capital of North Darfur state; Nyala is the capital of South Darfur state; and al-Geneina is the capital of West Darfur state. Each state has a regional assembly, and a governor appointed by central government." (Darfur in Perspective, by Dr David Hoile, dated January 2006, accessed via Darfur Information.com) [164a] (p4-5)

CLIMATE AND TERRAIN

- 1.07 Economist Intelligence Unit (EIU), Country Profile 2009: Sudan, accessed 15 January 2010, observed that:

“Northern Sudan: hot and dry in September-May; rainy season from April/May to September/October depending on latitude (average annual rainfall 100 mm). Southern Sudan: rainy season from April to October (average annual rainfall 1,000 mm).” [114c] (Basic data)

“Hottest month, May, 26-42°C; coldest month, January, 16-32°C; driest months, January-April, usually no rainfall; wettest month, August, 72 mm average rainfall (average annual rainfall 200 mm).” [114c] (Basic data)

- 1.08 An information paper by the UN Office for the Coordination of Humanitarian Affairs (OCHA), dated February 2006 on the geography of Sudan, provided details on the Darfur region as follows:

“... Western Darfur is an undulating plain dominated by the volcanic massif of Jabal Marrah towering 900 meters above the Sudanic plain; the drainage from Jabal Marrah onto the plain can support a settled population. Western Darfur stands in stark contrast to northern and eastern Darfur, which are semidesert [sic] with little water either from the intermittent streams known as wadis or from wells that normally go dry during winter months. Northwest of Darfur and continuing into Chad lies the unusual region called jizzu, where sporadic winter rains ... provide excellent grazing into January or even February.” [159a]

ETHNICITY AND LANGUAGE

- 1.09 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) stated that: “The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects.” [3a] (Section 5). The EIU Country Profile 2009: Sudan, reported that “Sudan has great ethnic ... and linguistic diversity. Arabs are around 40% of the population, followed by [black African] Dinka (12%) and Beja (7%).” [114c] (Highlights)
- 1.10 The same source stated that Arabic was spoken by about 60% of the population, with English widely spoken in the South. There were estimated to be 115 tribal languages, of which over 27 were spoken by more than 100,000 people. [114c] (Basic data) Europa World Online, undated, accessed on 15 January 2010 noted that: “Arabic is the official language, although other languages are spoken and English is widely understood.” [1b] (Country Profile: Location, Climate, Language, Religion, Flag, Capital) The website Ethnologue provides a [language map of Sudan](#), also see the listed [languages of Sudan](#)

See also: [Ethnic groups](#) and [Annex C: States of Sudan](#)

RELIGION

- 1.11 Islam is the state religion, although only around 60% of Sudanese are Muslims (EIU Country Profile 2009). [114c] (Highlights) Most northern Sudanese are Muslims, while in the south most of the inhabitants are animists or Christians. (Europa World Online, accessed 22 July 2009) [1b] (Location, Climate, Language, Religion, Flag, and Capital) (p1)

- 1.12 The US State Department International Religious Freedom Report 2009, Sudan, released on 26 October 2009, noted:

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

“An estimated 25 percent of the population holds indigenous beliefs (animism), which are prevalent in rural areas throughout the country. Some animists have been baptized but they either do not identify themselves as Christians or combine Christian and animist practices.

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

For further information about religious groups see also [Freedom of Religion](#)

PUBLIC HOLIDAYS

- 1.13 Europa World Online, accessed 15 January 2010, recorded the following as public holidays in Sudan:

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

“2010 1 January (Independence Day); 26 February* (Mouloud, Birth of the Prophet); 6 April (Uprising Day, anniversary of the 1985 coup); 5 April (Sham an-Nassim, Coptic Easter Monday); 30 June (Revolution Day); 10 September* (Id al-Fitr, end of Ramadan); 16 November* (Id al-Adha, Feast of the Sacrifice); 7 December* (Muharram, Islamic New Year); 25 December (Christmas).”

* The dates of Islamic holidays are determined by sightings of the moon, and may be slightly different from those given above. [1b] (Public Holidays)

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MAP

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



Additional geographical maps can be located on the United Nations Sudan Information Gateway website – [Sudan maps](#)

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2. ECONOMY

2.01 The Economist Intelligence Unit *Country Profile – Main Report*, Sudan, dated 4 March 2009 (EIU Country Profile 2009), noted:

- “Sudan is extremely poor, despite its substantial natural resources, as development has been hindered by mismanagement and conflicts. [Gross Domestic Product] GDP per capita in 2008 is estimated at US\$2,215 (PPP), less than half that of Egypt, and in the rural and periphery regions it is much lower than this.
- “The development of the oil sector and investment in associated infrastructure, much of it financed by Asian and Gulf investors, has driven strong economic growth, averaging 7% a year in real terms during 1998-2007.
- “Government revenue has more than doubled in four years, as a result of increased oil production since the end of the civil war and high prices, enabling considerable transfers both to the south and to northern state government.
- “Most of the massive US\$33bn external debt is in arrears, and debt relief is unlikely until substantial progress is made on Darfur and political reform.” [114c] (Highlights)

2.02 The same source noted that: “As recently as 1999, agriculture provided the majority of Sudan’s export earnings, but that proportion has fallen to only an estimated 5% in 2008 as oil exports have soared. The report continued, “[a]s a result of extensive exploration, known oil reserves have increased from just 300m barrels in 1997 to an estimated 6.6bn barrels in 2006, according to BP [British Petroleum].” [114c] (The economy: Economic performance, Agriculture)

2.03 The CIA World Fact book, updated 15 December 2009, stated:

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

2.04 The USSD Report 2008 noted that:

“The minimum wage was 124 Sudanese pounds (approximately \$62) per month, which did not provide a worker and family a decent standard of living.

The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid.” [3a] (Section 6e)

CURRENCY

2.05 Europa World Online, undated, accessed 10 January 2010, stated:

“On 1 March 1999 the Sudanese pound (£S) was replaced by the Sudanese dinar (SDD), equivalent to £S10. The pound was withdrawn from circulation on 31 July 1999. A new Sudanese pound (SDG), equivalent to 100 dinars (and 1,000 old pounds) was introduced on 10 January 2007. The new currency was to circulate along with previous currencies (the old pound had continued to circulate in some regions) for a transitional period, but became the sole legal tender on 1 July 2007.” [1b] (Country Statistics: Finance)

2.06 100 piastres = 1 new Sudanese pound (Central Bank of Sudan, accessed 18 January 2010) [158a]

Exchange rates as of 22 January 2010:

- £1 sterling = 3.7040 Sudanese pounds
- US \$1 = 2.2857 Sudanese pounds
- €1 = 3.2208 Sudanese pounds (rates.cx) [122]

2.07 The Central Bank of Sudan provided details of the notes and coins in circulation in Sudan, including specimen examples, accessible via the link [here](#). [158b]

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3. RECENT HISTORY (1956 TO 2009)

OVERVIEW

- 3.01 The following section provides a brief summary of Sudanese history since independence, with the focus on events in the last 15 years. Further details are available from various online sources, including the [BBC Country Profile on Sudan](#) (last updated February 2010), [US Department of State Background Note](#) (February 2010) and [Reuters Crisis Briefing: Darfur Conflict](#) (February 2010).
- 3.02 The Congressional Research Service in a paper entitled *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*, (dated 22 October 2009), reported that Sudan had been effected by civil war intermittently for the past four decades. Following several failed attempts to end civil war with the south, a framework agreement was finally reached in 2005 between the Sudanese government and the Sudan Liberation Movement (SPLM) of the south. [160a] (Summary)
- 3.03 The same source noted: “The crisis in Darfur began in February 2003 when two rebel groups emerged ...” claiming that the Government of Sudan had systematically discriminated against Muslim African ethnic groups in Darfur since the 1990s. The resultant conflict “... primarily pitted three African ethnic groups, the Fur, Zaghawa, and Massaleit, against nomadic Arab ethnic groups.” [160a] (p16) The conflict led to an estimated 450,000 deaths and was widely condemned by the international community, with the US Bush Administration concluding in September 2004 that atrocities in Darfur amounted to genocide. [160a] (Summary)

INDEPENDENCE AND THE AL-BASHIR GOVERNMENT

- 3.04 Europa World Online’s profile of Sudan, undated, accessed 15 January 2010, stated that “The Sudan (as the country was known before 1975) achieved independence as a parliamentary republic on 1 January 1956.” [1b] (Recent History) “The country has had numerous changes in government since independence in 1956. Successive regimes found it difficult to win general acceptance from the country’s diverse political constituencies, a situation symbolized [sic] by the lack of a formal constitution until 1973”. (Encyclopedia Britannica, undated, accessed 15 January 2010) [62a] (The Sudan, Main)
- 3.05 The Foreign and Commonwealth Office’s (FCO) country profile on Sudan accessed 15 January 2010 stated:
- “On 30 June 1989, the army overthrew the democratically elected government of Sadiq al-Mahdi and installed a Revolutionary Command Council, chaired by General Omar al-Bashir. Bashir ruled by decree at the head of the Revolutionary Command Council and banned all political parties except his own National Islamic Front (NIF) (renamed the National Congress Party in 1998). In 1996 Bashir was elected President and a National Assembly was elected in a flawed election which was boycotted by the opposition. Bashir was re-elected (with 86% of the vote) in 2000. Again a number of key opposition parties boycotted the election, claiming it was flawed and unfair.” [4a] (History)

- 3.06 The Economist Intelligence Unit Country Profile – Main Report, Sudan, dated 4 March 2009 (EIU Country Profile 2009) noted: “The National Congress Party (NCP), an Islamist party headed by the president, Omar al-Bashir, has governed Sudan since a coup in June 1989.” [114c] (Politics)

INTERNAL CONFLICTS

- 3.07 The three broad areas of conflict since independence have been: the north-south civil war, Darfur and the insurgency in the east of the country. Jane’s *Sentinel Country Risk Assessment*, Sudan, (Jane’s SCRA report) Executive Summary of Sudan, updated on 2 December 2009, stated:

“The Republic of the Sudan, the largest country in Africa, has been ravaged by civil war since it gained independence in 1956. The traditional view of the war as a north-versus-south conflict caused by irreconcilable ethnic and religious differences between Arabian and African legacies is an oversimplification, as authoritarian government policies have provoked a more widespread rebellion since the mid-1990s. In 1995, northern opposition groups joined the southern rebel Sudan People’s Liberation Movement/Army (SPLM/A) to form the umbrella National Democratic Alliance (NDA) to fight against President Omar al-Bashir’s Islamic-military government, which seized power in 1989. Thereafter a variety of armed groups from Sudan became arrayed against the government, with a major insurgency also developing in the western Darfur region. In the east of the country, another insurgency, albeit low-level, had also been waged over perceived marginalisation. The discovery of significant quantities of oil further complicated the conflicts...” [116a]

The North-South conflict (1956 – 2005)

- 3.08 Europa World Online undated, accessed 15 January 2010, reported that since independence Sudan has had to address the problem of “... the disputed status of the three southern provinces (Bahr al-Ghazal, Equatoria and Upper Nile), whose inhabitants are racially and culturally distinct from most of the country’s population. Rebellion against rule from the north had first broken out in 1955.” [1b] (Recent History)
- 3.09 The BBC News article, Q&A Peace in Sudan, last updated 8 July 2005, similarly reported:
- “Apart from an 11-year period from 1972-1983, Sudan has been at war continuously since independence in 1956. In 1983, the government dominated by northern Arabs tried to impose Islamic Sharia law across Sudan, even in areas where the majority is not Muslim. This exacerbated a rebellion that had begun in the south, which is inhabited by black African Christians and those who practise traditional religions. The rebel Sudan People’s Liberation Army (SPLA) has never clearly stated whether it is fighting for autonomy for the south within Sudan, or outright independence.” [9k]
- 3.10 The Canadian International Development Agency on its Sudan page modified on 17 August 2009 (CIDA profile) observed the: “... north-south civil war between the Sudan People’s Liberation Movement/Army and the Government of Sudan caused approximately two million deaths and displaced more than four million people from 1983 until the signing of a peace accord in January 2005.” [11b] (Sudan profile)

Comprehensive Peace Agreement (CPA): 9 January 2005

- 3.11 Jane's SCRA report updated 2 December 2009 noted:
- "... prospects for north-south peace were advanced in July 2002, when the government and the SPLM/A signed the Machakos Protocol. This framework agreement outlined a peace deal under which the south would become a self-administering part of Sudan for a six-year period; a referendum would then be held to determine its final status. Negotiations in Kenya resolved outstanding issues on 26 May 2004 and a Comprehensive Peace Agreement (CPA) was finally concluded on 9 January 2005." [116a]
- 3.12 (The Economist Intelligence Unit Country Profile – Main Report, Sudan, dated 4 March 2009 (EIU Country Profile 2009)) stated:
- "The 2005 Comprehensive Peace Agreement (CPA) between the NPC [sic – NCP] and the Sudan People's Liberation Movement (SPLM) ended a decades-long north-south civil war and created a semi-autonomous Government of Southern Sudan (GOSS) dominated by the SPLM, which also became the main junior partner in the Government of National Unity (GNU) in Khartoum..." [114c] (Politics)
- 3.13 A BBC Monitoring report, undated, accessed 15 January 2010, observed that:
- "...A government of national unity [was] announced on 20 September 2005 as part of a peace deal signed at the beginning of the year." The article continued:
- "In October 2005 Salva Kiir Mayardit, president of the new government of southern Sudan, form[ed] the first cabinet since a peace deal was agreed between former southern rebels and the northern government in January 2005. The peace accord provides for an autonomous south with its own army, national power and wealth-sharing, religious freedom and a new constitution during a six-year interim period. After those six years, the 10 southern states will hold a referendum on independence" [142b] (Key Information: Government)
- 3.14 However, International Crisis Group on its country webpage for Sudan, undated, accessed 15 January 2010, noted:
- "... the implementation of the CPA has been hampered by the lack of good faith and the absence of political will on the part of the ruling National Congress Party (NCP) and the lack of capacity of the SPLM/A... Deliberate obstruction of the CPA implementation by the NCP, particularly the areas of Abyei, oil revenue sharing and the demarcation of the north-south border, are putting the hard-fought peace at risk." [14f]
- 3.15 Similarly the EIU Country Profile 2009 observed:
- "... implementation of the [CPA] deal has proved more problematic, with both the SPLM and the National Congress Party (NCP)-led government accusing the other of causing delays. Elections due in 2009 have now been set for February 2010 [since postponed further until April 2010]. The slow implementation of the peace accord is a clear threat to its long-term survival. Ongoing tensions over the CPA's implementation also have the potential to undermine peace efforts in Darfur. ..." [114c] (Politics)

To access the *Comprehensive Peace Agreement between the Government of the Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army*, click on the link [here](#)

See also: Recent Developments – [Comprehensive Peace Agreement \(CPA\) Developments](#), [Constitution](#) and [Political System](#)

Darfur (2003 to 2009)

3.16 The EIU Country Profile 2009 observed that:

“Traditional rivalry between ‘Arab’ nomads and ‘black African’ farmers (the designations are contested) had been exacerbated during the 1990s by disputes over pastoral land and creeping desertification. In early 2003 the SLM [Sudan Liberation Movement] announced that it had taken up arms to end the political and economic marginalisation of Darfur, launching guerrilla attacks on government positions. The SLM, drawn primarily from the black African Zaghawa, Masalit and Fur tribes of the region, said that it was responding to the government’s failure to protect African villages from attacks by nomadic Arab militias, known as the *janjaweed*. Towards the end of 2003 the SLM was joined by a second rebel group, JEM [Justice and Equality Movement]. In 2004 the UN labelled Darfur as the world’s worst humanitarian crisis and, by 2006, around 2m[illion] people had been displaced and many thousands murdered or killed by deteriorating health and food security.” [114c] (Recent political development)

3.17 Jane’s Sentinel’s Executive Summary, last updated 2 December 2009, reported:

“Conflict broke out in the Darfur region in early 2003, eclipsing the north-south conflict. The activities of the [Sudan Liberation Movement/Army \(SLM/A\)](#) were initially dismissed by the government as the work of bandits operating in the notoriously lawless Darfur region. Notable attacks in February and April 2003, as well as the SLM’s issuing of political statements, detracted from the government’s dismissals. Further confirmation of the political nature of the crisis was found in the emergence of another anti-government group with an Islamist agenda: the [Justice and Equality Movement \(JEM\)](#). Both groups were coalitions of forces from local sedentary peoples (Fur, Zaghawa and Mesalit) that had suffered raids by nomadic Arab tribesman, known as Janjaweed, who were alleged to be backed by the authorities, although this has been denied by Khartoum.” [116a]

3.18 The Congressional Research Service report, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement* dated 22 October 2009 noted that: “The crisis in Darfur in western Sudan has led to a major humanitarian disaster, with an estimated 2.45 million people displaced, [and] more than 240,000 people forced into neighboring Chad...”. [160a] (Summary) The UN Office for the Coordination of Humanitarian Affairs report (OCHA), Darfur Humanitarian Profile No.34, similarly reported that “...by 1 January 2009, there were nearly 2.7 million Internally Displaced Persons (IDPs) in Darfur.”[159b] (p3)

3.19 The publication, *Darfur: A New History of a Long War*, by Julie Flint and Alex de Waal, dated 2008, in considering the beginning of the organisation of the “Janjawiid” [Janjaweed], noted:

“Drought and destitution embittered the Darfur Arabs. Weapons and a self-asserting ideology gave them new aggression and confidence. They were ripe for picking by the government which began to harness them as a proxy instrument of military control. In the beginning, Khartoum’s use of tribal militias was purely opportunistic: they were there, they had fighting skills and they allowed the government to conserve its own, overstretched resources. But as time went on, the militias also gave the government the cover of ‘tribal conflict’ between nomads and farmers, enabling it to deny there was a war at all.” [165] (p56)

- 3.20 However the publication *Darfur in Perspective*, by Dr David Hoile, dated January 2006 in considering the Janjaweed noted:

“One of the biggest problems facing any analysis of the Darfur conflict, and subsequently any attempt to resolve it, is the extent to which the international community, responding to a combination of poor analysis, shallow media reporting or, in some instances, straightforward propaganda projections of one sort or another, has reduced the crisis to one or two images and demands. The ‘Janjaweed’ phenomena is one such image and with it comes a demand, that the government of Sudan immediately stop all ‘Janjaweed’ activity and disarm these people.

“The simple fact is that no-one has arrived at an objective definition of the term ‘Janjaweed’. It has seemingly been used as a blanket term to describe any armed nomadic tribesman in Darfur today, and particularly anyone involved in attacks on ‘African’ communities in the region.” [164] (p115)

For further information see Chapter V of *Darfur in Perspective* via the link [here](#). [164a] See also the relevant subsections on [Ethnic Groups](#), which outline the traditional sources of conflict in Darfur and explain how the multi-ethnic nature of Darfur has shaped the recent conflict in the region. And subsection on [Other Government forces](#) for information on the incorporation of the Janjaweed into government security forces and abuses committed by such groups.

Darfur Peace Agreement (DPA): 5 May 2006

- 3.21 The EIU Country Profile 2009 reported:

“A ceasefire was agreed in April 2004, with Sudan promising to disarm the *janjaweed* and allow in an AU [African Union] peacekeeping force. However, the agreement was not honoured, and in September 2004 the US called for sanctions to be imposed on Sudan, describing the situation in Darfur as ‘genocide’. The deployment of the AU Mission in Sudan (AMIS) took longer than expected and, even when an expanded 7,000-strong force was put in place in 2005, it proved unable to stop the fighting. Peace talks continued fitfully during 2005 in Abuja, Nigeria, under the auspices of the AU. Progress was frustrated by a combination of government intransigence and rebel factionalism. Eventually, the DPA [Darfur Peace Agreement] was signed in May 2006 with one of the better-armed SLM factions, led by Minni Minnawi. However, the deal was rejected by the other SLM [Sudan Liberation Movement] factions and by JEM [Justice and Equality Movement]. Mr Minnawi was supported principally by the Zaghawa tribe rather than by the more numerous Fur and Masalit tribes. Although Mr Minnawi joined the GNU [Government of National Unity] as a presidential assistant, several of the clauses in the DPA – including those regarding disarmament and transfers to

Darfur – were not implemented, and fighting continued on the ground.” [114c] (Recent political development]

- 3.22 Jane’s Sentinel’s Executive Summary, last updated 2 December 2009, similarly observed:

“The Darfur rebel movements believed the grievances of all groups and regions should be addressed in a peace accord more comprehensive than that envisaged by the CPA process. Despite considerable international pressure on all sides and the deployment of a small African Union peacekeeping force - the AU Mission in Sudan (AMIS) - none of the several ceasefires negotiated by November 2004 had been effectively observed on the ground. Following the signing of the Darfur Peace Agreement (DPA) between the government and one SLM/A faction in May 2006, other groups were called on to join the peace process, but without success. While Khartoum finally agreed to a joint hybrid AU-UN peacekeeping force for Darfur in June 2007, with the United Nations African Union Mission in Darfur (UNAMID) taking over from AMIS between December 2007 and January 2008, deployment of its authorised strength of up to 19,555 military personnel and 6,432 police has been slow. Further factionalisation of the rebel groups has become a serious challenge to future talks.” [116a]

- 3.23 A paper by the Small Arms Survey, published January 2010, provided a detailed account of the various mediation efforts that have taken place to bring about peace in Darfur since 2008. These included most notably a United Nations-African Union backed solution, led by Djibril Bassole, which, supported by an Arab League initiative in September 2008, saw ongoing negotiations take place in the Qatari capital Doha. [162a] (p32-42) At a separate level attempts had also been made by Egypt and Libya to play a role in peace negotiations [162a] (p37-38) and in March 2009 the Obama Administration appointed Scott Gration as special envoy to Sudan and the African Union set up the High Level Panel on Darfur (AUPD), led by former South African President, Thabo Mbeki. [162a] (p38-39)

For further details on this refer to the above-referenced report via the link [here](#)

See also: [Recent Developments – Darfur Peace process](#)

Eastern Sudan (mid 1990s to 2006)

- 3.24 United Nations Development Programme (UNDP) webpage entitled, *Access to Justice and Confidence Building in Kassala State*, undated, accessed 15 January 2010, stated that

“Eastern Sudan ... is home to an estimated three to four million of Sudan’s poorest people. The region is made up of three states: Red Sea, Gadaref and Kassala. In each of these states the living conditions are so harsh that the local population has been facing acute poverty, persistent drought and famine, a lack of adequate access to healthcare and education, high levels of unemployment in addition to land degradation and shrinking pasture areas, for a very long time. This state of affairs led to a low-intensity rebel insurgency over the past eleven years that was settled with the signing of the Eastern Sudan Peace Agreement (ESPA) in October 2006, between the Government of Sudan and the Eastern Front”. [98a]

3.25 The EIU Sudan Country Profile 2009, Sudan, similarly observed that:

“A simmering rebellion in eastern Sudan, which was driven by grievances similar to those in Darfur, namely economic and political marginalisation, was largely resolved by the end of 2006. The rebel Eastern Front, an alliance of the Beja Congress and the Rashaida Free Lions, was weakened by the withdrawal of the SPLM (a former ally) from the conflict in the east, in accordance with the CPA. With the mediation of the Eritrean government 'which had previously backed the rebels' a peace agreement was signed in October 2006, providing for representation of the eastern rebel groups in government and the establishment of a US\$100m development fund.” [114c] (**Recent political developments**)

See also: [Internally Displaced Persons](#)

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4. RECENT DEVELOPMENTS (1 JANUARY 2009 TO 1 MARCH 2010)

- 4.01 The following section provides a brief summary of recent key events in Sudan, with more detailed information found in the particular human rights sections in the body of this report. Further information, news events and developments in Sudan can be found in various online sources, including International Crisis Group's [CrisisWatch database](#), Reuters Africa [Sudan News](#), [The Sudan Tribune](#) and [IRIN News: Sudan](#).

SECURITY INCIDENTS

- 4.02 The International Institute for Strategic Studies, Armed Conflict Database, undated, accessed 28 February 2010, reported on the conflict in Darfur in 2009 as follows: "Fighting between government forces and rebels from the Justice and Equality Movement (JEM) continued to displace tens of thousands of people, and there were attacks on refugee camps. However, fatalities [in Darfur] for the year were down to 358 [in 2009], from 1,014 in 2008." [161a] (Human Security Developments)
- 4.03 Human Rights Watch (HRW) in its report, *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, October 2009, reported that in Darfur, according to various sources fighting and violence killed 400 people and displaced over 137,000 in the first three months of 2009, with reports of human rights violations by government forces. [19k](p12)
- 4.04 International Crisis Group (ICG), [Crisis Watch database: Sudan](#), accessed 28 February 2010, included details of the following main security incidents over the reporting period:
- "[Entry dated 1 February 2010, covering events in January] ...Darfur rebel group SLA mid-month said govt had launched series of assaults on rebel positions in and around Jebel Marra region early month; SLA had struck back. Violence surged again in the South: 17 reportedly killed early month when armed civilians resisted official disarmament drive; at least 154 killed in separate inter-tribal clashes in remote Tonj region and Jonglei State. ..."
 - "[Entry dated 1 December 2009, covering events in November] In South: at least 8 killed 1 Nov in tribal clashes near Malakal; agriculture minister injured, 5 others killed in 15 Nov attack on govt convoy; some 47 killed in cattle raids in Lakes State 16 Nov. OCHA reported over 220 killed and 157 abducted in attacks by suspected [Lords Resistance Army – Ugandan insurgent group] LRA rebels in southwest over 2009...."
- "[Entry dated 1 October 2009, covering events in September] At least 20 killed in reportedly heavy fighting around Korma, North Darfur, between govt troops and SLA-al Nur [Darfur rebel] faction after days of military build up... Oct. 1 UNAMID peacekeeper killed, 2 wounded in 29 Sept attack on convoy. Over 100 killed in tribal clashes in south's Jonglei State late month, bringing death toll from southern tribal fighting since Jan [2009] to over 2,000; aid groups report women and children targeted. [Government of Southern Sudan] GoSS... announced hundreds of troops deployed to secure region. [Sudan People's

Liberation Movement] SPLM continues to accuse [National Congress Party] NCP of distributing arms to destabilise south. Vicious attacks by LRA rebels on southern villages continued, with UN reporting 7 raids over month...”

- “[Entry dated 1 September 2009, covering events in August] Further deadly attacks between [tribal] communities in south’s Jongeli State left 185 dead early [in the] month. UN reported at least 180 killed in south amid recent spike in attacks and abductions by suspected LRA rebels...”
- Entry dated 1 August 2009 reported that in July 2009 there were reports of Chad/Sudan cross border incursions and air strikes. The UN Secretary General expressed “grave concern” over incidents.
- “[Entry dated 1 June 2009, covering events in May] Insecurity across Darfur continued: govt late-month launched air strikes on N[orth] Darfur’s Umm Baru town, following earlier clashes between [Justice and Equality Movement] JEM and [Sudan Liberation Movement] SLM-Minni Minawi; JEM 17 May attacked military sites in Karnoi area. Govt of South Sudan announced crackdown on armed cattle raiding, as further 49 killed in raids in Upper Nile state. In South Kordofan: 167 members of 2 Arab tribes and 75 police killed in severe late month clashes near Darfur border...”
- Entry dated 1 April 2009 noted that in March and April 2009 heavily armed raids by Lou Nuer and Merle ethnic group in South’s Jongeli state – 177 confirmed dead.
- Entry dated 1 March 2009 noted that in January and February 2009 in Darfur escalation in inter-tribal fighting; reports of bombing and troop clashes between government forces and rebel groups and intensification of clashes between JEM and SLM-Minni Minawi, particularly around SLM stronghold of Muhajirya.
- Entry dated 1 February 2009 reported that reported that January saw an increase in Darfur inter-tribal fighting, government aerial bombings of rebel-held areas and of clashes between rebel groups.[14g]

For further information on the security situation in both Darfur and Southern Sudan see [Security situation](#)

DARFUR PEACE PROCESS

- 4.05 A paper by Small Arms Survey, entitled *Rhetoric and Reality: The Failure to Resolve the Darfur Conflict* (January 2010), reported that by July 2009, in addition to the peace-process being taken forward by Djibril Bassole, “...there were at least six parallel peace initiatives, regionally and internationally.” [162a] (p35) The same source further commented:

“In Darfur, the international process has become so complicated that disagreements among the P5 [the five permanent members of the UN Security Council], within the UN, between the UN and AU, and among Sudan’s neighbours, not to mention the ongoing bitter contests for who controls US policy, have come to consume as much energy as the mediation of the conflict

itself. This divided and acrimonious international environment contributes to the Darfurians' lack of confidence in any mediation process." [162a] (p43)

- 4.06 Armed Conflict Database, undated, accessed 28 February 2010, reported on the Darfur mediation process as follows:

"Reconciliation attempts between Khartoum and the region's various rebel groups in the first half of 2009 saw limited success. A confidence-building deal in February between the Sudanese government and the largest rebel group, the Justice and Equality Movement (JEM), fell apart when Khartoum refused to free some 100 fighters without a ceasefire and the JEM suspended its participation in any multilateral talks.

"...In late November, JEM effectively came back into the fold, when it announced its support for Djibril Bassole, the joint UN–AU chief mediator for Darfur, and said it remained committed to the Doha mediation process facilitated by Qatar. At the time, there were accusations that elements within the AU [African Union] were waging 'a silent battle' to wrest the mediation process from the UN." [161a] (Political trends: Latest Update)

- 4.07 On 29 October 2009 the African Union Peace and Security Council "endorsed [the] recommendations of the Mbeki-led AU [African Union High Level] Panel on Darfur [AUPD], including [the] creation of [a] hybrid tribunal." (ICG CrisisWatch database: Sudan, entry dated 1 November 2009) [14g]

- 4.08 The *Sudan Tribune*, dated 17 December 2009, observed the AUPD had:

"... stated in its report that the criminal justice response to Darfur was 'ineffective and confusing' and that it 'failed to obtain the confidence of the people in Darfur'... The commission called for a 'hybrid Criminal Court which shall exercise... jurisdiction over individuals who appear to bear particular responsibility for the gravest crimes committed during the conflict in Darfur'. The courts would be constituted by judges from Sudanese and other nationalities." [12bk].

- 4.09 However, the same article noted that Sudan President Al Bashir rejected the idea of "foreign judges sitting on the bench for Darfur trials". The article further reported that Mr Mbeki had "... appeared to downplay the emphasis on implementing the recommendations included in the [AUPD] report ..." (*Sudan Tribune*, 17 December 2009) [12bk]

- 4.10 The article also reported that "The Darfur rebel groups... deplored what they described as 'blatant' bias by Mbeki in favor of Khartoum." A spokesperson for the Justice and Equality Movement described the developments as "a serious setback", whilst the Sudan Liberation Movement chief Abdel-Wahid Al-Nur said he was "not surprised with the remarks" from Mbeki. (*Sudan Tribune*, 17 December 2009) [12bk]

- 4.11 *The Sudan Tribune* reported on 17 January 2010 of a meeting between Justice and Equality Movement (JEM) leader, Khalil Ibrahim and the Sudanese Presidential Advisor on Darfur, Ghazi Salah Al-Deen. [12b] On 20 February Reuters Africa reported:

"Sudan agreed a ceasefire with Darfur's most powerful rebel group on

Saturday [20 February 2010] as part of an agreement to ‘heal’ the war in the western region, Sudanese President Omar Hassan al-Bashir said.”

“The rebel Justice and Equality Movement (JEM) said the framework agreement reached in the Chadian capital N'Djamena was not a final peace deal but set out the terms for negotiations that could still fail if it saw signs of bad faith from Khartoum.”

“... Talks between JEM and Khartoum, hosted in Qatar, have been stalled for months. But there has been a flurry of activity in recent days against a background of thawing relations between Sudan and Chad...” [82c]

For further details on developments in international relations between Sudan and Chad, refer to the following Reuters news article, dated 9 February 2010 [here](#). [82d]

- 4.12 A Reuters Africa report dated 25 February 2010 further noted that: “Bashir's government signed an agreement in Doha on Tuesday [23 February 2010] committing Sudan to reaching a final peace deal with the JEM by March 15.” [82b]
- 4.13 With regard to peace negotiations relating to other Darfur rebel groups, Reuters Africa, in an article dated 25 February 2010, reported that the Darfur rebel group, the Sudan Liberation Army, led by Abdel Wahed Mohamed el-Neur had “... rejected the Doha deal, demanding that security be restored on the ground before talks begin.” The same article also reported of attacks by the Sudanese army on SLA positions in the mountainous Jabel Marra region, which had led to local displacement as people fled the fighting [see security incidents above]. [82b]

For the latest on the JEM peace deal see: [Latest news](#). The Human Rights section of this report includes several references to Darfur's rebels and those involved in such groups. Several notable references are as follows: [Security – Conflict involving the various armed forces](#); [Political Affiliation: Justice and Equality Movement \(JEM\)](#) and [Treatment of ethnic groups from Darfur](#)

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ARREST WARRANT FOR PRESIDENT AL-BASHIR AND THE EXPULSION OF NGOs (MARCH 2009)

- 4.14 The International Criminal Court (ICC) website, undated, accessed on 18 January 2010, reported that it issued a warrant for the arrest of President Omar Hassan Ahmad Al Bashir on 4 March 2009, listing seven counts on the basis of his individual criminal responsibility under Article 25(3)(a) of the Rome Statute as an indirect (co) perpetrator: two counts of crimes against humanity and five counts of war crimes. [145a] However the website for the Coalition for the International Criminal Court observed that Sudan had not ratified the Rome Statute which underpinned the ICC [146a, 146b] and was not therefore legally bound by the ICC ruling.
- 4.15 International Crisis Group's, Crisiswatch database: Sudan, entry dated 1 April 2009 noted that in response Khartoum “expelled 13 international aid groups (... [and closed down] 3 national groups)” and also “brutally repressed” those

who expressed pro-ICC sentiment. However, the same source further noted that in June 2009 “UN chief [John] Holmes announced Khartoum authorized the return of 4 international aid agencies under modified names.” [14g]

- 4.16 An article in the *Sudan Tribune* dated 2 November 2009, reported that the Egyptian former Foreign Minister, Ahmed Maher El Sayed, a member of the AU High-Level Panel on Darfur publicly stated that the “... goal of the mission was to give Bashir an exit strategy from the ICC row”. The report continued: “‘Incriminating the president [Al-Bashir] is out of question and fundamentally unacceptable’ the former Egyptian foreign minister said in an interview with the Egypt based Al-Masry Al-Youm newspaper. Our [Mbeki panel] goal was to find a way out [to Bashir] from the dilemma of the ICC that sparked a great deal of controversy,’ Maher said.” [12bp]
- 4.17 On 3 February 2010 the International Criminal Court re-opened the possibility of President Al-Bashir being charged with genocide, “... reversing, by unanimous decision, Pre-Trial Chamber I’s decision of 4 March 2009” and directing “... the Pre-Trial Chamber to decide anew whether or not the arrest warrant should be extended to cover the charge of genocide.” [145b]

See also ICG publication [‘Sudan: Justice, Peace and the ICC’](#) dated 17 July 2009.

See also: [Non Government Organisations \(NGO\) expelled in March 2009](#)

COMPREHENSIVE PEACE AGREEMENT (CPA) DEVELOPMENTS

- 4.18 International Crisis Group (ICG), reported via its CrisisWatch database: Sudan, accessed 18 January 2010, that on 30 June 2009 the National Electoral Commission (NEC) announced the “postponement of presidential elections from Feb[ruary] to April 2010 amid continuing dispute over census results for [the] South.” [14g] An article in the *Sudan Tribune* dated 6 July 2009 reported that “a number of Sudanese opposition parties have questioned the legality of the elections commissions decision to postpone elections for the second time”. The article noted that the postponement was reportedly due to delays in receiving census results and the rainy season which “prevents proper voter registration.” [12bm]
- 4.19 The candidate nomination period for the forthcoming elections began on 12 January 2010, “... with the election campaign period ... scheduled to run from 13 February to 9 April 2010 ... [and] polling and counting scheduled to take place from 11 to 18 April [2010].”(Report of the Secretary-General on the Sudan pursuant to resolution 1590 (2005), 19 January 2010 (S/2010/31)) [7e]
- 4.20 On the subject of the January 2011 referendum on Southern independence, Reuters Alertnet reported on 29 December 2009 that Sudan’s parliament had passed a “long disputed law governing a south vote on independence”. The move was reported as “defusing a political crisis after months of wrangling”. [144a] The same source noted: “The law passed ... states southerners living in the north can vote there unless they were born before Jan. 1, 1956. Those born before 1956 would need to register and vote in the south. Some 60 percent of south Sudanese voters need to turn out for the referendum to be valid and a simple majority of 51 percent must vote for either unity or independence”. [144a]

- 4.21 Reuters Alertnet also reported on 30 December 2009, that Sudan's parliament had passed a law governing "... the oil-producing Abyei region's right to join the country's southern region if it secedes, or to remain part of the north". However the source cautioned that problems remained over "who in Abyei would be allowed to vote". [144b] The report continued:

"The law allows for the people of Abyei, in central Sudan, to choose whether to remain in the north or join the south, which many analysts expect to secede in a simultaneous vote in January 2011. It gives the Ngok Dinka tribe and other Sudanese who reside in Abyei the right to vote. A simple majority will decide the region's future. Prominent lawmakers from the nomadic Missiriya tribe, who graze cattle a few months a year in Abyei, walked out of parliament, saying they wanted the same status as the Ngok Dinka. 'What happened today was a conspiracy against the Missiriya,' said Mahdi Babo Nimr, a senior Missiriya figure. The tribe has previously threatened military action if its demands are not met". [144b]

- 4.22 On 5 January 2010 Reuters Alertnet reported that a senior Sudanese presidential advisor had cautioned that "... South Sudan's vote on independence next year will lead to a new war unless key questions of the north-south border, nationality and external debts are resolved". [144c] The article continued:

"Ghazi Salaheddin from President Omar Hassan al-Bashir's National Congress Party (NCP) criticised the law governing the 2011 referendum passed in December after months of wrangling, saying it lacked any deadline to address outstanding problems.

"Most of Sudan's oil fields traverse the north-south border which has yet to be demarcated. Sudan's external debt is about [US]\$30 billion.

"Salaheddin said hundreds of thousands of southerners in the north and northerners living in the south would be left in limbo if their nationalities were not defined.

"It is (now) possible that the ... southerners could vote for separation without us having settled the issues of the border, nationality and international agreements and this is a prescription for war,' he said". [144c]

- 4.23 The US Special Envoy on Sudan, Scott Gration, in a press statement released on 27 November 2009, expressed concern "about the chances for conducting credible elections and referenda" following ongoing dispute over the 2010 national elections and 2011 referenda in Southern Sudan and Abyei. [3k]

For information on the forthcoming national elections refer to: [Political Affiliation.](#)

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5. CONSTITUTION

- 5.01 The constitutional basis of Sudan is derived from the Comprehensive Peace Agreement (CPA) signed between the Sudan People's Liberation Movement (SPLM) and Sudanese government on 9 January 2005. For further details see [History](#) and [Political System](#)
- 5.02 There are two constitutions in Sudan: the Interim National Constitution (INC) was signed on 9 July 2005; and the interim Constitution of Southern Sudan (ICSS) adopted in December 2005 which gives Southern Sudan a large degree of autonomy. (BBC timeline, updated 20 February 2010) [9a]
- 5.03 A copy of the Interim National Constitution of Sudan is available via the Max Planck Institute for Comparative Public Law and International Law website, accessible via the link [here](#) [9a]
- 5.04 A copy of the Interim Constitution of Southern Sudan (ICSS) text is available via the Max Planck Institute for Comparative Public Law and International Law website, accessible via the link [here](#) [94b] Article 3 of the ICSS records the supremacy of the Constitution as follows:
- “Without prejudice to Article 3 of the Interim National Constitution, this Interim Constitution shall be the supreme law of Southern Sudan and shall have binding force on all organs and agencies of government and persons throughout Southern Sudan. The interim constitutions and laws of the States of Southern Sudan shall comply with this Constitution and the Interim National Constitution.” [94b] (p2-3)
- 5.05 Article 9 (1) of the ICSS also affirms that: “The people of Southern Sudan have the right to self-determination through a referendum to determine their future status.” [94b] (p4)

For details on which states are included in Southern Sudan, see [Annex C: States of Sudan](#)

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6. POLITICAL SYSTEM

- 6.01 Jane's Sentinel Country Risk Assessment (SCRA), Executive summary, updated 2 December 2009, gave the following overview of the political system in Sudan:

“TYPE OF GOVERNMENT

Federal Republic

“HEAD OF STATE

President Omar Hassan Ahmad al-Bashir

“HEAD OF GOVERNMENT

President Omar Hassan Ahmad al-Bashir

“RULING PARTY

National Congress Party (NCP)

Government of national unity in place since 2005, after the Comprehensive Peace Agreement (CPA) was agreed with the Sudan People's Liberation Movement/Army (SPLM/A).

“OPPOSITION

Various

“NEXT ELECTIONS

Under the CPA, elections at national, southern, state and local level were due by 2009. However, these have been postponed, first to February 2010 and subsequently to April 2010.” [116c]

- 6.02 The Economist Intelligence Unit (EIU) Country Profile – Main Report, Sudan, dated 4 March 2009 (EIU Country Profile 2009) noted:

“Sudan's current political system is laid out in the 2005 Interim National Constitution, which itself is based largely on the CPA... In addition to the national government and GOSS political institutions in Khartoum, each of Sudan's provinces has its own legislature and executive. Elections at all levels of government must be held no later than July 2009, the end of the fourth year of the interim period [since postponed – see [Recent developments](#)].” [114c]

- 6.03 The same source noted:

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

EXECUTIVE

- 6.04 Jane's SCRA report, Executive summary, last updated 2 December 2009, reported:

"The president of [Sudan](#) is the head of state and the leader of the government, as well as commander-in-chief of the armed forces. The president is elected by a popular vote for five years and directly appoints a Council of Ministers, although they report to the legislature. Together with the president, the Council constitutes the highest federal executive body. The Federal Government Bureau was established by the fourth constitutional directive to control the co-ordination of duties between the various organs and bodies".

"Under the terms of the CPA, until elections are held, the incumbent president remains the national head of state and commander in chief of the Sudan Armed Forces (SAF). There are two vice-presidents, with the chairman of the former rebel Sudan People's Liberation Movement (SPLM) appointed first vice-president, as well as being president of the Government of Southern Sudan (GOSS) and commander in chief of the [Sudan People's Liberation Army](#) (SPLA)". [116c]

- 6.05 The EIU Country Profile 2009: Sudan noted:

"... the president must rule in conjunction with two vice-presidents and is required to receive approval from the first vice-president over issues such as the appointment of senior judges, the suspension of parliament or declarations of war. If the president is a northerner, as is the case in the GNU [Government of National Unity] under Mr Bashir, the president of Southern Sudan—currently Salva Kiir, the head of the SPLM—is guaranteed the position of first vice-president... " [114c]

- 6.06 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) further added:

"The Interim National Constitution established a three-member presidency to head the government, consisting of a president, Omar Hassan al-Bashir (NCP); a first vice President, Salva Kiir Mayardit (SPLM), the president of the GOSS; and a vice president, Ali Osman Taha (NCP), who was formerly the country's first vice president. The DPA created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi, leader of the Darfur rebel group [Sudan Liberation Army] SLA/Minawi. Minawi returned to his troops in Darfur in July [2008], citing lack of progress on DPA implementation, although he did not officially withdraw from the GNU; he returned to his position in Khartoum by year's end." [3a] (Section 3)

LEGISLATURE

- 6.07 The USSD Report 2008 observed that in Sudan: "A bicameral legislature is composed of the 450-member National Assembly and 52-member Council of States. Legislative and cabinet positions are allocated by a CPA-specified formula that reserves 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, including those from Darfur, and 6 percent for southern opposition parties." [3a] (Section 3)

6.08 Similarly the EIU Country Profile 2009, Sudan, stated:

“The 2005 constitution established a bicameral parliament. In the 450-member National Assembly, 52% of seats are allocated to the NCP (some of which have been given to the Eastern Front and to Darfuri opposition groups that have signed peace agreements), 28% to the SPLM and the remainder to Sudan’s other political factions from the north and south. The upper house (the Council of States) has two representatives from each of Sudan’s 26 states, all appointed by the president. Either chamber has the right to propose legislation, although a bill agreed in parliament does not become law without the president’s assent. In theory, parliament can overcome his veto if both houses approve the bill a second time with a two-thirds majority. However, this is currently unlikely given the NCP’s dominance in both houses. Legislation that does not impinge on the south takes sharia as its source”. [114c]

POLITICAL PARTIES

6.09 The USSD Report 2008 stated “The law permits the existence of political parties, but prohibits parties linked to armed opposition to the government, and the government routinely denied permission for, or disrupted, gatherings viewed as politically oriented.” [3a] (Section 3)

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

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

See also: [Political Affiliation](#).

SOUTHERN SUDAN

6.11 Jane’s SCRA, Southern Sudan, last updated 7 December 2009, observed:

“OFFICIAL NAME
Southern Sudan

“POLITICAL SYSTEM
Autonomous regional government

“DECLARATION OF INDEPENDENCE
None yet – referendum of secession due in 2011

“HEAD OF STATE
Salva Kiir Mayardit

“NEXT ELECTION

General elections were originally due by mid-2009 under the CPA, but have been postponed until [April] 2010. Voters in the general elections will select the National Assembly and president, the southern government and the southern Sudanese president, as well as state assemblies and local governors.” [116k]

- 6.12 The USSD Report 2008 noted:

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

- 6.13 The EIU Country Profile 2009, Sudan Report added: “The GOSS [Government of South Sudan] receives 50% of revenue from oil fields in the south (after 2% is set aside for the oil-producing states), has tax-raising powers and is responsible for the allocation of funds for Southern Sudan's development”. [114c] (Political forces and institutions)

Executive

- 6.14 Jane's SCRA, Southern Sudan, updated 7 December 2009, reported: The president of southern [Sudan](#), currently Salva Kiir Mayardit, is head of the regional government in the south. The president appoints an executive Council of Ministers in consultation with the southern vice-president and approved by the Assembly of Southern Sudan. The council is accountable to the southern president and southern Assembly. [116k]

Legislature

- 6.15 Jane's SCRA, Southern Sudan also observed:

“The Southern Sudan legislative Assembly was appointed in 2005 pending elections originally planned for 2009, now delayed until 2010. Under the CPA, the SPLM received 70 per cent of the seats and the NCP 15 per cent, with the remainder of the seats divided between other southern parties. All seats will be contested at forthcoming elections, which should take place alongside national and local elections”. [116k]

The states that form the Government of Southern Sudan (GoSS) are listed in [Annex C: States of Sudan](#).

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HUMAN RIGHTS

7. INTRODUCTION

- 7.01 Human Rights Watch's *Annual Report 2010*, Sudan, covering events in 2009, released on 20 January 2010, observed:

"Four years after Sudan's ruling party and the southern rebels signed the 2005 Comprehensive Peace Agreement (CPA) ending 21 years of civil war, Sudanese civilians in Darfur, northern states, and the South are still enduring human rights violations and insecurity. The Government of National Unity (GNU) has been unwilling to implement national democratic reforms as envisioned in the CPA. The failure of both Sudan's ruling National Congress Party (NCP) and the southern ruling Sudan People's Liberation Movement (SPLM) to implement other provisions of the CPA has contributed to insecurity and led to outright violence in some settings.

"Accountability for human rights abuses remains practically nonexistent. On March 4, 2009, the International Criminal Court issued an arrest warrant for President Omar al-Bashir-the first for a sitting head of state by the ICC-for alleged war crimes and crimes against humanity committed in Darfur." [19n]

- 7.02 Human Rights Watch in a report entitled *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, published October 2009 summarised the human rights situation as follows:

"The diverse political and human rights problems across the country are a complex interlocking mosaic in which the common factor is the repressive practices of the NCP-led government. These include manipulation of local conflicts through supporting, arming, and commanding tribal militia that has further entrenched inter-ethnic tensions, making them ripe for exploitation. Addressing these repressive tactics, and restoring political freedoms and respect for human rights, is the pre-condition for a stable future for all parts of the country". [19k] (Summary)

- 7.03 The Report of the UN Special Rapporteur on the situation of Human Rights, published June 2009 which covered the reporting period August 2008 to May 2009 noted that:

"In northern Sudan, a particular concern has been an increase in arrests, harassment, intimidation, ill-treatment and alleged torture of human rights defenders and humanitarian workers since the July 2008 application by the ICC Prosecutor for an arrest warrant. In a climate of existing media censorship and intimidation, there has been an increase in restrictions on freedom of expression and association. The human rights consequences of the 10 May 2008 attack on Omdurman, Khartoum, by the Darfur based Justice and Equality Movement (JEM) continue to be felt. [6p] (para 10)

"As the conflict in Darfur continues, violations of human rights ... continue unabated. One key concern remains the direct and indirect attacks on civilians by Government security forces, Government supported militia groups, and armed movements. Various armed groups have fractionalized, resulting in increased abuses against the civilian population and challenges to resolution

of the conflict through current peace talks. As in other parts of Sudan, sexual and gender-based violence continues to be reported, in particular in IDP camps". [6p] (para 11)

- 7.04 The UN Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan, published on 29 October 2009, reported that:

"The crackdown by the security apparatus of the Government of the Sudan on the rights of Darfurians and their sympathizers to political affiliation, freedom of expression and peaceful assembly has manifested itself in violations of a catalogue of human rights and fundamental freedoms. These abuses, some of which have been documented by the Panel, were further exacerbated in the aftermath of both the Omdurman attacks and the issuance of the arrest warrant by the International Criminal Court, and have resulted in the departure from the Sudan of scores of activists and human rights defenders". [6q] (Summary)

- 7.05 The African Union High-Level Panel Report on Darfur (AUPD), published on 29 October 2009, with respect to the situation in Darfur, similarly concluded that:

"During its visits to Darfur, the Panel was repeatedly and emphatically reminded of the appalling extent and nature of human rights violations in Darfur. Panel members heard accounts from witnesses and victims. While most of the cases of extreme violence dated from the period 2003-04, people from all walks of life recounted incidents of ongoing violence. Many of these related to conditions in and around IDP camps, but villagers, pastoralists, refugees and urban dwellers are all suffering from everyday threats of violence". [12br] (para 117)

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8. SECURITY SITUATION

DARFUR

Overview

- 8.01 The [UN Report of the Panel of Experts](#) established pursuant to resolution 1591 (2005) concerning the Sudan was published on 29 October 2009 (UN Experts Report 2009). The Panel's mandate is to assist the UN Security Council Committee in monitoring arms embargos and travel restrictions. Additionally the Panel report is a source of information on human rights abuses and the security situation in Darfur. [6q] (Introduction) UN Resolution 1841, agreed on 15 October 2008, extended for one year the Panel's mandate until 15 October 2009. [6aaj] The report was compiled based on field research conducted during 2009 [6q] (para 7), for further details on the methodology used by the Panel, see *I. Introduction and II. Methodology and working principles of the Panel.* [6q]
- 8.02 The UN Experts Report 2009 considered there to be "four distinct conflicts ... undermining peace and security in Darfur". These were:
- "The fight over land and resources between nomadic and agrarian Darfurians
 - Violence perpetuated as a result of lawlessness and impunity against the women of Darfur, as a particularly vulnerable group
 - The war between armed opposition groups and the leadership of the Sudan and of Chad, in which JEM and Chadian armed opposition groups are the primary actors
 - Cross-border attacks by the armed forces of Chad and of the Sudan" [6q] (Summary)
- 8.03 Summarising the situation the same report stated that:
- "Most of the major armed actors in the Darfur conflict have continued to exercise their military options, violate the United Nations arms embargo and international humanitarian and human rights law, and impede the peace process.
- "The Darfurian population continues to be victimized by the effects of attacks and counter-attacks involving most of the armed movements that frequently lead to the disproportionate use of force by the Sudanese Armed Forces (SAF) and their auxiliary forces, and result in killings, injuries and displacements. Internally displaced persons continue to suffer from the inability to return to their homes and from acts of banditry, as well as from the lack of adequate humanitarian services, partly caused by the expulsion of international non-governmental organizations on 4 March 2009". [6q] (Summary)
- 8.04 The African Union High-Level Panel Report on Darfur (AUPD), published on 29 October 2009 reported that "[S]ince 2005, the numbers of people killed have been considerably lower." The report also acknowledged improvements in the data collection of violent fatalities by AMIS [African Union Mission in Sudan, which later became] ... UNAMID [UN-African Union Hybrid Operation in Darfur]. Reports held by UNAMID between January 2008 to July 2009,

indicated “approximately 120 violent deaths per month ...”, with one third civilian fatalities, one third combatants and one third attributed to inter-tribal fighting. [12br] (para 108)

- 8.05 Appendix B of the same source further stated that data from two independent sources (UNAMID statistics and a search of open source reports in English) was used to create a merged data set on fatalities from violence in Darfur during the period 1 January 2008 – 31 July 2009 (corresponding to the first nineteen months of deployment of UNAMID). [12br] (Appendix B, para 1-2) The data estimated:

“... total fatalities between January 2008 and July 2009 [was] in the range of 2,112 -2,429. Most fatalities occurred in South Darfur, with a large proportion due to inter-tribal fighting among groups aligned with the Sudan Government, most of them Arabs. In West Darfur and North Darfur there were fewer incidents, mostly armed engagements between the Sudan Government and the Armed Movements; these incidents show a declining trend... (Appendix B, para 3)

“The pattern of violence changed during the 19 month period under review. There is a discernible decrease in lethal violence. The pattern increasingly shows a multi-sided conflict which is close to being a ‘war of all against all.’ Inter-tribal clashes were common, especially in South Darfur. Regular and irregular Government forces fought one another, and ‘signatory’ Armed Movements fought each other, as well as pro-Government forces fighting the ‘non-signatory’ Armed Movements.” [12br](Appendix B, para 4)

- 8.06 Further data analysis was recorded in [Appendix B](#) of the report [12br] (p111)

- 8.07 The AUPD Report, published 29 October 2009 similarly concluded that “despite reduced levels of lethal violence”, insecurity still persisted and had remained a problem for more than six years. [12br] (para 4) The report also explained that:

“The crisis in Darfur consists of different levels of conflict, including local disputes over resources and administrative authority, conflict between Darfur and the centre of power in Khartoum, and an internationalised conflict between Sudan and Chad. All of these layers of conflict must be addressed and resolved for peace, security and reconciliation in Darfur to become a reality”. [12br] (para 3)

See also [History: Darfur \(2003 to 2009\)](#) and [Recent Developments](#) for further details on recently reported security incidents and headline statistics

See also the subsection: [Sexual violence against women in Darfur](#) for details on how the lack of security and protection in Darfur has led to an increase in sexual violence against women

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Availability of arms in Darfur

- 8.08 The [UN Experts Report 2009](#) observed that during its mandate (October 2008 to October 2009) the Panel had found an increase in the amount of ammunition and numbers of vehicles in Darfur used by all parties to the conflict, despite the imposition of an arms embargo. The report concluded that the prevalence of manufacture dates of 2006, 2007 and 2008 for military material indicated an “increasing rate of violation” of the embargo. [6q] (para 130)
- 8.09 Further details on the violations of the arms embargo in Darfur and information on ammunitions and vehicles used in Darfur can be found in the UN Panel Report. [6q] (p33-52)

Conflict over land and resources

- 8.10 Conflict over land and resources between different tribal groups is a well established aspect of the continued insecurity in Darfur and there continued to be reports of inter-tribal clashes over resources. A few such reports include:
- 14 December 2008 it was reported that fighting had taken place between Fallata and Habaniya tribes, the report noted that the tribes, who lived near to each other had “regular disputes over cattle theft and the area’s resources.”(Sudan Tribune, 15 December 2008) [12bu]
 - 22 March 2009 it was reported that 34 people were killed in fighting between the same two tribes over water sources (Sudan Tribune, 23 March 2009) [12bv]
 - 22 October 2009 it was reported that “[t]wo persons died after sustaining injuries in communal clashes...between the Zagahawa and Birgid tribes... the cause of the clash was attributed to fighting over access to water sources...” (UN-African Union Mission in Darfur, 22 October 2009) [68v]
- 8.11 The summer quarterly Alert report 2008, published by Medecins Sans Frontieres/ Doctors without Borders (MSF) US, noted that traditional territorial disputes among different nomadic groups, although not a new development, had become more dangerous now because many groups had acquired a large number of deadly weapons. [41f] Whilst the MSF publication, *Surviving the Chaos: Stories from Darfur*, published 27 May 2008, reported that conflict between nomadic militias had “heightened because so many groups are now heavily armed.” [41g]
- 8.12 In considering the issue of conflict over land in Darfur, the [UN Experts Report 2009](#) carried out case studies in the town of Kabkabiya, the rural and traditional farming area between Kabkabiya and El Fasher, and Mukjar during August 2009. [6q] (para 29) The report noted that
- “Internally displaced persons in Kabkabiya state that they have not returned to their villages and farms owing to real or perceived threats and harassment by new settlers and nomads who occupy their lands and who have made the countryside surrounding Kabkabiya inhospitable for returnees... (para 39)
- “Increasing sources of tension are augmented during the migration season by traditional conflicts of interest. During the farming and cultivation season, pastoralists, who are mostly from Arab tribes, drive their livestock from South

Darfur to the north. Frequent clashes occur when herders allow their animals to graze on the farmlands of internally displaced persons. These clashes have worsened because of the ubiquity of firearms concomitant with the conflict.” [6q] (para 41)

8.13 The report also observed:

“...The area between Tawila and El Fasher is under the control of the Government of the Sudan. Several groups of internally displaced persons in this area stated that they had returned voluntarily to engage in farming during the rainy season. Some live in small communities of internally displaced persons nearby, while others travel long distances from larger camps in El Fasher. While not complaining of harassment, many internally displaced persons expressed concerns regarding the potential for deterioration of the security situation. Many choose to remain in camps for internally displaced persons in and around El Fasher, where they receive education for their children and food from the international community”. [6q] (para 48)

See also: [Internally Displaced Persons](#) and specifically the subsection [IDP operations: Darfur](#)

8.14 More generally on the subject of conflict over land, the UN Experts Report 2009 explained:

“The fight over land and resources between Darfurians remains the root cause of the conflict ... [t]he substantial growth of the population of Darfur over recent decades and the unresolved land rights claims of nomadic Darfurians continue to be pressing issues. One approach agreed upon by some of the actors is the provision in paragraph 197 of the Darfur Peace Agreement [DPA] for resolving land and property disputes with the help of ‘property claims committees’. Not considered to be an ideal solution to this thorny issue, this provision has so far not been implemented. The failure of the Government of the Sudan and other Darfur Peace Agreement signatories to actively seek and implement solutions to the problems of land and resource claims is one major impediment to the success of the political process.” (UN Experts Report 2009) [6q] (para 349)

8.15 The Darfur-Darfur Dialogue and Consultation (DDDC), a consultation process aimed at resolving the problems of Darfur through dialogue and reconciliation between Darfurians [163a] identified a series of “common ground” issues, “one of which included land and natural resources”. [163c] A useful insight into some of the current issues relating to land instability in Darfur, are provided through a DDDC consultation paper, (following a two day meeting with 80 women at the UNAMID Substantive Camp in El Geneina, on 30 – 31 August 2009). The paper identified the following areas for consensus building in relation to land and natural resources:

- “Darfur’s nomadic and settled communities can increase cooperation and reduce competition to meet conflicting land and livelihood ...
- “It is possible to ensure viable migratory routes for nomads so that they can remain sufficiently flexible to meet changing ecological circumstances that is not detrimental to the livelihoods of settled population ...
- “... It is possible to reform and strengthen the *Hawakeer* [land ownership] system to ensure that the basic needs of all people in Darfur are met ...
- “[Ensure] [a]ppropriate ways to settle the high volume of land disputes in

Darfur ..." [163b] (p5-6)

- 8.16 In considering options to "... prevent re-escalation of conflict due to land redistribution", the consultation process carried out in El Genenia identified a number of factors which would require attention, including compensation to "IDPs and refugees"; compensation for "human losses and material damages suffered during the conflict"; return of "*Hawakeer* allocated land to its real owner ..."; the provision of government owned land to nomads wishing to settle; the disarmament of militias and the provision of security to bring peace to the area. [163b] (p7)

Further details on the different ethnic groups in Darfur can be found under the subsection on Darfur's [Ethnic demography](#). Additional information on the history and nature of inter-ethnic conflict in Darfur is covered under the subsection: [Traditional sources of conflict in Darfur](#).

See also: [Security situation for non-combatants](#) for details on the security situation for civilians residing in Darfur

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Conflict involving the various armed forces

- 8.17 A BBC news report, dated 27 August 2009, stated that the former Force Commander for the Joint African Union/United Nations Hybrid Operation in Darfur (UNAMID), who stood down from office at the end of August 2009, had said the six-year war between government and rebels in Darfur had "effectively ended". "Gen Agwai, who led a joint UN and African Union peacekeeping force known as Unamid, said the region now suffered more from 'security issues' than full-blown conflict. 'Banditry, localised issues, people trying to resolve issues over water and land at a local level. But real war as such, I think we are over that,' he said". [9j]
- 8.18 Reuters reported on 28 August 2009 in a Question & Answer article entitled, '*Is Sudan's Darfur no longer at war?*':
- "The levels of violence and attacks in Darfur have fallen since the mass killings of 2003 and 2004. But that does not mean the conflict is over. Since January [2009], the rebel Justice and Equality Movement (JEM) clashed with Sudan's army in and around the southern town of Muhajiriya in February [2009]; in settlements close to North Darfur's border with Chad in May; and most recently around Darfur's eastern boundary in early August. Sudan's government maintains its military presence; JEM has heavily armed forces, while other rebel groups, predominantly factions of the insurgent Sudan Liberation Army (SLA), continue to hold territory in Darfur. The Darfur crisis still had a serious impact on people on the ground. The United Nations says 137,819 people were driven from their homes by fighting in Darfur in the first six months of this year [2009], on top of the 2.7 million already in camps." [70i]
- 8.19 An article from Agence France-Presse dated 29 December 2009 (accessed via Reliefweb) reported on an interview with the new commander of UNAMID (African Union-United Nations Hybrid Operation in Darfur), Lieutenant General Patrick Nyamvumba. The commander observed that despite improvements in

Darfur the situation remained volatile with “the causes of its six-year conflict still at play”. He was quoted as having said:

“Of course the security situation is better than it was two or three years ago, in terms of clashes between factions’... ‘But the absence of armed clashes between the government and a number of groups does not mean there is prevalent security’... ‘Now we have other forms of insecurity. We have kidnappings, we have carjackings, we have robbery, we have tribal clashes, so the situation, much as it has improved, it still remains volatile’... ‘There’s absolutely no guarantee that the situation will not get worse, because the factors that caused the conflict, as far as I’m concerned, still exist’”. [68t]

- 8.20 The Report of the Secretary General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), dated 16 November 2009, reporting on events between August and October 2009 noted:

“... military activities by the parties to the conflict in Darfur continued throughout the reporting period. The Government of the Sudan continued to exert military pressure on the Justice and Equality Movement (JEM) and as the Sudan Liberation Army/Abdul Wahid faction (SLA/AW). Fighting broke out between JEM and Government forces in Adilla and Alliet localities in Southern Darfur on 2 August 2009. Government aircraft reportedly flew over Abu Sufyan and Um Sauna, north of El Daein, and dropped bombs in areas suspected to be JEM positions. In Northern Darfur, JEM and Government forces clashed near Mellit and Saiyah villages on 5 and 6 August 2009, and again on 9 August 2009 near Kushkush, where JEM ambushed Government troops that were moving to Silea and Kulbus in Western Darfur. UNAMID was able to confirm that Sudanese Armed Forces (SAF) combat helicopters providing air cover for their advancing troops retaliated by bombing areas suspected to be occupied by JEM.

“Aerial bombardment and troop mobilization were also reported by villagers in Sortony and Saraf Umra in the Jebel Moon area (Western Darfur), with armed clashes between Government forces and SLA/AW in the area on 6 to 7 July 2009. In Northern Darfur, clashes between the Sudanese Armed Forces and SLA/AW were reported around Nertiti near Jebel Marra on 23 July 2009. [147a]

“Since 2 September 2009, UNAMID received reports that Government and SLA/AW forces were engaged in fighting over territory in Korma (Northern Darfur). Following intermittent clashes, including reportedly heavy fighting on 6 September 2009, SLA/AW withdrew from Korma on 17 September 2009, allegedly to avoid civilian casualties. Korma has since been under Government control”. [147a] (para 10-12)

- 8.21 The UN Experts Report 2009 noted that:

“Since the beginning of 2009, JEM [Justice and Equality Movement] has targeted and attacked three Darfur population centres, Muhajeriya, Kornoi and Umm Baru, that were previously held by SLM/MM [Sudan Liberation Movement/Minni Minawi faction] forces. In all three cases the Sudanese security services stepped in with defensive operations, counter-attacked and took control of the territories”. [6q] (para 73)

- 8.22 Details of conflict involving Sudanese Armed Forces (SAF), JEM and SLM/MM,

including reports of aerial bombardments by SAF can be found in the UN Report of the Panel of Experts. [6q] (p22-26)

- 8.23 The *Sudan Tribune* in an article dated 15 February 2010, reported on the recent escalation of conflict in the Jebel Marra region of Darfur, with reports of clashes between the rebel Sudan Liberation Movement led by Wahid Al-Nur (SLM-AW) and government forces. The report noted:

“The mountainous area of Jebel Marra witnessed recently [sic] escalation of violence after some three years of calm, due to attacks by the Sudanese army and inter-factional clashes. ‘Yesterday we successfully repelled an attack by the government troops, said Commander Nouredine Janga [SLM-AW] who led the counterattack in satellite call with Sudan Tribune. He added they pursued the assailants to 10 klm [sic] from El-Fasher, North Darfur capital.

“The rebel commander said they repulsed the army from positions attacked last Wednesday by the Sudanese army, on Saturday they retook the full control of Aradyeb Al-Asharah, the latest position attacked by the Sudanese army, he stressed.” [12bz]

See also [History: Darfur \(2003 to 2009\)](#) and [Recent Developments](#) for further details on recently reported security incidents, headline statistics and information on the Darfur peace process.

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Cross border incidents between Chad and Sudan

- 8.24 The UN Experts Report 2009 also noted that “between 4 and 7 May 2009, the United Resistance Front (URF), an alliance of Chadian armed opposition groups” conducted “cross border incursions into Chad from their bases in West Darfur.” [6q] (para 102). In response there were also reports of incursions into West Darfur by Chadian armed forces. As noted:

“Eyewitnesses located in Abéché, Chad reported to the Panel that on 15 May, around 7 a.m. local time, Chadian air force SU-25 jet fighters left with bombs under each wing and returned with no bombs at 9 a.m. A second flight took off at 11.15 a.m. on the same day, with bombs, and returned after two hours, again with no bombs. Given the two-hour time difference between eastern Chad and neighbouring West Darfur, the timing of these two sorties coincide with the reported bombings in Jebel Sarrow. The Panel has documentary evidence for these two sorties, including the fact that the Sukhoi jets left with bombs but returned without them. [6q] (para 124)

“In June 2009, the interim Minister of Defence of the Government of Chad announced during a press conference that Chadian forces had crossed over the Chad-Sudan border in pursuit of Chadian armed opposition groups retreating from Chad. The Minister announced that Chadian armed opposition group combatants, military vehicles and materiel [sic] at seven Chadian armed opposition group positions inside Darfur had been destroyed. In public statements by President Deby and the Chadian Ministers for Foreign Affairs and of Defence, Chad asserted its ‘right to hot pursuit.’” [6q] (para 125)

For details on the improved diplomatic relations between Chad and Sudan,

see [Recent Developments – Darfur Peace process](#)

For information on Justice and Equality Movement's (JEM) links to Chad, refer to: [Ethnic basis of Darfur's main rebel groups](#)

Security situation for non-combatants

- 8.25 The African Union High-Level Panel Report on Darfur (AUPD), published on 29 October 2009, stated in its executive summary that:

“Although the violence associated with the insurgency and counter-insurgency peaked during 2004, non-combatants continued to die and to be displaced after that period, and the legacy of insecurity which predated the insurgency still blights the lives of millions of Darfurians in diverse ways. Because of the breakdown of law and order, characterised by banditry, and fuelled by the free flow of weapons within the community, weak formal policing, and the ineffectiveness of local governance structures, the problems still persist...” [12br] (para 9)

- 8.26 The Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID) covering the period July – October 2009, published 16 November 2009, noted during the review period, the UN security phase IV remained in place throughout Darfur, “with the exception of the towns of El Fasher, Nyala and Zalingei, where the security phase was lowered to phase III on 10 August 2009”. [147a] (para 4) There are five security phases used by the UN to assess “... threats to the safety of personnel...” with phase five being the most serious. (UN Safety and security of United Nations personnel, undated) [6aak] (para 40) “In phase three, the following measures may be taken: concentration of personnel and their dependants at sites that are deemed safe; relocation to other parts of the country; relocation of dependants and non-essential personnel outside the country ...In phase four, programmes are suspended and personnel not directly concerned with emergency or humanitarian relief operations or security matters are relocated ... In phase five, all personnel are evacuated except those required for Security Council-mandated activities related to the maintenance of international peace and security.” [6aak] (para 40)
- 8.27 Human Rights Watch (HRW) in its report, *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, October 2009, reported:

“... In July [2009] Human Rights Watch interviewed more than 40 civilians in eastern Chad who had fled clashes and Sudanese government bombardment in North and South Darfur between January and May 2009. Ulu Saleh, age 30, fled fighting in the town of Um Baru, North Darfur, which began on May 5 when the rebel Justice and Equality Movement (JEM) clashed with ex-rebel SLA-Minni Minnawi (SLA-MM) and Sudanese government forces. On May 8 and 9, after SLA-MM and government forces ousted JEM forces from the town, government aircraft carried out a series of bombing raids on areas around Um Baru and nearby Furawiya. Saleh told Human Rights Watch how he fled the fighting:

“‘JEM came to attack the town. Some people ran towards the UNAMID [UN-African Union Mission in Darfur] base. Others came towards Chad, like me. After the fighting the Antonov [aircraft] came and bombed. They were dropping 12 bombs a day. They dropped in all the areas around the town. At least 30 people were killed, men and children’.

“Witnesses told Human Rights Watch that the Antonovs bombed water points and other civilian objects in and around Um Baru and neighboring Farawiya. Maka Ibi Daoud, age 51, recounted how he fled Um Baru and Furawiya:

“At first when the fighting happened we did not come to Chad, we ran to the mountain [near Farawiya] and hid there but we had to go back to Farawiya to get water. It was very dangerous... it was when people were at the waterhole that the army bombed. Animals were hurt and the people with them. I saw two people killed’.

“Medical staff in Oure Cassoni, eastern Chad, treated 36 people, including three children, injured in at least five separate bombing incidents in Darfur in May and June. In one case, a five-year-old child lost his ear when he was hit by shrapnel from a bomb in Um Baru... In addition to killing and injuring civilians, the clashes at Muhajariya and ensuing bombardment displaced more than 40,000 people from Muhajariya. At least 36,000 fled to Zamzam camp for internally displaced persons in North Darfur, placing a significant strain on resources, particularly water and sanitation. The situation was greatly exacerbated by the government’s March 4 [2009] expulsion of 13 aid organizations from Darfur, including those providing aid in Zamzam. The government’s air attacks using ill-equipped Antonovs without capacity to aim with precision were indiscriminate and violated international humanitarian law.” [19k] (p13-14)

- 8.28 The UN Expert Report 2009 in considering civilian casualties in 2009 following armed conflict between the Justice and Equality Movement (JEM) and Sudanese Armed Forces (SAF) in and around Muhajeriya reported:

“Despite claims by JEM and SAF that preventive measures had been put in place against the targeting of civilians, the Panel has found that during the fighting in and around Muhajeriya there was disproportionate and indiscriminate use of force, for example aerial bombardments inside or near areas where internally displaced persons were located and civilian areas. The attack by JEM and counterattacks by both the Government of the Sudan and SLA/MM [Sudan Liberation Army/Minni Minawai faction], the subsequent battles on the ground between all parties and aerial attacks by the Government of the Sudan all resulted in the killing of scores of civilians, the injuring of hundreds and the displacement of thousands.” [6q] (para 225)

- 8.29 The same report also commented on clashes in Wada’ah, North Darfur, between SLA/MM, armed militia from the Mima community and the Sudanese authorities in February 2009, which led to “a number of deaths and injuries, the destruction of nearly half the town, including the town’s electric water pump, market and school, and the looting of the local healthcare centre”. [6q] (para 237)

- 8.30 In considering the issue of protection for internally displaced civilians in Darfur, the UN Experts Report 2009 observed:

“Although internally displaced persons report improvements in the security situation in towns and in camps for the internally displaced, violent attacks on and harassment of civilians continue in the rural areas of Darfur. Internally displaced persons have overwhelmingly alleged that the Government of the Sudan security forces and the Janjaweed commit the majority of violations. Women and children are especially victimized. In most cases, victims identify the perpetrators as armed Arab men in green and khaki uniforms.

“Internally displaced men face different challenges owing to the lack of security outside of camps for the internally displaced and towns. Men are more likely to be forced to pursue economic opportunities in the town markets, where they are liable to be the victims of theft, robbery and looting. Women primarily face the threat of rape, as opposed to the risk of death that men encounter. It is often the women who engage in farming and other livelihood activities in the hinterlands.

“Interviews with internally displaced persons revealed that victims and their families rarely report incidents to the police owing to a lack of trust and the belief that the Government of the Sudan will not take appropriate legal action. Internally displaced persons believe that the local police are powerless and cannot control the armed perpetrators. They told the Panel that during the rainy season armed nomads drive their cattle over their farmlands and destroy the crops with impunity thanks to their superior armaments. The Panel witnessed cattle grazing on farmlands outside of Mukjar and in Saraf Jaded.

“While the fact that they set up camp outside the town of Muhajeriya during their incursion in January 2009 may relieve JEM leaders from being accused of having failed in their obligation to protect the civilians of Muhajeriya, when they advanced with their combatants and held a political rally in the centre of Muhajeriya fully aware that SLA/MM and SAF forces were gathering for a counter-attack, they did fail in this obligation.

“To remedy the ongoing situation of harassment and abuse of internally displaced persons, the Government of the Sudan has installed some security posts, mostly manned by under-trained and under-equipped personnel, around the areas where internally displaced persons, primarily women, conduct their livelihood activities. The internally displaced persons do not perceive these security forces as providing adequate protection because these community police officers rarely intervene against those who harass internally displaced persons. The consequence is that the perpetrators enjoy unchecked impunity. There is a systemic failure to protect citizens at the local, state and national levels. Under international humanitarian law, the Government is responsible for providing localities with the resources, training and system of accountability in order to provide effective protection to all civilians”. [6q] (para 256-259)

For further details on specific security incidents and headline figures of casualties in Darfur, see [Recent developments](#). See also: [Internally Displaced Persons](#) and specifically the subsection which looks at Darfur, together with [Humanitarian issues](#). See also the subsection: [Sexual violence against women in Darfur](#) for details on how the lack of security and protection in Darfur has led to an increase in sexual violence against women

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UN/African Union forces in Darfur

- 8.31 The following section provides information on the international peace keeping forces deployed in Darfur and their capacity to protect civilians.

- 8.32 The Human Rights Watch Report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* (October 2009) stated:

“The United Nations-African Union hybrid peacekeeping force in Darfur (UNAMID) has a mandate under Security Council Resolution 1769 to use ‘all necessary means’ to protect civilians in Darfur, but the mission is not yet fulfilling this essential component of its mandate. A fully deployed UNAMID would consist of 26,000 troops and a significant budget: US\$1.6 billion for July 1, 2009 through June 30, 2010. However, more than two years after its authorization, UNAMID is just 70 percent deployed and still lacks critical equipment, including tactical helicopters and other essential transport. The UN department of peacekeeping operations (DPKO) has been seeking this equipment since mid 2007, yet to date no government has provided a single tactical helicopter.

“Despite having made repeated commitments to facilitate UNAMID since its authorization in July 2007, Sudanese authorities continue to hamper deployment and effective operation of the force. The Sudanese government has delayed approval of over 300 visa applications for UNAMID personnel, the vast majority of which are for staff from western countries; delayed customs clearance and permission for UN contracted vessels to disembark at Port Sudan for weeks or months, slowing the movement of critical equipment into Darfur; and refused to authorize UNAMID to import equipment that would give their aircraft night vision capabilities, meaning that aircraft cannot fly at night. The ‘tripartite mechanism’ made up of the Sudanese government, the United Nations, and the African Union meets approximately monthly in Khartoum to discuss these and other outstanding issues in relation to deployment. However despite reaching agreement on key issues in those meetings, this mechanism has not effectively resolved many of these issues on the ground. At the local level, Sudanese authorities restrict the movement of UNAMID, including incidents of security forces preventing patrols from passing government checkpoints....” [19k] (p16-17)

- 8.33 However, the same report also noted:

“The mission has taken some steps to protect civilians, for example through preventive patrolling. In August 2009, it introduced 24 hour/seven days a week patrolling in 15 new locations. It has also provided refuge to civilians fleeing fighting. At Um Baru, for example, it gave 350 civilians shelter following clashes. However, it could and should do more to operationalize its protection mandate, including rolling out 24/7 patrols across Darfur, and responding immediately and effectively to threats against civilians, including through strong advocacy with government authorities, military, and rebels. UNAMID also should develop strategies and procedures on how military, police, and civilian components of the mission work together to ensure civilian protection.” [19k] (p17)

- 8.34 The Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), dated 16 November 2009, reported that:

“As UNAMID nears two years in Darfur, it has made significant strides towards full deployment and is now, more than ever, focusing on its critical tasks of civilian protection and facilitation of humanitarian delivery. However, serious challenges remain, including increased threats to international staff in Darfur, ongoing military activities between Chad and the Sudan and within Darfur, limitations on the freedom of movement and access for UNAMID and humanitarian personnel, and a failure of the parties to the conflict to commit to

a comprehensive negotiated settlement to the crisis.

“The four kidnapping incidents of staff of international non-governmental organizations that have occurred since March 2009, and the recent kidnapping incident of two UNAMID staff in Zalingei on 29 August 2009, represent an extremely alarming development for international staff serving in Darfur. UNAMID personnel continue to be the target of criminal activity and banditry, including harassment and violent attacks.

“In the context of the ongoing violence in Darfur, freedom of movement for UNAMID and humanitarian personnel is absolutely critical. The repeated incidents of Government officials preventing access to UNAMID patrols are a direct violation of the Status of Forces Agreement with the Government of the Sudan and a serious impediment to the Mission’s capacity to implement its mandate. In particular, where populations have been made more vulnerable by violence, I urge the Government to intensify its efforts to ensure that UNAMID and humanitarian personnel are granted full access to affected areas. The letter dated 11 October 2009 from a Government official to UNAMID, indicating that patrolling activities in Northern Darfur would not be further obstructed, is a positive development.” [147a]

- 8.35 See also: [Other Government Forces](#) for material from the UN Experts Report 2009, which raises the suggestion that the Janjaweed may be responsible for the increased banditry in the Darfur region. [6q] (para 56-59)

See also: [UNAMID website](#)

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SOUTHERN SUDAN

- 8.36 The Report of the Secretary-General on the United Nations Mission in the Sudan (UNMIS) dated 21 October 2009, reporting on the period July 2009 to October 2009, noted that: “The security situation in Southern Sudan remains unstable, particularly in Jonglei, Upper Nile and Lakes States, where as many as 54 clashes resulted in the deaths of at least 316 people during the reporting period and represented major security and human rights concerns in Southern Sudan.” [7b] (para 2)

- 8.37 Commenting on inter-ethnic conflict in Southern Sudan, the same source observed:

“On 2 August 2009, inter-tribal tensions erupted when a group of Murle attacked Lou Nuer villages in Akobo County (Jonglei State); during the attack 161 people were killed and 29 were wounded. The majority of those killed were women and children. On 23 August, 66 people were killed in a cattle raid between the Luac and Dinka tribes in the area of Rumbek (Lakes State), including 15 members of the Southern Sudan Police Service and the Sudan People’s Liberation Army (SPLA). In another cattle raid on 28 August, Lou Nuer tribesmen attacked a Dachuek village in Twic East County (Jonglei State), resulting in the deaths of 28 people, including seven SPLA soldiers, and the displacement of thousands of local civilians. On 4 September, suspected Shilluk tribesmen carried out an attack against a Dinka village north of Malakal (Upper Nile State), during which the entire village was burned to

the ground and several people were abducted. On 18 September, approximately 1,000 Lou Nuer tribesmen from Wuror, Nyirol and Akobo Counties attacked Duk County, approximately 170 kilometres north of Bor, Jonglei State. The clashes reportedly resulted in 72 people being killed and 45 injured and the burning of 250 houses. ..." [7b] (para 2)

- 8.38 The International Crisis Group report entitled *Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan*, dated 23 December 2009 also observed that:

"Conflicts among tribes have claimed several thousand lives in South Sudan in 2009, with the worst violence in and around the vast, often impassable state of Jonglei. Violence often afflicts pastoral communities, but in this area it has taken on a new and dangerously politicised character. With the death toll over the past year exceeding that in Darfur and displacement affecting more than 350,000 people. ..." [14h] (Executive Summary)

- 8.39 The CPA Monthly Monitor report, dated November 2009, which assesses implementation of the Comprehensive Peace Agreement (CPA) noted that fighting occurred between Sudan People's Liberation Army (SPLA) and Sudan Armed Forces (SAF) elements in Malakal in February 2009; around 57 people were killed in the clashes including civilians. By the end of the month the security situation was considered "stable but tense". [7c] (Security arrangements)
- 8.40 On the issue of disarmament, the UNMIS website, undated, reported that the Disarmament, Demobilization and Reintegration (DDR) programme was a key provision of the CPA involving the disarmament of soldiers of their weapons, their discharge from the military and their reintegration into civilian life. [7d] The CPA Monthly Monitor Report (November 2009), noted that 18,035 ex-combatants had demobilized since the launching of the DDR exercise in February 2009. [7c] (Security arrangements)

Also see the website of the [United Nations Mission in Sudan](#)

- 8.41 IRIN News also reported on 24 November 2009 of attacks by the Ugandan rebel group, the Lords Resistance Army (LRA), with three reported incidents in November in the Nzara region of Southern Sudan, forcing civilians to flee their homes. The report continued: "More than 220 people have been killed and at least 157 abducted this year in Southern Sudan by the LRA, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Of at least 81,500 displaced in Western and Central Equatoria States, 17,000 are refugees, according to a November assessment by OCHA". [10ei]
- 8.42 Similarly the UNMIS report dated 21 October 2009 also reported:

"During the reporting period, UNMIS received reports of Lord's Resistance Army (LRA) attacks in Western Equatoria State, in particular near food distribution sites. On 12 August 2009, LRA reportedly carried out an attack on Ezo town (120 kilometres north-west of Yambio) during which 17 people were reportedly abducted. After that attack, 29 international staff members from United Nations and international non-governmental organization operations in the area were relocated, and United Nations operations were temporarily suspended". [7b] (para 4)

- 8.43 The Human Rights Watch Report (HRW) *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, dated October 2009 also concluded that in Southern Sudan inter-ethnic fighting, usually motivated through competition over resources had intensified more recently due to the widespread availability of weapons. The report continued, “[i]n 2009 alone, attacks and counter-attacks between armed members of the Murle and Lou Nuer ethnic communities in Jongei state killed well over 1,200 civilians.” [19k] (p20)

See also [Recent Developments](#), for details of recent reported security incidents relating to Southern Sudan. For further information on the tribal clashes see [Southern Sudan: Inter-ethnic clashes](#). Also refer to the subsection on [Security services in Southern Sudan](#). Additionally see: [Women](#), [Humanitarian issues](#) and [Internally Displaced People \(IDPs\)](#) and the relevant subsection on East and South

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9. CRIME

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

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

- 9.02 Similarly the FCO travel advice webpage, updated 9 January 2010, observed that “[t]he incidence of street crime in Khartoum and other major northern Sudanese cities, with the exception of Darfur, is low compared to many parts of Africa. However, you should exercise caution, particularly after dark”. [4i] (Travel Summary)

- 9.03 However, the US Travel State Department, on its website last updated 26 May 2009, stated that “[c]rime is on the increase throughout Sudan. Additional security measures should be taken at places of residence to protect life and property”. The report also highlighted that “[a]nti American sentiments can be found throughout the country”. [3b]

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10. SECURITY FORCES

ARBITRARY ARREST BY THE SECURITY FORCES: OVERVIEW

- 10.01 The US Department of State's 2008 Human Rights Report: Sudan, published 25 February 2009 observed that:

"Several government entities have responsibility for internal security including the police, the NISS [National Intelligence Security Service], the Ministry of Interior, and the Ministry of Defense; all had active security forces. Government security forces committed serious and widespread abuses against civilians with impunity, including in connection with the conflict in Darfur." [3a] (Section 1d)

- 10.02 The Report of the Special Rapporteur on the situation of Human Rights in the Sudan, published June 2009, stated: "... that arbitrary arrest and detention by the NISS, military or police continues to be widespread in all areas of Sudan, and is often linked to other serious violations, such as *incommunicado* detention, ill-treatment, torture or detention in unofficial places." The report also noted that "[a]s UNMIS and UNAMID Human Rights Officers have no access to most places of detention, the exact figure of detainees is impossible to verify". [6p] (para 8)

- 10.03 Human Rights Watch, in its report entitled *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* dated October 2009 discussed the subject of human rights abuses in Kharotum and the Northern States and found that "...in Darfur, the scale of arbitrary arrest and detentions throughout the country is not known in large part because of the government's restrictions of freedom of expression and assembly. Reporting of cases has also been restricted by its closure of three Sudanese human rights organisations in March [2009]." [19k]

For further details on the closing down of NGOs and how this has impacted on protection of human rights, refer to the Human Rights, Institutions and Activists subsection [Non Government Organisations \(NGO\) expelled in March 2009](#). Additionally see: [Humanitarian issues](#), for information on how the NGO expulsions have impacted on the humanitarian effort. See also [Freedom of Speech and Media](#) for more generally details on censorship within Sudan.

- 10.04 The report of the UN Human Rights Council (UNHRC), Working Group on Arbitrary Detention, published in February 2009 noted that there was no response to the Working Group from the Sudanese authorities over the listed persons of concern. The opinion of the Working Group categorised Sudan as 'detention arbitrary category III'. [148a] (Table 1) This is defined as "the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III)". [148b]
- 10.05 In the Working Group's February 2009 publication, the number of urgent appeals transmitted to the Sudanese authorities by the Working Group was

four, the number of persons concerned, 251, and the persons for whom information had been received about their release, nine. [148a] (Table 2, p12) This compared to figures published in January 2008 of four (urgent appeals); 16 (persons concerned) and 15 (persons released). [148c] (Table 2, p13)

10.06 Similarly the UNHRC Report of the Working Group on Enforced or Involuntary Disappearances (EID), published in February 2009, which had the primary task of assisting families in determining the fate or whereabouts of their family members, noted for the reporting period 1 December 2007 to 30 November 2008, that at the beginning of the review period there were 172 cases of interest to the Working Group, this rose to 173 by the end of the reporting period. During that period the Sudanese authorities failed to clarify or reply on any cases. [148d] (p69)

10.07 The Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur, dated 13 June 2009, noted that:

“UNAMID carried out 28 human rights monitoring missions during the reporting period, during which it documented 13 cases of arbitrary and illegal arrest and detention by Government security forces. Two of the detainees have since been released, while 11 remain in detention without charges. Four of the detainees reported being subjected to cruel, inhuman or degrading treatment or torture while in detention. In a positive development, on 10 June 2009, the Government of the Sudan instructed all prisons in Northern Darfur to permit UNAMID correction officers access to the prisons.” [147b] (para 24)

10.08 The tenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan (28 November 2008) entitled, *‘Arbitrary arrest and detention committed by national security, military and police’* provided information from “... United Nations human rights officers deployed in Southern Sudan, Abyei, Blue Nile State, Southern Kordofan and Khartoum.” [148f] (p3), but did not look at the situation in Darfur. The source reported “In all [these] areas, arbitrary arrest and detention [was] widespread and often linked to serious human rights abuses...” with violations reported by NISS, the Sudanese Armed Forces and police. [148f] (p3-4)

10.09 The UN Report of the Panel of Experts dated 29 October 2009 (UN Experts Report 2009), in considering the situation in Darfur, reported that it had received “a significant number of reports of arbitrary arrest and detention as well as ill-treatment and torture of persons while in the custody of the Government security apparatus.” [6q] (para 269) The same source noted that most cases “... related to the campaign ... by NISS and the Military Intelligence with the cooperation of the Ministry of Interior, in and outside Darfur, against Darfurians suspected of being linked to the attack against Omdurman on 10 May 2008.” [6q] (para 269)

For further details on this incident and related accounts of arbitrary arrest, refer to the subsection [JEM and the aftermath of the Omdurman Attack of May 2008](#).

10.10 Additionally the the UN Panel of Experts received a number of reports of arbitrary arrests in connection with those suspected of co-operating with the International Criminal Court (ICC) and opposing the expulsion of international

non-governmental organisations in March 2009. [6q] (para 270) See also: [Trials relating to the ICC arrest warrant for President Al Bashir – 4 March 2009](#)

Information in this section covering accounts of arbitrary arrest, should also be considered together with material in the section [Arrest and Detention – Legal rights](#). For specific accounts of arbitrary arrest and other human rights abuses perpetrated by the security forces against particular groups or persons, refer to the relevant [Human Rights](#) sections listed in the Contents, together with the material set out in the following subsections on Police, Army and other state agencies.

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POLICE

- 10.11 Jane’s Sentinel Country Risk Assessments, Security forces, updated 4 December 2008 stated:

“Following the signing of the Comprehensive Peace Agreement in January 2005, law enforcement is undergoing restructuring, with the new interim constitution indicating the decentralisation of the police service at national, state and southern Sudanese levels in accordance with the pact.

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

“The Popular Police Forces (PPF) were introduced by the National Islamic Front-based government that took power in 1989. These were effectively government-sponsored vigilante groups with the official role of assisting the regular police. They tended to operate as a politicised Islamic militia, enforcing their interpretation of moral standards on the general public”. [116b]

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

- 10.13 In considering access to law and order in Darfur, the *Report of the Special Rapporteur on the situation of Human Rights in the Sudan*, published June 2009, noted that:

“Access to justice is hampered by a weak presence of police, judges, and

prosecutors outside the main urban centres. For instance, in Tawila, North Darfur, law enforcement is carried out by the Central Reserve Police [CRP] instead of the regular police, and there is no judge or prosecutor present in the locality. In other localities of Sisi and Abu Suruj in West Darfur, there is hardly any regular police presence. When present in rural areas, police officers are insufficient and lack vehicles, and communication equipment.” [6p] (para 49

Arbitrary arrest, torture and extra-judicial killings

- 10.14 The eleventh periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan dated 23 January 2009 reported that police personnel had also been present in the Kalma camp incident of 25 August 2008, in which 32 IDPs were killed by security forces and at least 108 injured. [148e] (Executive summary) The source further concluded:

“Security forces, particularly police, are empowered by law to use force in order to protect the right to life. Police may, however, employ force only when necessary, and for a legitimate purpose when peaceful means have not and will not succeed. With the Kalma incident, the police and security forces failed to employ alternative peaceful means of crowd control before resorting to the use of lethal force. Arbitrary and unlawful use of force undermines the ability of the state to protect the fundamental right to life.” [148e](p11)

Information on the events at Kalma camp on 23 January 2009, can also be found under the sections on Army and National Intelligence Security Service (NISS) below. See also: [Internally Displaced Persons](#)

- 10.15 The USSD 2008 Human Rights Report: Sudan [3a] (Section 1d) and Report of the Special Rapporteur on the situation of Human Rights in the Sudan, dated June 2009, [6p] (para 8) both indicated police involvement in incidents of arbitrary arrest and detention.

See also [Arbitrary arrest by the security forces: Overview](#) for more general material on the use of arbitrary arrest

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ARMED FORCES

- 10.16 Jane’s Sentinel Country Report for Sudan dated 6 February 2009 estimated the armed forces to have a total strength of 104,300 (100,000 army; 3,000 air force; 1,300 navy). [116d] The report continued:

“The supreme commander of the armed forces holds the positions of president of [Sudan](#) and commander in chief of the Sudan Armed Forces (SAF) and of the Popular Defence Force (PDF). Under the president, the minister of defence exercises operational control of the armed forces. It is part of the minister's role to appoint the commander of the armed forces, who nowadays has the title of chief of joint staff.” [116d]

- 10.17 The same report explained that:

“The army is of primary importance as a defensive force around Khartoum and garrison towns, as is the air force as a provider of battlefield air support. From a territorial point of view, the army is organised on the basis of a number of military regions, with the commander of each region exercising operational control over the division and brigade commanders in his region... Informal forces operate in parallel to the regular armed forces and are considered to be both more brutal and closer to the key figures in the National Islamic Front (NIF) regime.” [116d]

- 10.18 Jane’s Sentinel Country Risk Assessment, Sudan, Armed forces, updated 6 February 2009, also reported on reform initiatives within the armed forces, noting that long term plans to develop the Sudanese army were introduced by the defence minister, Major General Bakri Hassan Salih in December 2003. [116d] The report stated:

“In March 2006, Sudan’s minister of defence announced a new structure for the High Command of the Sudan Armed Forces (SAF) to enable it to be more effective. It was thought likely that one of the aims of the restructuring was to enhance the effectiveness of joint operations. New senior appointments in the military were made as part of the restructuring. The restructuring and reshuffle may have been prompted by the conflict in the Darfur region in western [Sudan](#), where Sudanese land forces and proxy militias, supported by the air force, were engaged in a highly controversial counter-insurgency campaign. President Bashir subsequently appointed new staff to all the major armed forces positions in April 2008, with the exception of the commander of naval forces.” [116d]

- 10.19 Additionally Jane’s highlighted that as part of the peace process with Southern Sudan, Joint Integrated Units (JIUs) were set up, comprised of SAF and former southern rebel SPLA [Sudan People’s Liberation Army], with a total size of 39,600 troops; units came under the direct command of the Joint Defence Board (JDB), which was chaired in rotation between the SAF and SPLA. [116d] (Armed forces)

- 10.20 The UN Expert Report, dated 29 October 2009 reported that:

“The current SAF [Sudan Armed Forces] presence in Darfur consists of three divisions, including infantry, mechanized and armoured units, supported by around a dozen helicopters (both attack and transport), three jet aircraft and three cargo aircraft. Cargo aircraft are also used for tactical operations against armed groups. Aircraft of commercial aviation companies are hired by SAF, NISS and auxiliary forces to assist with transporting troops, supplies and military materiel [sic].” [6q] (para 173)

For details of the international security forces present in Darfur, refer to the subsection [UN/African Union forces in Darfur](#)

Arbitrary arrest, torture and extra-judicial killings

- 10.21 The UN Experts Report report, dated 29 October 2009, provided details on the violations of the UN arms embargo by the Government of Sudan, which included illegal deployment of SAF [Sudanese Armed Forces] and

Government of the Sudan aviation assets. [6q] (para 172-210) For further information on the security situation for civilians in Darfur and casualties resulting from armed conflict in the region, refer to the subsection [Security situation for non-combatants](#)

10.22 The USSD 2008 Human Rights Report: Sudan, observed that: “The SAF, under the Ministry of Defense, attacked civilian targets in Darfur...” [3a](Section 1d)

10.23 The eleventh periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, entitled *Killing and injuring of civilians on 25 August 2008 by government security forces: Kalma IDP camp, South Darfur, Sudan*, dated 23 January 2009, stated that:

“On 25 August 2008, members of the Government of the Sudan security forces comprised of National Intelligence and Security Services (NISS), police forces and Sudanese Armed Forces (SAF) attempted to enter Kalma IDP [Internally Displaced Persons] camp in South Darfur to execute a search warrant issued by a South Darfur judge. The security forces were encountered by a group of IDPs, including women and children, gathered at the site to prevent the security forces from entering the camp. The security forces fired shots in the air before opening fire on the crowd”. [148e]

10.24 The report noted that 32 IDPs were killed and at least 108 injured, [148e] (Executive summary) and concluded that the Government security forces had “committed violations of international human rights law against the civilian population of Kalma camp” and that the security forces had “used lethal force in an unnecessary, disproportionate and therefore unlawful manner”. [148e]

Information on the events at Kalma camp on 23 January 2009, can also be found under the sections on Police and National Intelligence Security Service. See also: [Internally Displaced Persons](#). See also [Arbitrary arrest by the security forces: Overview](#) for more general material on the use of arbitrary arrest.

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THE NATIONAL INTELLIGENCE SECURITY SERVICE (NISS)

10.25 The US Department of State’s 2008 Human Rights Report: Sudan, published 25 February 2009, found that “NISS maintains security officers in major towns and cities throughout the north, including Darfur, and also has a presence in the south. The NISS also controlled the Central Reserve Police (CRP)...” [3a] (Section 1d)

10.26 The UN Report of the Panel of Experts (UN Experts Report 2009) established pursuant to resolution 1591 (2005) concerning the Sudan (published on 29 October 2009), outlined the organisational structure of the NISS under the section ‘Violations of Human Rights’. [6q] (para 281-293) The report noted that:

“According to a confidential interlocutor within the administration of justice system and other sources, a non-disclosed number of NISS agencies operate

under the direct supervision of the Director of National Intelligence and Security Services, and/or his two deputies. These agencies have been established to deal with thematic security issues, such as southern Sudan, foreign intelligence, central security, management of the apparatus and its facilities, economic security, operations, and states' security. Each of these agencies has substructures in the form of circuits, administrations, departments, sections and units.

“The four most pertinent agencies in the context of arbitrary arrest and detention as well as ill-treatment or torture of Darfurians are the Central Security Agency, the Management Agency, the States' Security Agency and the Operations Agency”. [6q] (para 282-283)

- 10.27 For full details on each of the four agencies and information on the relations between NISS headquarters and its regional offices see paragraphs 281 to 293 of the [UN Report of the Panel of Experts](#) dated 29 October 2009. [6q]
- 10.28 The UN Experts Report 2009 also stated that despite repeated attempts by the Panel, the Government of the Sudan “failed to provide information on the practices of the NISS apparatus, human rights guarantees and protection mechanisms to deal with any abuses by NISS officers, and the hierarchical structure within NISS.” [6q] (para 277)
- 10.29 The BBC Monitoring website, Global Security Agenda, Background Briefing: Sudan, updated 4 September 2009, reported that:
- “Sudanese President Umar Hasan al-Bashir appointed Gen Muhammad Atta al-Mawla Abbas as the new head of the National Intelligence and Security Services, NISS, on 13 August 2009. He replaces Salah Abdallah Muhammad Gosh, who was appointed as a presidential adviser.
- “Atta has been deputy director of the NISS since 2004. According to media sources, the spy agency has been blamed for political repression and torture in Sudan. Human rights groups have in the past accused the agency of rights abuses.” [142c]

Arbitrary arrest, torture and extra-judicial killings

- 10.30 The Report of the Special Rapporteur on the situation of Human Rights in the Sudan, published June 2009, noted that:
- “In northern Sudan, the NISS continues to systematically use arbitrary arrest and detention against political dissidents. Individuals are frequently detained by unidentified NISS agents without being told the reason for their arrest. Detainees are often held for several months without charge or access to a lawyer or their families. The locations in which NISS detainees are held sometimes remain unknown.” [6p] (para 32)
- 10.31 In considering accounts of arbitrary arrest in Darfur, the same report observed that “the NISS continued to detain a number of IDPs and other civilians, often holding them incommunicado and without charge. Cases of ill-treatment and allegations of torture by the NISS continue to be reported across Darfur.” [6p] (para 52)

- 10.32 The [UN Report of the Panel of Experts 2009](#), covering the situation in Darfur, reported:

“Despite the presence of an elaborate legal system in Sudan, Darfurian victims of arbitrary arrest and detention, and ill-treatment or torture documented by the Panel during the current mandate or in previous mandates have not been accorded the right to effective legal remedy. The Panel has documented a number of detainees who, prior to their release from NISS detention facilities, were forced to sign release papers, including a non-disclosure declaration that obliges them to keep secret their arrest, detention, ill-treatment or torture....” [6q] (para 308)

“While Sudanese law stipulates that a prosecutor inspect the conditions of imprisonment in pre-trial detention facilities, Darfurian detainees assert that they were never visited by a prosecutor and that they were given no opportunity to discuss their treatment and detention conditions with a prosecutor. In the case of NISS, none of the detainees interviewed by the Panel said that they had been visited by a prosecutor, despite the reference in article 32 (5) of the National Security Forces Act (1999) to the effect that ‘[t]he competent Prosecution Attorney shall continuously inspect custodies of detained persons, to insure abidance by the safeguards of detention, and receive any complaint from a detained person’.” [6q] (para 390)

- 10.33 The same source further noted that despite public statements denying the use of torture by the NISS, the facts obtained by the Panel “strongly indicat[ed]” that public denouncement of the use of torture had not “deterred NISS officers from indulging in the practice of ill-treating and/or torturing Darfurians.” [6q] (para 278) The report continued:

“Interlocutors interviewed by the Panel informed it that while ill-treatment or torture are not introduced as part of the curriculum prepared for officers undergoing NISS training, everyone in NISS is left with the impression that some physical violence is acceptable in the process of extracting information from suspects. According to a middle-level NISS officer the dilemma is obvious: ‘how else can I extract information from a criminal when I know that he’s got it inside of him?’ [6q] (para 279)

“Up until the time of preparation of the present report, the Government of the Sudan has not provided to the Panel any evidence of any action taken against an NISS employee who has perpetrated human rights violations against Darfurian detainees”. [6q] (para 280)

- 10.34 The same report referred to the accounts of 34 individuals it had interviewed, most of whom told the Panel “they were not informed of their charges at the time of their arrest or accorded the right to legal counsel.” [6q] (para 271) The report continued:

“All of the persons interviewed testified that they had been released after a time without being formally charged with a crime or produced before a court of law. They were released only after being forced to sign release documents some of which stated that they were not allowed to complain or speak to anyone about their detention conditions. The Panel has identified two cases where individuals were detained for nine months and were temporarily released but immediately rearrested and held again in order to comply with

Sudanese laws that prohibit the detention of an individual for a period of over nine months without a criminal charge.

“Despite a decree issued by the Director General of NISS in 2007 reaffirming the rights of detainees and the obligations of officials, with special reference to the prohibition of physical abuse and the liability of individual security officials, multiple complaints indicate that torture and other cruel, inhuman or degrading treatment or punishment does occur while the victims are held by the Government.

“The consistency of the testimonies provided by victims of torture point to systematic use of physical abuse, including severe beating and hitting with hands, fists and boots as well as other objects, flogging with rubber hoses, burning with coil heaters and other electric instruments, forcing detainees to swallow extremely hot water, sleep deprivation and suspending detainees by ropes in stress positions, all in order to extract confessions or to humiliate detainees.

“Specific cases documented by the Panel point to violations by state authorities in Darfur or by national Government institutions in Khartoum. The following are some examples of these violations:

- “Two Chadian students of Darfurian origin were detained and tortured for five months before being deported to Chad. No official charges were made against them.
- “Twelve Sudanese students, some of them of Darfurian origin, were arbitrarily arrested in Khartoum and Omdurman, detained and systematically ill-treated or tortured before being released. No official charges were made against them.
- “Ten Darfurians were arrested in the three Darfur states and transported aboard a Government of the Sudan aircraft to Khartoum, where they were detained and tortured. No official charges were made against them.
- “Three former Government of the Sudan officials of Darfurian origin were dismissed from their jobs, detained and tortured before being released. No official charges were made against them.
- “Five Darfurian human rights defenders were kidnapped from their homes in Darfur and other regions, and brought to Khartoum, where they were detained and ill-treated before they were released. No official charges were made against them.
- “A Darfurian businessman was arrested and transported aboard a Government of the Sudan aircraft to Khartoum, where he was detained and tortured for six months before being released. No official charges were made against him.
- “National staff of the United Nations were arbitrarily arrested, detained and tortured. No official charges were made against them.” [6q] (para 272-275)

10.35 The [UN Report of the Panel of Experts](#) also outlined some consistent patterns with regard to the treatment and way in which individuals were arrested and

detained. For further details refer to the sub-section *C.2.(c) Findings and observations*, paragraph 276 of the report. [6q]

- 10.36 The USSD 2008 also reported that: “In the aftermath of the May 10 [2008] JEM attack, National Intelligence and Security Services (NISS) forces committed three confirmed extrajudicial killings in Khartoum and Omdurman. NISS forces killed one woman as she tried to prevent the arrest of her brother; one Darfuri student; and beat one man who later died of his injuries.” [3a] (section1a)
- 10.37 The eleventh periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan dated 23 January 2009 reported that NISS personnel had also been present in the Kalma camp incident of 25 August 2008, in which 32 IDPs were killed by security forces and at least 108 injured. [148e] (Executive summary)]

Information on the events at Kalma camp on 23 January 2009, can also be found under the sections on Police and Army. See also: [Internally Displaced Persons](#). For further information on the treatment of Darfurians, refer to [Treatment of ethnic groups from Darfur](#). For further information on JEM-related arrests see the subsection [JEM and the aftermath of the Omdurman Attack of May 2008](#). See also [Arbitrary arrest by the security forces: Overview](#) for more general material on the use of arbitrary arrest.

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OTHER GOVERNMENT FORCES (INCLUDING PRO-GOVERNMENT MILITIA)

- 10.38 Jane’s Sentinel Country Risk Assessments, Sudan, Security and Foreign Forces, updated 4 December 2008 stated:
- “The Popular Defence Force (PDF) was formed by the government soon after it took power in 1989. The PDF could be considered as a loose amalgamation of various local defence forces and militias that was rapidly organised to relieve the army of local defence duties and allow it to concentrate on its primary duties of holding major garrisons and offensive action.”
- “The PDF has also been described as the armed or paramilitary wing of the National Islamic Front (NIF) regime. In reality, it is likely that the PDF was a relatively disparate organisation that included all these different sorts of militias.”
- “Operationally it appeared that the PDF militias were responsible for local defence, including roadblocks, and are mobilised on a larger scale for dry season offensives.” [116j]
- 10.39 The same source reported that “The supreme commander of the armed forces holds the positions of president of [Sudan](#) and commander in chief of the Sudan Armed Forces (SAF) and of the Popular Defence Force (PDF).” [116d]
- 10.40 A report by IRIN News, dated March 2004, entitled, “In-Depth: ‘Sudan: A future without War?’- IRIN In-Depth on the prospects of peace in Sudan” provided details of pro-government armed groups in Sudan and stated there

were two main branches, northern and southern. As noted: “The 25 southern militia are centralised under the Sudanese army... they recruit locally and are personality-and ethnicity-driven...The Popular Defence Forces (PDF) oversee the other northern militias, or Murahilin (meaning travellers) recruited among Arab nomadic communities such as Baqqarah...”[10a]

- 10.41 The UN Report of the Panel of Experts dated 29 October 2009 noted the auxiliary forces operating within Darfur included the PDF (Popular Defence Force), the Border Guards and CRP (Central Reserve Police), along with the State Police and NISS. The same source continued:

“The Government of the Sudan alleges that all Janjaweed militias have been integrated into SAF [Sudanese Armed Forces] and its auxiliary forces but has never provided detailed accounting for this claim. In paragraph 6 of resolution 1556 (2004), the Security Council demanded that the Government of the Sudan disarm all Janjaweed militias and bring to justice Janjaweed leaders.” [6q] (para 175) For further information on the Janjaweed’s continued presence in Darfur see the following subsection.

Arbitrary arrest, torture and extra-judicial killings

- 10.42 The USSD Report 2008 stated: “In Darfur, government forces, government aligned militias ... killed, injured and raped civilians ... and continued to attack villages.” [3a] (Section 1a) “The Ministry of Defense’s Border Intelligence Force (BIF), a loosely-organized force composed of former janjaweed fighters in Darfur, also committed abuses. Fighting between BIF and other security forces in Darfur resulted in civilian deaths.” (USSD Report 2008) [3a] (Section 1d)

- 10.43 Jane’s Sentinel, dated 6 February 2009, also reported that: “It is believed that the PDF [Popular Defence Force] incorporates or co-ordinates at least some of Sudan’s Arab-based regional militias that have been accused, inter alia, of slave-raiding and genocide...” [116d]

- 10.44 The UN Experts Report 2009, in considering the continued presence of Janjaweed in Darfur and the concerns of internally displaced persons noted:

“During the Panel’s monitoring of internally displaced communities in North and West Darfur, an overwhelming concern expressed by internally displaced persons was the unchecked aggression by armed elements from Arab tribes, Janjaweed, Government of the Sudan forces and other belligerent tribes, and the high rate of harassment and of sexual and gender-based violence. These fears are exacerbated by the apparent impunity these forces seem to enjoy, the ever-present memories of most internally displaced persons of grave human rights violations committed against them only a few years ago and the fact that many individuals commonly referred to as Janjaweed have not been disarmed and continue to brandish their weapons.

“The internally displaced persons’ perception of the Janjaweed stands in stark contrast to the statements of the Panel’s interlocutors from the Government of the Sudan who assert that there are no remaining Janjaweed, since they have all been integrated into SAF and Government of the Sudan auxiliary forces.

“The Panel has attempted to verify those claims by obtaining updates

concerning the integration process and the extent to which disarmament has been completed. The representatives of the Government of the Sudan have been unwilling to discuss this matter beyond a general statement that no Janjaweed exist at the current time. No detailed information regarding their disarmament has been offered to the Panel and no public records are available.

“In the absence of detailed crime statistics, and in the light of the lack of full accounting for the disarmament of forces formerly identified as Janjaweed, the Panel cannot with certainty exclude the possibility that banditry and the Janjaweed are symptoms of the same problem, which the Government of the Sudan has neglected to address.” [6q] (para 56-59)

See also [UN/African Union Forces](#) for details of banditry carried out against international personnel based in Darfur

- 10.45 Additionally the UN Experts Report 2009 documented several accounts in which the Panel had received reports of continued Janjaweed aggression in Darfur. With reference to a visit to Kabkabiya, between 5 and 7 August 2009 the report noted that:

“...internally displaced persons also told the Panel that the streets were not safe at night and that residents became fearful on market days when armed Janjaweed arrive from the countryside. When the Panel visited the market, dozens of armed individuals wearing uniforms and a small number of armed individuals in plain clothes, all described by internally displaced persons as Janjaweed, were present.

“The Panel was unable to ascertain to what extent the armed individuals were officially registered as members of the Government of the Sudan armed forces. Locals stated that wearing a uniform was not necessarily an indication of official membership of the Government of the Sudan armed forces.

“...Merchants in the market, predominantly Fur and Zaghawa, complain of harassment by Janjaweed, who often demand cash and goods without charge from the shopkeepers. Merchants do not report these incidents because they perceive the authorities and the Janjaweed to be one and the same.

“Internally displaced persons reported to the Panel that they were harassed, beaten and raped while conducting their livelihood activities outside the town.” [6e] (para 32-36)

- 10.46 Similarly in referring to a visit to Mukjar in West Darfur, between May and June 2009, the report observed that “internally displaced persons and their sheikhs related to the Panel daily harassments by individuals and groups they considered to be Janjaweed”. Such incidents varied from being chased away from public places to beatings and other forms of violence. Additionally the Panel also received reports from internally displaced Fur, “that their women were harassed and crops and other property stolen by the Janjaweed” [6q] (para 53)

For background material on the Janjaweed see [History: Darfur \(2003 to 2009\)](#).

Also see: [Internally Displaced Persons](#), [Women](#) and [Children](#)

Further details on the different ethnic groups in Darfur can be found under the subsection on Darfur's [Ethnic demography](#). Additional information on the history and nature of inter-ethnic conflict in Darfur is covered under the subsection: [Traditional sources of conflict in Darfur](#)

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SOUTHERN SUDAN

- 10.47 The Human Rights Report, *"There is no protection", Insecurity and Human Rights in Southern Sudan*, dated February 2009, stated that:

"Southern Sudan's large security forces comprise soldiers, police, wildlife service, fire brigade, and prison officials. The vast majority are ill-trained in their roles and responsibilities. In all locations visited, Human Rights Watch received reports of various types of abuses by security actors, ranging from harassment, assault, and beatings in the course of official duty to other crimes committed for personal gain. According to many observers, public disquiet over abuses by state actors is growing."

"The scale and gravity of offences vary depending on location, local dynamics, and personalities. In Warrab State, the UNMIS reported that soldiers were involved in at least eight killings, rapes, assaults, and stealing crops between July and October 2008. In Juba, on New Years' Day, 2009, armed men believed to be security personnel shot and killed four civilians, prompting the GoSS Council of Ministers to convene and pass resolutions to improve security." [19b] (p29)

- 10.48 The USSD Report 2008, dated 25 February 2009, noted that:

"There were cases in which Southern Sudan Police Services (SPSS) officers and SPLA [Sudan People's Liberation Army] officers reportedly raped women, often with impunity...[3a] (Section 1c)

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

"The SPLA does not have law enforcement authority under the interim GOSS constitution, except when requested by civil authorities due to necessity; however, the SPLA detained persons, including in SPLA-run detention facilities. UNMIS regularly trained SSPS and SPLA personnel on a wide-range of security-related subjects during the year, but limited GOSS resources hampered the effectiveness of the training programs." [3a] (Section 1d)

- 10.49 The *Sudan Tribune* reported on 24 July 2009 that Mr. Gier Chuang Aluong, the newly appointed minister of internal affairs for south Sudan, vowed to reform security forces in the semi-autonomous region. "... 'Our main priority is

to gradually re-establish capable security forces that can provide service with respect and dignity’,” noted the report. [12g]

See also [Security Situation: Southern Sudan](#)

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11. MILITARY SERVICE

- 11.01 An information response collated by the Immigration and Refugee Board of Canada, dated 28 February 2007 noted that “[i]n Sudan, national military service is compulsory (Defense and Foreign Affairs Handbook 2006, 1890; Europa World Year Book 2006 2006, 4095; US 8 Feb. 2007).” [52e] The same source further reported on the age of conscription as follows:

“Information on the age of conscription for military service varied among the sources consulted by the Research Directorate. According to the Europa World Year Book 2006 and the United States (US) Central Intelligence Agency (CIA) World Factbook, persons between the ages of 18 to 30 years are liable for national military service (Europa World Year Book 2006 2006, 4095; US 8 Feb. 2007). However, the Child Soldiers Global Report 2004 indicates that under Sudan's National Service Act of 1992, persons between the ages of 18 to 33 years must submit to national military service (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004; Denmark 2001, 68). ...” [52e]

- 11.02 A UNICEF news article dated 23 December 2008, reported that the “... adoption of the new Sudan People's Armed Forces Act ... set the minimum age of recruitment into the armed forces in Sudan as 18 year [sic] years of age ...” [40s] To access the Armed Forces Act, 2007, refer to the link [here](#).

- 11.03 The Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, Sudan released on 20 May 2008 stated that:

“... The length of military service was 18 months for high-school graduates, 12 months for university and college graduates and 24 months in all other cases. According to the law, women were also liable for military service but in practice were not called up. ...” [42a]

- 11.04 The report of the Danish Immigration Services fact-finding mission to Cairo, Khartoum and Nairobi entitled *Human rights situation, military service, and entry and embarkation procedures in Sudan*, (8 to 18 August and 20 to 23 November 2001) provides information on conscription and recruitment procedures (accessible for the link [here](#)). [23b] (p35-53) Annex 4 of the same source listed the National Service Act for 1992, which includes details on ‘Exemption from Service’, ‘Pardon from Service’ and ‘Postponement of Service’. [23b] (p67-74)

- 11.05 War Resisters' International's 1998 Survey noted that: “The right to conscientious objection is not legally recognised.” [21a] The same source also stated that: “[a]voiding military service is punishable by two to three years' imprisonment (National Service Law, art. 28).” [21a] To view the National Service Act for 1992, refer to the link above.

See also: [Violence against Children – Child soldiers](#)

SOUTHERN SUDAN

- 11.06 Article 45 of the Interim Constitution of Southern Sudan (ICSS) states that: “(1) Defence of Southern Sudan in particular, is an honour and duty of every citizen in Southern Sudan without prejudice to Article 18 of the Interim

National Constitution. (2) The law shall provide for the combatants, the wounded, the families of martyrs and those missing in action.” [94b] (p16)

11.07 The SPLA (Sudan People’s Liberation Army) Act, 2003 describes the structure of the force:

“(1) The SPLA shall comprise of:

- (a) The Forces known as the SPLA immediately before the commencement of this Act;
- (b) Any person enrolled or enlisted under this Act;
- (c) Reserves.

“(2) The SPLA shall be divided into:

- (a) An Active List;
- (b) A Reserve List.” (SPLA Act: Chapter I, Section 4) [18g]

11.08 Chapter II of the Act contains the provisions for commissioning, enrolment, enlistment, appointments and transfers, whilst Chapter III describes the provisions for dismissal and discharge from the SPLA. (SPLA Act: Chapters II & III, Sections 7-15) [18g] Chapters IV and V refer to the offences members of the SPLA could be charged with, and the respective punishment for each offence. (SPLA Act: Chapters IV & V, Sections 8-46) [18g] Chapter VI prescribes the various types of punishment in more general terms, which include but are not confined to:

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

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

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

See also: [Violence against Children – Child soldiers](#)

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12. ABUSES BY NON-GOVERNMENT FORCES

12.01 As set in the section following, there were reports of human rights abuses being perpetrated by the various rebel armed groups which operate in Darfur. These abuses included both arbitrary detention and ill treatment of detainees and extra judicial killings due to the general insecurity in the region. For further details on the security situation for civilians in Darfur, refer to the subsection [Security situation for non-combatants](#).

12.02 The *Report of the Special Rapporteur on the situation of Human Rights in the Sudan*, published June 2009, noted that:

“Civilians also continue to suffer from violence and abuses carried out by both signatory and non-signatory rebel groups. Reports were received of abuse of inmates in detention facilities run by the SLA/MM [Sudan Liberation Army/Minni Minawi] faction, and in a visit UNAMID Human Rights Officers received testimonies of several inmates that civilians in SLA/MM controlled areas continue to be subjected to torture, ill treatment, arbitrary detention, and other abuses, and denied basic legal guarantees.” [6p] (para 58)

12.03 The same report also observed that UNAMID had “... also documented a case of detention and ill-treatment by JEM [Justice and Equality] forces on 27 October 2008 in Silea”. [6p] (para 58) The report further stated that:

“On 11 July 2008, an Arab armed group launched attacks on civilians who were cultivating their lands or travelling in areas of West Darfur. An UNAMID investigation confirmed three civilians were killed in Mabrouka.... Three Arab armed groups also attacked two boys aged 12 and 13 in the Modata area, killing one, and severely beating and mutilating the other. Witnesses identified all perpetrators as Arab armed groups, some of whom were from the Awlad Zeid and Awlad Rahma tribes, seeking to engage the S[udan] L[iberation] A[rmy]/Khamis Abdallah Abakir group. None of the victims belonged to this group and were IDP civilians or members of the Masteri host community”. [6p] (para 59)

12.04 The UN Report of the Panel of Experts, dated 29 October 2009 stated that:

“... internally displaced persons and community leaders in areas under the control of SLA/MM have also been subjected to harassment, ill-treatment and in some cases torture. Human rights violations perpetrated against pro-Government of the Sudan community members in Wada’ah and pro-Sudan Liberation Army/Free Will (SLA/FW) community members in the Kafod area resulted in escalation of tension within these communities and the eventual destruction of both areas in 2008 and 2009.” [6q] (para 299)

12.05 The Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur, dated 13 June 2009, observed that: “On 1 June 2009, UNAMID visited detention facilities controlled by the Sudan Liberation Army/Minni Minawi in Zam Zam internally displaced persons camp, Northern Darfur, where seven detainees were being held on civil charges. UNAMID strongly urged the officers at the facility to refer the cases to a competent court in El Fasher.” [6p] (para 25)

12.06 The USSD Report 2008 recorded that “[a]ttacks and other acts of violence by

all parties to the conflict resulted in widespread civilian deaths and injuries, displacement, and property destruction. The use of rape as a weapon of war and recruitment of child soldiers continued to be widespread.” [3a] (Section 1g)

Additional information on the Janjaweed and reports of intimidation and violence perpetrated by Janjaweed on the civilian population of Darfur, is located under [Other Government Forces](#). For further information on banditry in Darfur and reports of kidnappings perpetrated against international staff, refer to the subsection on [UN/African Union forces](#)

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13. JUDICIARY

OVERVIEW

13.01 The FCO travel advice website, updated 9 January 2010 reported:

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

13.02 Several sources, as mentioned below, did not consider the Sudanese judiciary to be independent, with higher courts especially subject to political interference. Although access to fair trial is legislated under the Interim National Constitution (INC), there were accounts of cases in which accepted legal standards were not upheld, particular in special courts and military courts.

ORGANISATION

13.03 Jane’s Sentinel Security Assessment for Sudan, updated 2 December 2009, recorded that:

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

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

“In terms of the CPA [Comprehensive Peace Agreement], the southern Sudan judiciary will comprise a Supreme Court, a Court of Appeal and any other courts and tribunals deemed necessary under the southern Sudan constitution. The south does not operate under Sharia law.” [116f] (Internal affairs)

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

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

- 13.05 Part Five of the [Interim National Constitution](#) of the Republic of the Sudan 2005 sets out the National Judicial Organs. [94a]

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INDEPENDENCE

- 13.06 The USSD Report 2008, noted:

“Although the Interim National Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. The judiciary was inefficient and subject to corruption.”

“An executive-level judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court's seven members. On occasion courts displayed a degree of independence. However, political interference with the courts was commonplace” [3a] (Section 1e)

- 13.07 Freedom House in its report, *Freedom in the World 2009*, Sudan, covering events in 2008, released in July 2009 stated that:

“The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control, and special security and military courts do not apply accepted legal standards. In response to the ICC investigation into crimes committed in Darfur, the government created the Special Courts for Darfur; their credibility has been challenged by legal experts. ...” [53b]

- 13.08 The same report also reported that:

“Under the CPA [Comprehensive Peace Agreement], the Sudanese government created the National Judicial Service Commission (NJSC) to manage the judicial system; coordinate the relationships between judiciaries at the national, Southern Sudan, and state levels; and oversee the appointment, approval, and dismissal of judges. Nevertheless, the NJSC is subject to government pressure.” [53b]

See also the subsection on [Trials relating to the Justice and Equality Movement attack on Omdurman - 10 May 2008](#)

FAIR TRIAL

13.09 The USSD Report 2008 stated that:

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

13.10 The same source also noted that: “In both the north and south, women were usually not allowed to testify as witnesses without the backing of three men.”

13.11 Additionally the USSD Report 2008 stated:

“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.

“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. Witnesses may be permitted to appear at military trials.” [3a] (Section 1d)

13.12 The Report of the Special Rapporteur on the situation of Human Rights in the Sudan, published June 2009, observed that since July 2008 UNAMID had organised “a series of human rights trainings for law enforcement personnel, judiciary, prosecutors and prison staff ...” However the report did not comment on what impact this training had had on judiciary procedures or standards. [6p] (para 16)

13.13 The same source also reported:

“On 13 April 2009, nine men were hanged at Kober prison, Khartoum, after being convicted in November 2007 for the September 2006 murder of newspaper editor Mohamed Taha Mohamed Ahmed. All nine were from the Darfurian Fur tribe. Each defendant claimed that, during pre-trial detention, he had been tortured or otherwise ill treated to force him to confess. They were also denied access to legal counsel and family visits during this period. Their confessions were used against them at trial and formed a basis for their convictions. The convictions were upheld in three separate appeals. Neither the court of first instance, nor subsequent appeals courts, ordered investigations into torture allegations. The court of first instance also failed to grant a request for medical examination of the defendants. Lawyers

petitioned the Constitutional Court to consider the constitutionality of the convictions, arguing violations of the defendants' constitutional rights to due process and freedom from torture. On 2 April 2009 the Court rejected the petition, failing to address the issue of confessions allegedly made under torture. The Sudanese judiciary also ignored appeals from independent human rights experts, including the [UN] Working Group on Arbitrary Detention which issued an opinion on the case in November 2008, to stay the executions and ensure respect for international fair trial standards." [6p] (para 29)

- 13.14 In considering access to justice in Darfur, the Report of the Special Rapporteur on the situation of Human Rights in the Sudan, published June 2009, noted that:

"Access to justice is hampered by a weak presence of ... judges, and prosecutors outside the main urban centres. ... Access to justice in rural areas is also hampered by the small number of prosecutors available to receive victim complaints. Challenges remain with respect to dispensing justice according to international human rights standards, in particular fair trial standards." [6p] (para 49)

- 13.15 With regard to the prosecution of those responsible for crimes committed during the Darfur crisis, the USSD Report 2008 noted that despite the appointment of a special prosecutor for crimes in Darfur, "observers asserted that the special prosecutor was biased in favor of the ruling party, and that the process was not credible." [3a] (Section 1e) See also: [History: Darfur \(2003 to 2009\)](#)

For information on the African Union High Level Panel on Darfur proposal to establish a hybrid tribunal to mediate crimes committed during the Darfur crisis see also [Recent Developments](#)

Trials relating to the Justice and Equality Movement attack on Omdurman - 10 May 2008

- 13.16 With regard to trials connected to the 10 May 2008 Justice and Equality Movement attack on Omdurman, the USSD Report 2008: Sudan, noted that there were special anti-terrorism courts set up to hear such cases but they "... did not have the same rights as those tried in regular courts". [3a] (Section 1e).
- 13.17 The Human Rights Watch report, *End Unfair Trials*, dated 24 June 2008, noted that Special Courts were created under terrorism law to specifically try individuals accused of participating in the Omdurman attack by JEM in May [2008] [19g]: "... Lawyers for some of the 36 defendants told Human Rights Watch that they had limited or no access to their clients and described the court proceeding as arbitrary, forcing some defense lawyers to withdraw. Under Sudanese law, a defendant can be convicted on the basis of a confession made while in *incommunicado* detention or during coerced interrogations." [19g]
- 13.18 The Report of the Special Rapporteur on the situation of Human Rights in the Sudan, published June 2009, noted that:

"In April and May 2009, anti-terrorism courts in Khartoum sentenced a further

41 individuals to death for participation in the May 2008 JEM attack, bringing the total number of death sentences for participation in the attack to 91. As in earlier trials, those condemned were convicted of charges under the Criminal Act, Anti-Terrorism Act, and Arms, Ammunitions and Explosives Act. The charges did not aim to establish individual criminal responsibility for killing or injuring civilians or recruiting child soldiers. Instead, they referred mainly to collective crimes including criminal conspiracy, membership of a terrorist organization and waging war against the state. Defendants were not granted access to defense counsel until the trials began. The accused were held *incommunicado* for up to four months before the trials, during which most of them registered confessions they later retracted in court, alleging the statements were made under duress. Nonetheless, the confessions were admitted as prosecution evidence and eventually formed part of the basis for the verdicts. In a meeting between the Special Rapporteur and the National Assembly's Human Rights Committee on 3 June 2009, the Committee stated the court sessions were closed, and that its members were not able to attend.” [6p] (para 30)

- 13.19 The Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur, dated 13 July 2009, reported that on 9 June 2009, a criminal court in Khartoum sentenced a further “12 members of the Justice and Equality Movement to death for their involvement ... [in the May 2008 attacks], bringing the total number of death sentences for members of the Justice and Equality movement to 103.” [147b] (para 4)
- 13.20 Reuters Africa reported on 20 January 2010, that a Khartoum court had passed a further two death sentences against suspected JEM members. A total of 105 people awaiting execution, were due to be freed under a good will agreement following the release of 82 prisoners by JEM in 2009. [82e] On 24 February 2010, Reuters Alertnet reported that the government had “... freed 57 JEM fighters, half the number of men imprisoned by Khartoum after being implicated in the insurgent force’s shock attack on the capital in 2008. ... The releases were promised as part of the new JEM ... [temporary ceasefire agreed on 20 February 2010]” [144d]

For further details on the Omdurman attack and related accounts of arbitrary arrest, refer to the subsection [JEM and the aftermath of the Omdurman Attack of May 2008](#). Additionally see [Prison Conditions](#) for information on the conditions in which JEM fighters were detained.

See also [Recent Developments](#) for further details on Darfur peace process and the negotiations between JEM and the Government.

See also [Children – Child Soldiers](#) for details of the arrest of children following the Omdurman attack.

Trials relating to the ICC arrest warrant for President Al-Bashir – 4 March 2009

- 13.21 Following the indictment of President Al-Bashir on 4 March 2009, there were reports of a number of arrests of those suspected of co-operating with the International Criminal Court. [6q] (para 270) (UN Report of the Panel of Experts, dated 29 October 2009) The UN Report of the Special Rapporteur (June 2009), also commented that ICC-related prosecutions were similarly marked by unfair trials:

“On 28 January 2009, a former Popular Police Forces official was found guilty of espionage for allegedly planning to provide information to the ICC, and sentenced to 17 years imprisonment. He was held without charge or access to legal counsel for over three months. Once appointed, his defence lawyers were denied access to the principal material evidence submitted by the prosecution. The court also based its judgment partly on an allegedly coerced confession.” [6p] (para 38)

For further details on the closing down of NGOs and how this has impacted on protection of human rights, refer to the Human Rights, Institutions and Activists subsection [Non Government Organisations \(NGO\) expelled in March 2009](#). Additionally see: [Humanitarian issues](#), for information on how this has impacted on the provision of aid and services to the region.

See also: [Recent Developments](#) and [Security Forces](#)

PENAL CODE

13.22 The USSD 2008 Report stated:

“In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. Under the Interim National Constitution, the government exempts the 10 southern states from Shari'a, although its application in the south still occurred on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol.” [3a] (Section 1c)

13.23 The Report of the Special Rapporteur on the situation of Human Rights in the Sudan, published June 2009 acknowledged that the Special Rapporteur, during her mission, had been briefed by the “... Deputy Minister of Justice on proposed amendments to a number of laws ...” and that amendment to the 1991 Criminal Act on war crimes, crimes against humanity and genocide (introduced on 25 May 2009) “... could offer prospects for trying perpetrators of gross human rights violations in civilian courts...”. However the report expressed concern about the application of the death penalty for these crimes. [6p] (para 21-23)

See also: [Death Penalty](#)

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SOUTHERN SUDAN

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

- 13.25 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. Article 23 of the ICSS states that:
- “(1) An accused is presumed to be innocent until his or her guilt is proved according to the law.
 - (2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her.
 - (3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by a competent court of law in accordance with procedures prescribed by law.
 - (4) No person shall be charged with any act or omission which did not constitute an offence at the time of its commission.
 - (5) Every accused person shall be entitled to be tried in his or her presence in any criminal trial without undue delay.
 - (6) Any accused person has the right to defend himself or herself in person or through a lawyer of his or her own choice and to have legal aid assigned to him or her by the government where he or she is unable to defend himself or herself in serious offences.” [94b] (p8-9)
- 13.26 A copy of the Interim Constitution of Southern Sudan (ICSS) text is available via the Max Planck Institute for Comparative Public Law and International Law website, accessible via the link [here](#) [94b]
- 13.27 The USSD Report 2008 stated:
- “In the south the GOSS employed a judicial system of traditional chiefs' courts, payam (district) courts, county judges, regional judges, and a court of appeals. Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The GOSS recognized traditional courts or courts of elders, which applied customary law to most cases in remote and rural areas of the south, including domestic matters and criminal cases.” [3a] (Section 1e)
- 13.28 The report added that delays in trial also resulted in unreasonably lengthy pretrial detentions, and persons were not provided prompt access to lawyers. [3a] (Section 1d) Also that some judges in the south reportedly continued to follow Shari'a legal procedures and that in the south, traditional or customary law was often used. [3a] (Section 1e)
- 13.29 The report continued: “Shari'a is applied in the north, but not in the south, under the Interim National Constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In the south, traditional or customary law was often used.” Also that: In Southern Sudan, according to the UN, most persons sentenced to death had not had adequate legal representation.” [3a] (Section 1e) Furthermore: “In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order.” [3a] (Section 1e)

13.30 Additionally:

“In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion--the public display of a body after execution. Under the Interim National Constitution, the government exempts the 10 southern states from Shari'a, although its application in the south still occurred on an ad hoc basis, and traditional customary law was frequently applied against convicted defendants. Northern courts routinely imposed flogging, especially for production of alcohol.” [3a] (Section 1c)

13.31 Jane's Sentinel Security Assessment for Sudan, updated 2 December 2009, recorded: “[i]n terms of the CPA, the southern Sudan judiciary will comprise a Supreme Court, a Court of Appeal and any other courts and tribunals deemed necessary under the southern Sudan constitution.” [116f]

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ARREST AND DETENTION – LEGAL RIGHTS

- 14.01 Article 29 of the Interim National Constitution (INC) states that: “Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with procedures prescribed by law.” [94a] (p13) While Article 34 states: “(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her.” [94a] (p14)
- 14.02 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “[w]arrants are not required for an arrest.” [3a] (Section 1d). The same source also noted that: “[t]he 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. ...” [3a] (Section 1d)
- 14.03 In considering the legal framework of Sudan, the UN Report of the Special Rapporteur (June 2009) commented that “the 2005 Interim National Constitution (INC) and 2005 Interim Constitution of Southern Sudan (ICSS) both provide that all rights and freedoms enshrined in international human rights instruments ratified by the Sudan form an integral part of the constitutional Bill of Rights”. However the Special Rapporteur went on to emphasise that these international obligations “must prevail in any judicial interpretation over the application of conflicting provisions in ordinary Sudanese statutes, such as the National Security Forces Act of 1999.” [6p] (para 19)

For information on the practice of arbitrary arrest and detention in Sudan see [Security forces](#) and the subsections on arbitrary arrest and detention by the various government agencies listed.

NATIONAL SECURITY LAW

- 14.04 The UN Panel of Experts report dated 29 October 2009 noted that “The National Security Act (1999) contains provisions that undermine human rights protected under international human rights law and domestically under the Interim National Constitution, and allow impunity for perpetrators of human rights violations against, among others, citizens of Darfurian origin [6q] (para 308-310) The African Union Panel on Darfur report, dated 26 October 2009, observed that the Government retained “... legislation giving immunity to members of the police and armed forces for crimes committed in the course of their duties.” [12br] (executive summary)
- 14.05 An Amnesty International USA communication, dated 17 June 2009, stated that, “[a]lthough Sudan’s Criminal Procedure Code contains safeguards against incommunicado detention, Article 31 of the National Security Forces Act, which governs arrests by the NISS, allows prolonged incommunicado detention without charge or trial. This increases the likelihood of torture.” [16b]
- 14.06 Specifically the Special Rapporteur (report dated June 2009) also noted:
- “... that the National Security Forces Act provides powers of arrest and detention to the NISS, and procedural immunity for acts committed by national

security officials that should be subject to criminal liability. The CPA explicitly states the National Security mandate 'shall be advisory and focused on information gathering and analysis', and a similar provision exists in the INC." [6p] (para 22)

- 14.07 Human Rights Watch (HRW) in a press release entitled *Sudan: Reform National Security Law*, dated 6 November 2009, reported that "a new version of the national security bill is expected to be discussed in Parliament before the end of the month [November 2009]". [19j] The report continued:

"The current law, the 1999 National Security Forces Act, allows security officers in the National Intelligence and Security Services (NISS) to arrest and detain people without charge for up to nine months, and without judicial review for six months. It also grants them broad powers of search and seizure, and contains immunity provisions that shield them from prosecution for abusive practices." [19j]

- 14.08 On 20 December 2009 regarding the bill, Reuters Alertnet reported that Sudan's parliament had passed "controversial national security reforms [...] in the face of protests by the opposition and from southerners" who had concerns that the legislation granted the security services sweeping powers that could undermine the forthcoming 2010 elections. [144d]

- 14.09 The same article observed:

"The new bill curbed the amount of time NSS agents could hold suspects, but approved existing powers of arrest, search and seizure. 'This law is going to have a serious impact on freedom and democracy in this country. It's going to affect the elections and intimidate voters. People are going to be afraid to go out and vote,' senior SPLM official Anne Itto told Reuters.

"The SPLM has argued that NSS agents should be authorised to carry out investigations, but only the police should have the power of arrest. SPLM parliamentarians voted against the bill while opposition groups boycotted Sunday's vote in protest. NCP official Ibrahim Ghandour defended the bill, saying the reduction in detention times marked a significant reform.

"We are living in a world where everybody is talking about terrorism. That is why we need a security authority with the powers of detention,' he told Reuters."

"How do you gather information without detaining a person?" [144d]

SOUTHERN SUDAN

- 14.10 The USSD Report 2008 recorded that: "Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. ... Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance." The same source further noted: "Southern Sudan had no functioning bail system; suspects granted bail in exceptional cases were generally required to post exorbitant amounts as bond." [3a] (Section 1d)

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15. PRISON CONDITIONS

15.01 Kings College, London website last updated 13 January 2010 listed:

Country	SUDAN	
Ministry responsible	Ministry of the Interior	
Prison administration	Department of Prisons	
Contact address	PO Box 551, Khartoum, Sudan	
Telephone/fax/website	tel: +249 11 772 451 or 771 319 or 331 890 fax: +249 11 770 280	
Head of prison administration (and title)	Moi-ed-den Awad Head of prison administration	
Prison population total (including pre-trial detainees / remand prisoners)	19,144 at mid-2009 (Paralegal Advisory Services Institute, Malawi, from national prison administration)	
Prison population rate (per 100,000 of national population)	45 based on an estimated national population of 42.3 million at mid-2009 (United Nations)	
Pre-trial detainees / remand prisoners (percentage of prison population)	c.10% (March 2003)	
Female prisoners (percentage of prison population)	c.2% (March 2003)	
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	c.2% (March 2003)	
Foreign prisoners (percentage of prison population)	c.1% (March 2003)	
Number of establishments / institutions	125 (August 2002 - 4 federal prisons, 26 local government prisons, 46 provincial prisons, 45 open and semi-open prisons, 4 reformatory centres for juveniles)	
Official capacity of prison system	7,500 (mid-2009)	
Occupancy level (based on official capacity)	* (mid-2009)	
Recent prison population trend (year, prison population total, prison population rate)	1992	9,670
	1997	12,933
	2002	12,809

[115a]

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

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

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

15.04 The *Sudan Tribune* reported on 23 May 2008 that:

“The Darfur Center for Human Rights and Development (DCFHR), based in [the] UK, issued a report saying that Justice and Equality Movement (JEM) fighters are locked up in Omdurman military prison which has reached ‘life threatening proportions’ for them....

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

For further information on this arrest and detention of suspected JEM members refer to the subsection JEM and the aftermath of the [Omdurman attack of May 2008](#).

For information on the prosecution of those suspected of involvement in the Omdurman attack by JEM in May 2008, refer to the subsection [Trials relating Justice and Equality Movement attack on Omdurman – 10 May 2008](#)

SOUTHERN SUDAN

15.05 The United Nations Office on Drugs and Crime (UNODC) reported on 26 March 2008 that the UNODC had started to assist South Sudan’s government in its prison reform process:

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

15.06 The report added “‘This includes enhancing the capacity of the Southern Sudan Prison Service to respond more effectively to the needs and circumstances of children, women and other groups with special needs in prison,’ said Mark Shaw, UNODC Inter-Regional Adviser, who leads UNODC’s work in Sudan’.” [100a]

15.07 The USSD Report 2008 noted that: “Prisons in Southern Sudan provided inmates with at least one meal per day. The Prisons Directorate of Southern Sudan (SSPD) provided separate quarters for male and female prisoners and usually housed juveniles in separate cells. Prison labor was used for the construction of private residences for SPLM officials.” [3a] (section 1c)

- 15.08 The USSD Report 2008 report added: "Pretrial detainees were generally held in jails separate from convicted prisoners in the south. Detention centres in Southern Sudan were under the control of local tribal or state authorities, and were uniformly substandard. Some were holes dug in the ground around a tree, with detainees shackled to the tree. Sanitary and medical facilities were uniformly inadequate." [3a] (section 1c)
- 15.09 The United Nations reported on 18 November 2008 that Corrections Advisers together with the United Nations Mission in Sudan (UNMIS) were working in close collaboration with the United Nations Office on Drugs and Crime (UNODC) and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) to lead the process of prison reform in Southern Sudan. Since December 2007, UN Corrections Advisers have been working to strengthen the capacity of prison management by training prison staff to work with prisoners with special needs, particularly women and children, prisoners with mental illness and those suffering from HIV/AIDS. Prison staff were also being trained in information management, human resources and policy development. [6am]
- 15.10 The *Sudan Tribune* reported on 4 November 2008 that UN agencies, implementing construction of Jonglei police and prison stations, had started work at the various sites. [12ay]
- 15.11 UNODC reported on its website, accessed 18 January 2010, with regard to female prisoners as follows:
- "The women in the female prison work very hard each day preparing food for more than 600 male prisoners. The work involves heavy physical labour causing many women to suffer from exhaustion and other related illnesses. One of the female prisoners at Juba Women's prison suffered a miscarriage at three months due to excessive physical labour endured in cooking in the prison. While the prisoner was taken to a clinic for a surgical procedure, she was returned to prison immediately after the procedure where no pain relief medication was available and consequently the prisoner spent many days in severe pain. Women prisoners prepare all the food for both the women's and men's prison." [100b]

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DEATH PENALTY

- 16.01 Article 36 of the Interim National Constitution (INC), accessed 28 February 2010, states that:

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

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

- 16.02 Amnesty International’s (AI) 2009 Annual Report, covering events in 2008, released on 28 May 2009, observed that: “The death penalty continued to be imposed, and courts passed death sentences on men, women and children under the age of 18.” [16a] This was confirmed by a number of other sources who reported that the Sudanese government continued to impose the death penalty, including against minors and the mentally unwell. The sentence of death is usually carried out by hanging. (The World Organisation Against Torture, 12 August 2008) [55f] (USSD 2008, 25 February 2009) [3a] (Section 1d)
- 16.03 However, UNICEF reported on 7 January 2010 that following ratification of the Federal Child Act, application of the death penalty for anyone under 18 years of age was abolished. [40p] For further information see: [Children](#)
- 16.04 Additionally various sources have raised concerns over cases in which the death penalty was applied in trials which were not considered to meet international standards of fairness, particularly in relation to cases with a political profile. For further information on this, see the relevant subsections under [Judiciary](#)
- 16.05 Information on the Hands off Cain website dated 1 January 2009, stated the crimes punishable by death in Sudan:
- “The crimes punishable by death are murder, armed robbery, weapons possession and smuggling, treason, acts which may endanger the independence or unity of the state, waging war against the state, apostasy and prostitution.
- “In accordance with Shari'a law, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion – in this case the public display of a body after execution.”
- “Under article 146 of Sudan's 1991 Penal Code, ‘Whoever commits the offence of adultery shall be punished with:
 a) execution by stoning when the offender is married (muhsan);
 b) One hundred lashes of the whip when the offender is not married (non-muhsan);
 c) The male non-married offender may be punished, in addition to whipping, with expatriation for one year.’” [127d]

SOUTHERN SUDAN

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

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

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

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POLITICAL AFFILIATION

OVERVIEW

- 17.01 The Economist Intelligence Unit (EIU) *Country Profile – Main Report*, dated 4 March 2009, ranked Sudan 146th (out of 167 countries) in the EIU's democracy index:

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

- 17.02 However, national elections are scheduled for April 2010. On 13 February 2010, the election campaign officially commenced, promising “...the first multi-party votes in almost a quarter of a century.” The elections to be held in April 2010 were initially agreed under the 2005 Comprehensive Peace Agreement (CPA) and will include presidential elections, state governor elections and legislative elections. [144e]

FREEDOM OF POLITICAL EXPRESSION

- 17.03 On 17 December 2009, the Carter Center (official observers of the electoral process) [14g] issued a statement welcoming “the conclusion of national voter registration in Sudan, which ended Dec[ember] 7.... According to the National Elections Commission (NEC) at least 75.8 percent of eligible Sudanese were registered, relatively close to the 80 percent NEC national target, including 15.7 million of the estimated electorate of 20.7 million people”. The report continued, noting that 71 percent of the eligible population in the north, and 98 percent of Southern Sudan had registered; women’s participation also “reportedly exceeded 50 percent”. However “... 13 of Sudan’s 25 states fell short of NEC registration targets, including all three states in Darfur”. [143a] On 5 February 2010 Reuters Alertnet also reported that the NEC had agreed for a European Union elections observer team to be established: “We signed an agreement that the EU will send an electoral observation mission of about 130 experts,” the deputy head of the NEC Abdallah Ahmed Abdallah told Reuters.” [144f]
- 17.04 The Report of the Secretary-General on the Sudan pursuant to resolution 1590 (2005), dated 19 January 2010, observed that “[t]he national elections voter registration exercise was largely free of security incidents.” Although the report cited that “[i]n Khartoum, SPLM supporters clashed with SPLM-Democratic Change (SPLM-DC) members at Juba university, without serious injury.” [7e] (para 7) However the same source also cautioned that “[i]nadequate human and financial resources could hinder the ability of the state Elections High Committees to oversee credible elections.” [7e] (para 29)
- 17.05 The International Crisis Group policy briefing *Sudan: Preventing Implosion*,

dated 17 December 2009, raised the following concerns with regard to the forthcoming election process:

“The mid-term national elections mandated by the CPA were intended to widen political representation and thus facilitate implementation of state reforms, improve governance and ultimately make unity attractive for the South. Originally scheduled for 2008, and no later than July 2009, they were put back to February 2010 and then April 2010. They now have little chance to achieve their original purpose. Only four months remain for the National Electoral Commission (NEC) to organise a process at five levels: presidency of the Government of Sudan; presidency of the Government of South Sudan (GoSS); gubernatorial; national legislative; and state legislative.

“Elections are not only challenging logistically. Major opposition parties argue that key elements are missing. In September 2009 they collectively declared with the SPLM that they would boycott if the NCP did not satisfy the conditions for free and fair elections. Insecurity in Darfur and in parts of South Sudan would also make it difficult to hold a credible vote [in] these areas.” [14i](p3)

17.06 The same report also raised concerns over several issues still considered unresolved, which would impact on the integrity of the election process. These included disagreement over the results of the Fifth Housing and Population Census (used to determine voter registration), following reports that the results over-represented pro-NCP constituencies; concerns that “... two million [displaced] Darfuris may be kept from the political process” due to rules relating to registration; other concerns over registration irregularities; limited political consultation in the “...drafting or revising [of] laws necessary for free and fair elections; a worsening security environment, especially in the South and political manoeuvring from two main political parties, the National Congress Party (NCP) and Sudan People’s Liberation Movement (SPLM) who are seeking to use the elections to re-legitimise their own authority.” [14i] (p3-7)

17.07 The same source further concluded:

“A fraudulent election process will not bring sustainable peace to Sudan. Illegitimate elections would escalate conflict and violence, notably from marginalised groups in both North and South. In the present environment, April 2010 elections would not enjoy the conditions for nonviolent acceptance of the results or set the stage for a peaceful referendum. NCP and SPLM insistence on rushing a vote without accommodating the interests of the country’s other political forces and establishing reasonable stability in Darfur is thus a recipe for further conflict.” [14i] (p7)

See also: [Recent Developments](#) for further information on developments regarding the Comprehensive Peace Agreement (CPA). For updates on the elections see: [Latest news](#)

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 17.08 Sudan recognises the right to freedom of association and assembly and has a functioning party political process, for further information on this see [Political system](#), together with the information in the above subsection. However, as detailed below, there have been reports such rights have been violated by the authorities in practice.
- 17.09 Article 40 of the [Interim National Constitution of the Republic of the Sudan](#) 2005 sets out the right to freedom of assembly and association. [94a]
- 17.10 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) stated that:
- “Although the Interim National Constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced... Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings.” [3a] (Section 2b)
- 17.11 Human Rights Watch in its report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* dated October 2009, reported that: “In Sudan’s northern states and in Khartoum, the NCP-led government is perpetrating an atmosphere of repression by using state security forces to arbitrarily arrest and detain civil society activists and suspected rebels, and by violating the rights and freedom of expression and assembly.” [19k] (p2)
- 17.12 Human Rights Watch in its report *Sudan: Abuses Undermine Impending Elections*, dated 24 January 2010 also noted:
- “The Khartoum government has also used excessive force to suppress peaceful assembly and has prevented free association and expression. On December 7 and 14 [2009], police and national security forces violently dispersed massive peaceful demonstrations in Khartoum and other towns, using tear gas, rubber bullets, batons, and other weapons. In many locations across northern Sudan, authorities also interrupted or refused permission for public events, including training about the elections process conducted by civil society organizations.”
- 17.13 The same source continued:
- “On December 7 and 14, security forces in Khartoum and other northern cities violently suppressed peaceful demonstrations that the SPLM and other political parties had organized to protest the ruling NCP’s failure to enact democratic reforms ahead of the elections.
- “Witnesses told Human Rights that on the morning of December 7, riot police and security forces arrested more than 160 people, including political leaders

and journalists, and injured more than 40 people while dispersing crowds in Khartoum using tear gas, rubber bullets, batons, and other weapons.

“In one episode that day, police blocked a bridge in Omdurman, a suburb of Khartoum, prompting people to jump off the sides, resulting in injuries. A 24-year old student who was on the bridge told Human Rights Watch that police attacked him with clubs and inflicted head injuries that required stitches.

“On December 14, riot police and security forces again used excessive force to disperse crowds and made scores of arrests. Hafiz Ibrahim Abdulgadir, a former minister of local government in Al Gezira state, told Sudan Radio Services that national security officials forced him out of his car, beat him severely, and dropped him off in a nearby location in Omdurman.

“On both days, national security forces and police also assaulted and arrested journalists, in some instances inside their newsrooms.

“The government has also refused to grant permission for public rallies and other events, though groups made the required applications. On December 16, a presidential adviser and former head of national security, Salah Ghosh, announced that the government would not allow any public demonstrations, saying conditions were ‘not suitable for this form of expression.’”

“Prior to the December crackdowns, government authorities had already prevented or banned numerous public gatherings and events related directly to elections. In November and December [2009], the government either cancelled, denied permission for, or interrupted at least two training sessions on election monitoring in Kassala, eastern Sudan; two public meetings in Kosti, White Nile state; a public speech in support of an independent presidential candidate in Khartoum; and dozens of public rallies.”

See also: [Treatment of Journalists](#)

- 17.14 AllAfrica.com also reported on 7 December 2009, of events in Khartoum on 7 December 2009:

“The Sudanese government arrested leading figures of the Sudan People's Liberation Movement (SPLM) during a protest outside the National Assembly in Khartoum on Monday, news services report.

“The Sudan Tribune said those arrested included SPLM secretary-general Pagan Amum, his deputy, Yassir Arman, and a minister in Sudan's coalition government, Abbas Goma'a... Police declared the protest illegal but Agence France-Presse reported that by mid-morning, ‘several hundred opposition protesters trailed by armed police were marching on the streets of Khartoum and Omdurman, waving placards and chanting ‘We want our freedom.’” [97e]

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OPPOSITION GROUPS AND POLITICAL ACTIVISTS

In considering treatment of opposition groups and political activists, the following information should be considered in addition to the above information on freedom of association and assembly and political expression. For information on specific political parties also refer to [Annex B: Political Organisations](#)

- 17.15 The UN Report of the Special Rapporteur, dated June 2009, observed that:
- “Members of several political and opposition groups from around the country, as well as those associated with such groups, have been arbitrarily arrested and detained by the [National Intelligence and Security Services] NISS in connection with their public political activities and expression of views. On 29 December 2008, Ali Mahmoud Hassanein, Deputy Chairman of the Democratic Unionist Party, was detained for 14 hours by NISS in Khartoum and reportedly questioned at length about his views on the ICC. Before his release, he was reportedly threatened by a senior NISS official that anyone expressing views in support of cooperation by Sudan with the ICC would be killed.” [6p] (para 37)
- 17.16 The Human Rights Watch report, *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* dated October 2009 also reported that:
- “Between March and May 2009, NISS arrested and detained at least 20 members of the United Popular Front, a group affiliated with the Abdel Wahid faction of the Sudan Liberation Army that organized pro-ICC events at several universities following the indictment of President al-Bashir. Several of those released reported being beaten with sticks, electric cables, and rifle butts. At least seven remain in custody, have not been charged, and some do not have access to their families or lawyers.” [19k] (p9)
- 17.17 The USSD Report 2008 reported that: “Hassan al Turabi, leader of the Popular Congress Party (PCP), was also arrested and detained for 12 hours after the [May 2008] attack [by JEM on Omdurman].” The same report also observed that “PCP members were detained for short periods of time; members arrested in previous years remained in detention. Journalists and lawyers active in the PCP were also detained.” The report also added that the government did not permit international humanitarian organisations to have access to political detainees. [3a] (Section 1d)
- 17.18 BBC News *Profile: Sudan’s Islamist leader* dated 15 January 2009 reported that Hassan al Turabi had in recent years “openly criticised government policy in Darfur”. The same source further noted that Mr Turabi was arrested “[in January 2009] after calling on Mr Bashir to hand himself over to the International Criminal Court...” [9h]
- 17.19 The UN Report of the Special Rapporteur dated June 2009 also observed that: “On 14 January 2009, the NISS arrested two senior PCP (Popular Congress Party) members, Chairman Dr. Hassan Abdallah Al Turabi and Foreign Relations Secretary Dr. Bashir Adam Rahama, and detained them for two months in Khartoum and Port Sudan. The arrests came two days after Dr. Al Turabi made a public statement about the ICC.” [6p] (para 37)
- 17.20 For details of the main presidential candidates contesting the forthcoming elections in April 2010, refer to the Reuters Alertnet article, *FACTBOX – Sudan’s main candidates for presidential vote*, dated 13 February 2010, accessible via the web link [here](#) [144g]

For further details of arbitrary arrest and detention carried out by the security services see: [Security forces](#).

Justice and Equality movement (JEM)

- 17.21 The BBC Monitoring website, Background Briefing on Sudan, last updated 4 March 2009, noted that JEM was:

“The only Darfur insurgent group to have almost formed a [political] party, probably because it grew out of the NIF [National Islamic Front] and can draw on greater active political experience. JEM’s leadership is widely perceived as Islamist and closely linked to Al-Turabi (which he denies) [leader of the Popular Congress Party, see above] though many of its fighters are first and foremost fighting for their ethnic group, usually Zaghawa. JEM now says it wants democracy and a referendum on an Islamic constitution though it has also insisted on maintaining Sharia. Leader Khalil Ibrahim Muhammad is a former NIF minister... In the early years of the Darfur war, JEM was largely absent from the fighting but this changed in 2007, culminating in its attack on Khartoum in May 2008.” [142d]

JEM and the aftermath of the Omdurman attack of May 2008

- 17.22 *The Guardian* article dated 12 May 2008, entitled *Sudan severs Chad ties after Darfur rebels attack capita*’ observed that:

“The assault by the Justice and Equality Movement (JEM) on Omdurman on Saturday [9 May 2008] marked the first time in decades of civil war that any rebel group had reached Sudan’s capital. Government forces repulsed the attack, which prompted an overnight curfew in Khartoum, and accusing fingers were immediately pointed towards neighbouring Chad.... Chad denied any involvement, but it does have a history of close military ties with JEM. ... Unlike other Darfur rebel movements, JEM has a countrywide agenda, and has launched previous attacks in Kordofan, including an assault on a Chinese-run oilfield last year. It accuses Bashir’s Arab-dominated regime of propagating inequality throughout Sudan, and wants the different regions to have a stronger say in national government.

“With just a few thousand fighters, JEM is vastly outnumbered and outgunned by the 100,000 strong Sudanese army. But it does have money and powerful benefactors.” [90b]

See also [Annex B: Political Organisations](#)

- 17.23 The UN Report of the Special Rapporteur dated June 2009 in considering the impact of the Omdurman attack reported:

“Government security forces arrested hundreds of people in Khartoum and other parts of Sudan on suspicion of alleged involvement. The UNMIS [United Nations Mission in Sudan] Human Rights section received reports of the arrests of close to 1,000 people, the majority of whom were ethnic Darfurians, and repeatedly sought confirmation of the arrests and detentions from the authorities since May 2008. The Special Rapporteur was pleased to attend the Human Rights Forum on 26 May 2009, where discussions were held to clarify the fate of around 200 people, including eight presumed children, who are not known to have been either charged or released following their reported arrests. On 3 June the Special Rapporteur met with the General Prosecutor

for Khartoum State. According to the Prosecutor, 51 people were dismissed at the investigation stage by the Prosecutor; 24 were dropped at the trial stage by the Court; 53 were released on bail; 24 were released by Presidential decree; 12 were referred to Juvenile Court; 3 were acquitted on account of mental illness and referred to mental hospital; 91 convicted and sentenced to death; and one convicted and sentenced to five years imprisonment. The Prosecutor did not provide information on the approximately 200 people whose status and whereabouts remained unconfirmed.” [6p] (para 33)

17.24 Similarly Human Rights Watch in its report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* dated October 2009 reported that: “[t]he fate of up to 200 people who ‘disappeared’ in the government crackdown after the May 2008 attack on Omdurman by Justice and Equality Movement (JEM) rebel forces remains unknown, while at least ten are still being held incommunicado without charge 15 months after their arrest. ...” [19k] (p8)

17.25 Amnesty International’s (AI) 2009 Annual Report for Sudan, covering events in 2008, observed that following the JEM attack on Omdurman on 10 May 2008:

“Hundreds of civilians were arrested in the aftermath, with reports of extrajudicial executions, torture and other forms of ill-treatment. Many people were held incommunicado in unofficial places of detention. The youngest victim of such detention was a nine-month-old infant who was held with his mother underground in a detention centre for two months. At least one individual died as a result of ill-treatment in detention during the first two weeks after the arrests...Although many of the arrested individuals were released, many remained unaccounted for, their whereabouts and fate unknown.” [16a]

17.26 The USSD Report 2008 also noted that: “NISS arrested and detained large numbers of Darfuris in May and June [2008] following the May 10 JEM attack on Omdurman. Human rights organizations claimed that while most of the detainees were released, the government continued to hold several hundred detainees without charges at year’s end.” [3a] (Section 1d) The same report further added that: “Several members of S[udan] L[iberation] A[rmy]/Minni Minawi were arrested at their homes, beaten, and detained overnight following the May 10 JEM attack.” [3a] (Section 1d)

17.27 The UN Human Rights Council (UNHRC) Report of the Working Group on Enforced or Involuntary Disappearances (EID), published in February 2009 noted:

“... Credible sources reported that following an attack on 10 May 2008 by rebel forces [JEM] on Omdurman (one of the three towns that form the Sudanese capital of Khartoum) the Sudanese authorities arrested hundreds of men, women and children, many of whom were subjected to disappearance.

“Many of those arrested were picked up in public locations, such as on public transport and on the street. State agents are reported to have transferred an unknown number of detainees to locations outside Khartoum, such as Shandi to the north of the capital and Port Sudan in eastern Sudan.

“Allegedly, many relatives of arrested or disappeared individuals reported that they have been unable to get information on the whereabouts of their loved ones, and that the authorities have refused to acknowledge that they are in detention.

“Reportedly, relatives who have tried to locate detainees contacted the media or the National Intelligence and Security Services Information Office have themselves been harassed and risked being arrested.

“No reply was received from the Government regarding this general allegation. ... A request for a visit was sent to the Government of the Sudan on 20 December 2005. On 3 April 2008, the Working Group reiterated its interest to undertake the visit. However, no reply has yet been received”. [148d] (p69-70)

For further information on the treatment of Darfurians see: [Treatment of ethnic groups from Darfur](#). See also [Arbitrary arrest by the security forces: Overview](#) for more general material on the use of arbitrary arrest. See also the subsection on [Trials relating to the Justice and Equality Movement attack on Omdurman - 10 May 2008](#)

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Other Darfur-based political and civil opposition

- 17.28 The HRW report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, dated October 2009, reported that:

“On August 28 [2009] a group of 15 armed security officers arrested Abdelmajeed Saleh Abaker Haroun, a Darfuri employee of the Darfur Transitional Regional Authority (a government body created by the 2006 Darfur Peace Agreement), in broad daylight in downtown Khartoum and held him in an undisclosed location without access to family or lawyers for several weeks. He remains in detention and the government has not stated reasons for his arrest.” [19k] (p9)

- 17.29 Similarly the USSD Report 2008 reported that “On May 11 [2008], NISS officers arrested Abdelaziz Sam, Secretary of Legal Affairs for the Transitional Darfur Regional Authority (TDRA), and three members of his family. The men were bound together and beaten for five hours, then later released without charge.” [3a] (Section 1c)

- 17.30 An Amnesty International USA communication, dated 17 June 2009, (also verified through All Africa files [132a]) noted that on 14 April [2009] Abakar Ibrahim Adam was arrested along with a group of nine Darfuri men. According to the report, Mr Adam took part in protests [on 14 April 2009] against the hanging on 13 April 2009 of nine Darfuri men who were convicted of killing the journalist Mohammed Taha and were arrested by the National Intelligence and Security Services [NISS] as they were heading home. [16b] The same source noted: “Torture or other ill-treatment of detainees by the NISS is rife, especially when detainees are held incommunicado and especially when they are of Darfuri origin. Darfuri students studying in Khartoum are often harassed by the NISS, often during or after protests and political rallies.” [16b]

- 17.31 In considering the right to freedom of expression in Darfur, the UN Report of the Panel of Experts dated 29 October 2009 reported that:

“Retribution perpetrated against Darfurians on the ground of political opinion or affiliation has resulted in the curtailment of freedom of expression among Darfurians. Darfurians have been arbitrarily arrested, detained, ill-treated or tortured for expressing an opinion in support of one party to the conflict or another.

“Internally displaced persons who have been victimized fear telling their stories or speaking out against the Government of the Sudan or rebel groups, owing to the harassment and at times violence they have experienced as a result of speaking out. This sentiment has been expressed by community leaders of the internally displaced throughout Darfur. For instance, when it visited the Mornei camp, which hosts the largest concentration of internally displaced persons (82,000) in West Darfur, the Panel could not meet with community leaders owing to their fear of possible repercussions in view of the overwhelming presence of NISS in the area.

“In Kabkabiya, a town in North Darfur most of the population of which consists of internally displaced persons, the Panel succeeded in meeting with community leaders. However, interviewees claimed that they and their families had in the past been attacked immediately following other interviews with international monitors.

“In other locations, community leaders were able to meet with the Panel only in secret, out of fear of reprisals.

“In North Darfur, the Panel documented the case of a community leader of the internally displaced who had been arbitrarily arrested and detained by NISS. The umda had apparently expressed support for the International Criminal Court’s efforts in Darfur during a meeting with foreign dignitaries. NISS officials informed the Panel that the umda had been detained for propagating the political agenda of SLA/AW in his camp. After the meeting, NISS informed the Panel that, after consulting with the State Security Committee, it had decided to release the community leader without pressing any formal charges against him.” [6q] (paras 294-298)

For further information on the treatment of Darfurians see: [Treatment of ethnic groups from Darfur](#)

See also [Arbitrary arrest by the security forces: Overview](#) for more general material on the use of arbitrary arrest and [Internally Displaced Persons](#)

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STUDENT ACTIVISTS

17.32 The USSD Report 2008 stated that:

“Police use of excessive force to disperse demonstrators resulted in deaths and injuries. On May 21 [2008], SAF soldiers shot student protestors, killing two and injuring 15, at Ed Damazin SAF training camp, On July 27 [2008], police killed two demonstrators in White Nile [and] on November 17 [2008], police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were

subsequently released.” [3a] (Section 2b)

- 17.33 The USSD Report 2008 further reported of incidents involving Darfuri students:

“Police and NISS officers forcibly dispersed student protestors, which resulted in serious injuries. On June 12, at the University of Khartoum, police forcibly dispersed Darfuri students who were peacefully protesting the arrest of a fellow student the previous day. NISS officers followed the students to their dormitory, where they beat several of them and threw two students from windows, severely injuring them.” [3a] (Section 1c)

- 17.34 On 12 February 2010, Reuters Africa reported that “[s]tudents in Khartoum [had] accused the authorities of abducting, torturing and killing a colleague from Darfur, as tensions rose a day before [national election] campaigns opened... .” The security services dismissed the allegations and considered the incident to be a “normal crime”. [82f]

- 17.35 The UN Report of the Special Rapporteur, dated June 2009, also observed that:

“On 11 March 2009, at Dilling University in Southern Kordofan State, an authorized public student gathering where the ICC was being debated was violently attacked by a group identified by witnesses as students, former students and NISS personnel. Two pick-up trucks carrying some 40 men armed with sticks, iron bars and a few guns entered the University grounds and assaulted the approximately 200 people gathered. Several students were injured.” [6p] (para 42)

- 17.36 The HRW report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* (October 2009) also noted that: “In May 2009, NISS officials arrested a student for making a speech at Khartoum University about the Merowe dam, and arrested student members of the Beja Congress Party in Kassala and detained them without charge for a week.” [19k] (p9)

Additional information on the treatment of Darfurian groups can be found under the subsection [Treatment of ethnic groups from Darfur](#)

Additional information relating to arbitrary arrest and detention can be found under [Security Forces](#)

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18. FREEDOM OF SPEECH AND MEDIA

- 18.01 The Committee to Protect Journalists (CPJ 2009) reported in its *Attacks on the Press 2009 report*, dated 16 February 2010, that:

“Sudanese journalists worked amid political uncertainty and severe restrictions. Pervasive official censorship restricted journalists from closely reporting on the tumultuous events of 2009: The International Criminal Court (ICC) issued an arrest warrant for President Omar Hassan al-Bashir, sporadic fighting continued in the devastated region of Darfur, and a spike in ethnic violence in South Sudan sparked fears of renewed warfare. Security agents prevented coverage of topics deemed to be sensitive, including Darfur, the ICC, human rights issues, official corruption, the expulsion of aid agencies, and state censorship itself. The legislature passed a stringent new press law, dashing hopes that the repressive 2004 press law would be replaced with legislation up to international standards [see below for further details]. Though the government announced an end to prior censorship in September [2009], editors were unconvinced this would lead to significant change. Many local journalists feared that official regulations and widespread self-censorship could stifle hopes for a free and fair campaign in the lead-up to historic national elections scheduled for 2010.” [28c]

- 18.02 The Human Rights Watch *Annual Report 2010* (HRW 2010) for Sudan, covering events in 2009, released on 20 January 2010, observed:

“Between January and June 2009, authorities prevented publication of newspapers on at least 10 occasions through heavy censorship, harassed or arrested journalists and the author of a book on Darfur, and closed an organization that was supporting journalists. In September [2009] al-Bashir announced the end of the pre-print censorship policy, but warned journalists to abide by established ‘red lines’, implying they should not publish articles that are seen as critical of the government [also reported in an article by the Sudan Tribune, dated 28 September 2009 [12bs]].” [19n]

- 18.03 On 3 October 2009, Reporters Without Borders, in an article entitled *President al-Bashir announces lifting of censorship but “we wait to see it in practice”* reported that:

“President al-Bashir on 27 September [2009] put an end by decree to censorship of all publications before printing that has been carried out by the intelligence services for the past 20 months. It was the result of an agreement between several editors in the written press, the national association of journalists and the intelligence services and was linked to the signing of a journalistic ‘ethical code’. Some publishers and editors refused to sign the agreement on the grounds that they were not party to the talks and that the code was dictated by the authorities.” [27a]

- 18.04 The HRW report, *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, dated October 2009, observed that despite the announcement the government would “no longer censor newspapers prior to publication”, such promises had been made before and highlighted that “the legal basis of repression and censorship—[the] National Security Forces Act—

remains intact.” [19k] (p2)

The Human Rights Watch report, [*“It’s an Everyday battle” Censorship and Harassment of Journalists and Human Rights Defenders in Sudan*](#) (February 2009) provides a useful background on press censorship in Sudan. [19l]

PRESS LAW - 2009

- 18.05 The Committee to Protect Journalists (CPJ) reported in its *Attacks on the Press 2009 report*, dated 16 February 2010, that:

“... a press law passed unanimously by the national legislature in June [2009] contained several restrictive measures and failed to do away with official censorship. An earlier draft was particularly draconian, granting the National Press Council authority to close newspapers, grant and revoke publication licenses, impose strict disciplinary measures against journalists, and confiscate printing equipment. While the final version included amendments responding to criticism from media advocates and opposition parties, it still fell far short of international standards. For example, while the final version prohibits the press council from shutting newspapers for more than three days without a court decision, it retains a licensing system for journalists and allows state interference in the press on the grounds of national security or public order. The new law also failed to overturn a 1999 National Security Forces Law granting security agents significant powers over the media, which in practice has allowed them to censor newspapers by suppressing their publication or forcing them to remove critical stories.” [28c]

- 18.06 On 8 June 2009 Reuters also reported on the new press law:

“Sudan passed an amended version of a media bill that sparked protests in Khartoum last month [May 2009], but the new version failed to allay the fears of many Sudanese journalists. Dozens of Sudan’s laws were to be overhauled under a 2005 north-south peace deal that called for the democratization of the country, but the new Journalism and Press Publications Bill 2009 is one of the few to have reached parliament.” [70b] A CPJ report of 11 June 2009 on the new press law similarly stated that it fell “short of international standards for freedom of expression”. [28d]

MASS MEDIA

- 18.07 The Freedom House report, *Freedom of in the World 2009*, Sudan, covering events in 2008, released in 16 July 2009 stated:

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

circulated on the site showed abuses by security forces against suspected JEM rebels.” [53b]

The BBC Sudan country profile, last updated 20 February 2010, provides a summary on media in Sudan, which includes details of the various media in Sudan, for further details refer to the link [here](#).

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TREATMENT OF JOURNALISTS

18.08 The USSD Report 2008, dated 25 February 2009, stated: “... that [j]ournalists were subjected to arrest, harassment, intimidation, and violence due to their reporting.” The report added that: “The government restricted international media in the north. While some foreign journalists were denied visas, others had regular access to opposition politicians, rebels, and civil society advocates.” [3a] (Section 2a)

18.09 The UN Report of the Special Rapporteur dated June 2009 observed that:

“... there were an increased number of protests by journalists [against press censorship]. On 17 November 2008, when over 100 journalists peacefully gathered on the steps of the National Assembly to deliver a petition, police briefly detained around 74 of them. On 20 November 2008, NISS Director General Salah Gosh was quoted in several newspapers as justifying censorship as necessary, legal, and constitutional.”

“On 15 February 2009, a criminal court in Khartoum found Kamal Omar, a lawyer and political secretary of the PCP, guilty of defamation and publication of false news. His sentence of eight months’ imprisonment was reduced to two months on appeal. The NISS had filed a complaint against him for an article he published in October 2006 in which he claimed discrimination against a group of Darfurians who had been dismissed from the Sudan Armed Forces (SAF). He was released on 14 April 2009.”

“On 21 April 2009, Yassir Arman, the chairman of the Sudan People’s Liberation Movement (SPLM) parliamentary caucus and a Muslim, criticized proposed amendments to the Criminal Act because they failed to exempt non-Muslims from the application of Shari’a penalties. In response, several Sudanese newspapers accused him of apostasy, which may be punished with death under Shari’a. A clarification he sought to publish in the daily *Ajras al Huriya* was removed by NISS censors.” [6p] (para 39-41)

18.10 The CPJ reported in an article entitled *Journalist beaten in Sudan after covering protests* dated 16 December 2009, that several journalists were detained and beaten whilst attempting to report on political clashes between government forces and protesters in Khartoum and Omdurman. [28e] The report continued:

“On Monday [14 December 2009], police arrested Lucia John Abui, a journalist for the Khartoum-based Al-Shuruq satellite channel, journalist Rashan Oushi from the independent daily Al-Tayar, a three-member crew from the Dubai-based Al-Arabiya news channel, and seven journalists from the opposition daily Sawt al-Umma. According to local news reports and human rights

activists all the journalists were released within a few hours of their detention... Three of the journalists from Sawt al-Umma returned to the newspaper's offices where police detained them along with four colleagues who had not attended the demonstration. They were taken to a police station, and allegedly subjected to beatings, humiliation, and threats. 'I asked a police officer what charges we were being held under and all I got for a response was a beating by two officers,' Mohamed Ali Fazari told CPJ. 'One of our colleagues was also threatened with rape,' he added. None of the journalists required medical treatment." [28e]

- 18.11 The same report noted that similar protests took place in Khartoum and Omdurman on 7 December 2009, in which police allegedly arrested, detained and physically abused journalists who were reporting on the political demonstrations. [28e] CPJ's Middle East and North Africa Program Coordinator, Mohamed Abdel Dayem was quoted in the report as saying "... For the second time recently, Sudanese authorities not only violently dispersed journalists but even followed them into their newsroom and arrested them in an attempt to intimidate them ... [t]he media have a right to cover these important political demonstrations." [28e]

For further information on the events of 7 and 14 December 2009, refer to the subsection [Freedom of Association and Assembly](#). For a useful first-hand account on the treatment of foreign journalists, see the Reporters San Frontiers report, dated 11 February 2009 on the expulsion of Canadian-Egyptian journalist, Heba Aly, accessible via the link [here](#) [27e] Additional information relating to arbitrary arrest and detention can be found under [Security Forces](#)

SOUTHERN SUDAN

- 18.12 The Freedom House 2009 report noted that:

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

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

The websites of [Committee to Protect Journalists \(CPJ\)](#) and [Reporters sans Frontiers \(RSF\): Sudan page](#) provide updates on violations of press freedom.

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19. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS...

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

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

- 19.02 The USSD Report 2008 also noted: “... All NGOs must register with the HAC [Humanitarian Aid Commission], the government's entity for regulating humanitarian efforts. In 2005 the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur and resulted in some NGO selections not being considered. During the year the HAC often changed its rules and regulations without prior notification.” [3a] (Section 4)

- 19.03 The Report of the UN Special Rapporteur on the situation of Human Rights, published June 2009 which covered the reporting period August 2008 to May 2009 noted:

“... the establishment of two specific Human Rights Forums: a Forum for Darfur co-chaired [sic] by the Government's Advisory Council for Human Rights (ACHR) and UNAMID Human Rights section; and a Forum focused on the human rights situation in other parts of Sudan, co-chaired by the ACHR and UNMIS Human Rights section. Both provide an opportunity for the authorities, the United Nations, and diplomatic missions as observers, to have a dialogue and follow up on human rights concerns. Both Forums recently proposed the nomination of four NGOs as members.” [6p] (para 14)

- 19.04 For information on Sudan's ratification of Multilateral Treaties deposited with the UN Secretary-General (MTDSG) in the field of Human Rights, refer to MTDSG database via the link [here](#) (Chapter IV of MTDSG database). The MTDSG database, accessible via the UN Treaty Collection website:

“... provides information on the status of over 500 major multilateral instruments deposited with the Secretary-General of the United Nations (as of 1 January 2009) and covers a range of subject matter [including Human Rights]... The number of treaties deposited with the Secretary-General keeps growing steadily. This publication reflects the status of these instruments, as Member States sign, ratify, accede or lodge declarations, reservations or objections.” [6aa1]

NON GOVERNMENT ORGANISATIONS (NGO) EXPELLED IN MARCH 2009

- 19.05 The UN Report of the Panel of Experts observed:

“On 4 March 2009, the Government of the Sudan expelled 13 international non-governmental organizations from the Sudan, claiming that they had

violated their contract with the Government. According to the Government of the Sudan officials, some of those international non-governmental organizations engaged in spying or were simply not qualified to perform the agreed upon services.” [6q] (para 261)

19.06 The same report noted that the expelled groups were “... international non-governmental organisations with a protection-mandate, particularly in the area of sexual and gender-based violence”, who had come to be at odds with the Government. As a result “... the independent monitoring of the protection of international humanitarian law and the human rights of Darfurians is now diminished.” [6q] (para 261) The Report of the UN Special Rapporteur dated June 2009 observed that the “... revocation of the three national NGO licences and recent crackdown on human rights defenders has resulted in a reduced capacity for human rights monitoring and reporting from national partners”. [6p] (para 61)

19.07 The UN Report of the Special Rapporteur dated June 2009, commenting on the expulsions, noted that:

“The impact is also being felt in the area of protection of civilians. The national NGOs whose licenses were revoked were involved in important human rights and humanitarian work in Darfur. The Amel Centre was the major national NGO in North and South Darfur providing legal aid and psychosocial support to victims of human rights violations, with a special focus on torture and rape victims. It was handling more than 750 cases. Likewise, SUDO [Sudan Social Development Organisation] was one of the largest national organizations undertaking humanitarian and development assistance (through ten offices across Sudan, including in El Fasher, Geneina, Zalingei, El Daein and Nyala)” [6p] (para 61-62)

19.08 The third national NGO whose licence to operate was revoked was the Khartoum Centre for Human Rights and Environmental Development (KCHRED). (The Report of the UN Special Rapporteur, June 2009) [6p] (p4, footnote ii)

19.09 The Human Rights Watch Report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan* (October 2009) also acknowledged that emergency measures adopted by the UN and remaining NGOs did “... not include civilian protection and sexual violence prevention programs that were previously provided by expelled organizations.” [19k] (p17)

See also the subsection on [Sexual violence against women in Darfur](#)

19.10 The same report further added:

“The full impact of the expulsions [of the NGOs in March 2009] on those relying on aid in Darfur is not known, in large part because the expulsions created an information vacuum about Darfur. The agencies expelled included those with the most extensive and well-established presence in Darfur ... Their absence has reduced information collection and dissemination about conditions in Darfur. Combined with the government’s closure of Sudanese organizations, and its ongoing repression of human rights activists and journalists, this means that the government now controls much of the information, not only about humanitarian needs but about the situation in Darfur, human rights abuses, and civilian protection concerns. This suppression of

information severely hampers the ability of concerned governments and the UN to monitor and respond to humanitarian needs or human rights abuses.” [19k] (p18)

Additionally see: [Humanitarian issues](#), for information on how the NGO expulsions have impacted on the provision of aid and services to the region. See also [Freedom of Speech and Media](#) for more general details on censorship within Sudan

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TREATMENT OF HUMAN RIGHTS ACTIVISTS

- 19.11 The UN Report of the Panel of Experts, dated 29 October 2009, concluded that “Government intimidation escalated considerably after the expulsion of the international non-governmental organisations in March 2009. Representatives of international organisations are currently guarding against the threat of being declared persona non-grata”. [6q] (para 300) The same report went on to detail that the UN Panel had received a number of reports of arbitrary arrest from individuals suspected of having “cooperated with the International Criminal Court [ICC] or those who opposed the expulsion of international non-governmental organisations in March 2009” [6q] (para 270)
- 19.12 The source specifically reported that:
- “At the end of the current mandate, the Panel has learned of and is now monitoring the case of a human rights defender with whom it has interacted and who has subsequently been detained and interrogated by NISS and other security services. The Panel has learned that this individual has been beaten severely and forced to provide access to his e-mail and correspondence. At the time of writing, the Panel has not been able to verify the condition of this individual or his legal status. Interlocutors have, however, confirmed to the Panel that he was taken to the Political Department of NISS [National Intelligence Security Services] in Bahari.” [6q] (para 302)
- 19.13 Similarly the UN Report of the Special Rapporteur, dated June 2009, noted that:
- “On 12 May 2008, two days after the JEM attacks, the NISS arrested and detained Barood Sandal: a prominent human rights lawyer who had represented victims of arbitrary detention and torture in northern Sudan. He claims he was not interrogated but beaten severely on the first day of detention. Once ten months had elapsed, the NISS filed a police complaint against him under the Criminal Act and Anti-Terrorism Act, alleging he had undermined state security. A criminal investigation commenced and he was transferred from NISS to police detention. On 5 April 2009, a prosecutor dismissed the case for lack of evidence and ordered his immediate release. Instead, the NISS re-arrested him and held him without charge until his release on 23 April 2009. He was detained for eleven months without trial.
- “Since the application of the ICC Prosecutor in July 2008, several cases have been documented which are emblematic of a crackdown on human rights defenders, and of the wider climate affecting human rights work of national and international actors in the Sudan. In November 2008, three prominent human rights defenders were arbitrarily arrested and detained for up to four

and five days under allegations of collaboration with the ICC. Two of them were reportedly ill treated and tortured. One of them maintained dual nationality and entered through Juba with a Sudanese visa issued by the Embassy of the Sudan in Uganda. Intimidation of national human rights workers increased in the lead up to and following the ICC announcement on 4 March 2009.” [6p] (paragraphs 34-35)

19.14 Commenting on events in Darfur, the same report also noted:

“Human rights defenders in Darfur have also been specifically targeted following the July 2008 application by the ICC Prosecutor. During the period prior to and following the ICC announcement on 4 March 2009, UNAMID documented sixteen cases of arrests and detention by NISS on grounds of alleged support to the ICC or of providing information to the international community. UNAMID also documented four cases of cruel, inhuman or degrading treatment and seven cases of threats and harassment by NISS against human rights defenders, national UNAMID staff, international and national NGO staff, and civil society. Private lawyers representing victims of human rights violations have also come under Government surveillance. The Director of an Amel Centre regional office in Darfur was also arrested on 11 April 2009, detained *incommunicado* by NISS, and released without charge on 17 April 2009. He remains under surveillance.

“Four staff of expelled international NGOs in South Darfur were detained by the NISS, with one reportedly beaten severely during arrest and detention. Four UNAMID national staff were also arrested and detained by NISS without warrant or being brought promptly before a judicial officer. Of the four, the two who had been arrested in South Darfur on 29 February and 6 March 2009 respectively, remained in custody for two weeks each, and questioned on official duties they carried out as UNAMID staff. The other two were arrested on 11 April 2009 and released on 14 and 15 April respectively. They were subjected to severe beatings with wooden sticks and water pipes, sleep deprivation, subjected to death threats, and forced to endure painful positions for several hours. They were also accused of collaborating with the ICC.” [6p] (paras 50- 51)

19.15 The Human Rights Watch Report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, dated October 2009, stated: “During the government crackdown [in May 2008], security officials arrested a prominent human rights lawyer who is a member of the Popular Congress Party and a Darfuri from the Zaghawa tribe following the JEM attacks in May 2008. Authorities detained him without charge for 11 months, six of which he reportedly served in solitary detention.” [19k] (p8)

19.16 The same source also noted:

“In the period leading up to and following the International Criminal Court indictment of Sudanese President Omar al Bashir on March 4, 2009, NISS officials harassed and arrested human rights activists in Darfur and Darfuris in Khartoum and elsewhere. This coincided with the closure of three Sudanese human rights organizations around the same time as the expulsion of 13 international organizations from Darfur.” [19k] (p9)

See also: [Political affiliation](#) for information relating to the treatment of political

opponents and [Security forces](#) for further information relating to arbitrary arrest and detention. Additionally see [UN/African Union forces in Darfur](#), for information relating to attacks and abduction against international forces in the Darfur region.

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20. CORRUPTION

- 20.01 Freedom House's report 'Freedom in the World 2009, Sudan, dated 16 July 2009, noted that: "Sudan is one of the world's most corrupt states." The report went on to note that general country wide corruption is further compounded by failings in the criminal justice system, with the report stating that: "The judiciary is not independent. Lower courts provide some due process safeguards, but higher courts are subject to political control. Police and security forces practice arbitrary arrest and torture with impunity." [53b]
- 20.02 The US State Department Human Rights Report 2008, Sudan, released on 25 February 2009, observed that:
- "The law does not provide criminal penalties for official corruption, and the World Bank's 2008 Worldwide Governance Indicators reflected that corruption was a severe problem. Government officials frequently engaged in corrupt practices. The government did not investigate officials suspected of corruption. Government officials were not subject to financial disclosure laws.
- "There were no laws providing for public access to government information, and the government did not provide such access.
- "In Southern Sudan GOSS [Government of South Sudan] officials often engaged in corrupt practices with impunity. Corruption was a problem in all branches of the GOSS.
- "The GOSS granted access to government information for citizens and noncitizens, including foreign media." [3a] (Section 3)
- 20.03 In its 2009 Corruption Perceptions Index (CPI) released on 17 November 2009, Transparency International ranked Sudan 176th out of 180 countries giving it a CPI score of 1.5. (The CPI Score relates to perceptions of the degree of corruption as seen to exist among public officials and politicians by business people and country analysts. It ranges between 10 (highly clean) and 0 (highly corrupt)). [139a]

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21. FREEDOM OF RELIGION

OVERVIEW

- 21.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that:
- “The Interim National Constitution and law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies.” [3a] (Section 2c)
- 21.02 The report also stated: “Religious organizations, including churches, were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register.” [3a] (Section 2c)
- 21.03 Furthermore the USSD Report 2008 recorded that: “While the law permits non Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death.” [3a] (Section 2c)
- 21.04 The USSD report on International Religious Freedom 2009, Sudan, released on 26 October 2009 (USSD IRF Report 26 October 2009), covering the period 1 July 2008 to 30 June 2009, noted that although the Interim National Constitution (INC) allowed for freedom of religion, “[t]he INC enshrine[d] Shari'a as a source of legislation in the north ... and the official laws and policies of the Government of National Unity (GNU) favor Islam in the north. The Constitution of Southern Sudan provides for freedom of religion in the south, and other laws and policies of the Government of South Sudan (GoSS) contributed to the generally free practice of religion.” [3h]
- 21.05 The USSD IRF Report 2009 in considering the restrictions on religious freedom found that: “Although the GNU generally did not vigorously enforce its strictest restrictions on religious freedom, it generally did not respect religious plurality in the north. The GoSS generally respected religious freedom in the 10 states of the south. There was no change in the status of respect for religious freedom by either the GNU or the GoSS during the reporting period.” [3h]
- 21.06 The USSD Report 2008 reported that National Intelligence and Security Service (NISS) officers routinely posed as members of the congregation to monitor religious activities at mosques and churches.[3h] (Section II – Restrictions on Religious Freedom). The USSD IRF Report 2009 also observed that both Christian leaders and some Muslim imams avoided political topics in their preaching. However the same source noted that it appeared the GoSS did not “monitor religious activities at mosques or churches in the south.” [3h]
- 21.07 The USSD IRF Report 2009 clarified that “[t]he ongoing conflict in Darfur

between the government-backed Arab Muslim militias (Janjaweed) and non-Arab Muslim rebels does not center on religious differences but rather on political, economic, and ethnic issues.” [3h]

- 21.08 The same report further acknowledged that “[d]uring the reporting period, the Government did not engage in severe abuses of religious freedom ...” and found that “[u]nlike in prior reporting periods, Christian churches in the north reported that they held regular religious services and large holiday celebrations without government interference.” [3h]

The section on [Ethnic groups](#) also explains the divide in Sudan between ethnic groups from the Islamic faith and those who followed traditional African religions or Christianity.

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LEGAL RIGHTS

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

“The State shall respect the following religious rights to:

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

- 21.10 Article 38 of the INC states that:

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

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VIOLATIONS OF RELIGIOUS FREEDOM

21.11 The USSD IRF Report 2009 stated that:

“On March 27, 2009, local officials in Chat, a Nuba Mountains village, allegedly led a mob that razed a building used by the Evangelical Presbyterian Church and the Sudanese Church of Christ. The attack was reportedly in response to the International Criminal Court's decision to prosecute President al-Bashir.

“On February 1, 2009, the GNU's Humanitarian Affairs Commission (HAC) expelled the U.S. NGO Thirst No More from Darfur on the basis that it was not a legitimate humanitarian aid organization. Authorities accused the NGO of engaging in Christian proselytizing among Muslims in Darfur, an act forbidden by law. As proof of their claim, HAC authorities claimed the offices of Thirst No More in El Fasher contained 3,400 Arabic-language Bibles.

“Religious tensions between Muslims and Christians in Southern Kordofan simmered in February 2009 when two local members of the NCP-aligned Popular Defense Force (PDF) threatened to kill a local Presbyterian church leader, according to the UN. On March 1, 2009, PDF members interrupted a church service and threatened further destruction after breaking the cross on the church's roof. On March 7, the Episcopal church in Shatt Mazarik was the target of an arson attack, and on March 21, there was a similar attack on the Catholic church in Shatt Dammam. Church leaders reported to the UN that Kadugli police took no action to investigate the crimes. On March 29, following fighting between the PDF and the SPLA, the Southern Kordofan State Legislative Council held a special session to address the mounting religious and ethnic tensions in the area.” [3h]

21.12 The USSD Report 2008 observed that:

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

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

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

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

religious minorities and women.” [131a]

See also: [Women](#)

RELIGIOUS CONVERSION

21.14 The USSD IRF Report 2009 stated that:

“There were no reports of the forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States. There is, however, considerable social pressure on non-Muslims in the north to convert to Islam.

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

SOUTHERN SUDAN

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

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22. ETHNIC GROUPS

ETHNIC DEMOGRAPHY

22.01 In considering the ethnic make-up of Sudan, Minority Rights Group International reported in its Sudan overview, dated May 2009, that “[t]here is no accurate demographic data in Sudan. Previous censuses are widely regarded as being of poor quality... However, what is clear [is] that Sudan is home to an immense range of peoples – according to one estimate, more than 56 ethnic and almost 600 sub-ethnic groups”. [112a] Similarly, Encyclopedia of the World’s Minorities, stated that there were 400 indigenous languages in Sudan. [149] (pp. 1152)

22.02 The Economist Intelligence Unit, Country Profile Sudan 2009, noted:

“Sudan has great ethnic, religious and linguistic diversity. The 1956 census ‘the last to give detailed ethnic information’ indicated that there were 19 ethnic groups and 597 subgroups. Arabs constituted the largest proportion of the population, but were not an overall majority, even in the north, where they accounted for around 40%, followed by Dinka (12%), Beja (7%) and Fallata (6%). Southern Sudan contained about 25% of the population. There have been considerable population displacements since then.” [114c]

22.03 The Encyclopedia Britannica observed that “[t]he most striking characteristic of The Sudan is the diversity of its people. The Sudanese are divided among 19 major ethnic groups and about 597 subgroups and speak more than 100 languages and dialects.” [62a] (The people) The report went on to distinguish between Muslim and Non-Muslim peoples:

“... A major cleavage exists between the northern and the southern parts of the country. The north is dominated by Muslims, most of whom speak [Arabic](#) and identify themselves as ‘Arabs,’ while the people of the south are ‘Africans’ (i.e., blacks) who for the most part follow traditional [African religions](#), though there are also some Christians among them. Those who identify themselves as Arabs were estimated at 39 percent of the total population in 1956. The largest non-Arab ethnic group is that of the Dinka, who constituted 12 percent of the population, followed by the Beja at 7 percent. (These figures are estimates, since the only census that recorded ethnicity was taken in 1956.) Moreover, ethnic identity may not actually coincide with a particular racial character. Those Sudanese who consider themselves Arabs are, for the most part, ethnically mixed, and many of them are physically indistinguishable from dark-skinned southerners. Despite a common language and religion, the ‘Arabs’ do not constitute a cohesive group: they are highly differentiated in their mode of livelihood and comprise city dwellers, village farmers, and [pastoral nomads](#). The Arabs have historically been divided into tribes based on presumed descent from a common ancestor. The [tribal system](#) has largely disintegrated in urban areas and settled villages, however, and retains its strength only among the nomads of the plains who raise cattle, sheep, and camels... Besides Arabs, there are several Muslim but non-Arab groups in the north. The most notable of these are the Nubians, who live along the Nile in the far north and in southern Egypt. Most Nubians speak Arabic as a [second language](#). The same applies to the [Beja](#), who inhabit the Red Sea Hills. Although they adopted Islam, these pastoral nomads have retained their Bedawi language, which belongs to the Cushitic branch of the Afro-Asiatic

language family. Another non-Arabized Muslim people is the [Fur](#); these sedentary agriculturalists live in or near the [Marra Mountains](#) in the far west. North of the Fur are the Zaghawa, who are scattered in the border region between The Sudan and Chad.

“... The vast majority of non-Muslim peoples in The Sudan live ... in the three southern states of Baḥr Al-Ghazāl, A-ālī An-Nīl (Upper Nile), and Al-Istiwā-Ṭyah (Equatoria). The most important linguistic grouping in the south is that of the [Nilotes](#), who speak various languages of the Eastern [Sudanic](#) subbranch of the Nilo-Saharan language family. Chief among the Nilotic peoples are the [Dinka](#), [Nuer](#), and [Shilluk](#), who together make up almost one-fifth of The Sudan’s total population. The Dinka are mostly cattle-herders on the plains east of the White Nile, while the Shilluk are more settled farmers on the west bank of that river. The Nuer live farther south, east of the [Mountain Nile](#). The [Bari](#), another Nilotic people, live even farther south, on the Mountain Nile’s upper course not far from the border with Uganda. In the southwestern part of The Sudan live a number of smaller ethnic groups who speak various languages belonging to the Adamawa-Ubangi branch of the Niger-Congo family of languages. Among these peoples are the [Zande](#), who are scattered between The Sudan and Congo (Kinshasa). One of the most important non-Muslim peoples in The Sudan is the [Nuba](#), who live in the Nuba Mountains north of the Nilotes. The Nuba are hill cultivators who have tended to be isolated from adjacent peoples in the Nile valley. They speak various [Eastern Sudanic languages](#), among them Midobi and Birked, that are collectively known as Hill Nubian.

“Over the years, The Sudan had attracted a great variety of immigrants, but the most important recent group are West Africans (Hausa, [Fulani](#), and Borno), who are known collectively as the Fellata. Many of the Fellata are employed as seasonal labourers on the country’s cotton farms. According to the 1955–56 census, the West Africans constituted 5 percent of the population; in the mid-1970s they were estimated at about 10 percent.” [62a] **(The people)**

See also: [Freedom of religion](#)

The website Ethnologue provides a [language map of Sudan](#), also see the listed [languages of Sudan](#)

- 22.04 The Encyclopedia Britannica, provided a map, undated, depicting the broad ethnic composition of Sudan. [62a] (The people)



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ETHNIC GROUPS OF DARFUR

- 22.05 The following subsection provides a more detailed coverage on the ethnic make-up of Darfur and detail on how ethnic demography has shaped the conflict in the region. For background material refer to [History: Darfur \(2003 to 2009\)](#)

For background information on the state structure of Darfur, climate and terrain and ethnicity and language see also: [Geography](#)

Ethnic demography

- 22.06 The Small Arms Survey in Darfur and Investigation of the Child Soldier, dated 2000, noted:

“In Darfur, there are 65 tribes with their identified hierarchies and social fabrics. However, the ethnic background to the Darfurians constitute two main distinct groups – the Arabs tribes (Taisha, Salamat, Beni Halba, Kabbabish, Beni Hussein, Tarjam, Hawazma, Messeria, Ziadia, Kawahla and Rezigat). While the non-Arab tribes are (Fur, Zaghawa, Masaliet, Dinka, Meidob, Berti, Birgid, Bidiat, Gola, Kbka, Gimir, Mararit, Mima and Falata). Twenty percent

(20%) of the population are in fact related ethnically to Chad and the Republic of Central Africa. ...” [162b] (p6)

22.07 *Darfur in Perspective*, by Dr David Hoile, dated January 2006, stated:

“The largest ethnic group within Darfur are the Fur people, who consist mainly of settled subsistence farmers and traditional cultivators. Other non-Arab, ‘African’, groups include the Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur. The mainly pastoralist Arab tribes in Darfur include Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Mahameed, Djawama, Rezeigat, and the Ma’aliyah. Sudanese sociologists have suggested that the population in Darfur can also be divided into four groups: the Baggara (cattle nomads), the Aballa (camel nomads), the Zurga (a Darfur name for non-Arab peasants derived from the Arabic word for blue), and the inhabitants of the urban centres.” [146a] (p5)

22.08 An article published in the *Sudan Tribune*, on 23 January 2005, entitled *Inside Darfur: Ethnic Genocide by a Governance Crisis*, by Mahgoub El-Tigani, dated December 2004, noted that the Darfur region “... ha[d] been inhabited for centuries by Arab and non-Arab ethnic groups. The Fur, the oldest non-Arab group, make up approximately 36% of the total population ...” [12bt]. The paper also cited an article by Baballa Haroum Nor Adam, entitled ‘*Ethnic Composition, Economic Pattern and Armed Conflicts in Dar Dur*’ (Sudanese Human Rights Quarterly 8 (July 1999): p9-10), which stated that, the other non-Arab tribes in the Darfur region included the Tonjor, Dajo, Zaghawa, Massalit, Bertti, Sambat, Gimir, Bargo, Ba-rno, Tamu, Fellata, Jebel, and Kanein. [12bt] (footnote 4)

22.09 A paper entitled, *A Darfur Compendium: A review of the Geographical, Historical and Economic Background to Development in the Region*, published by Hunting Technical Services and P-E International (HTSPE Report 2005), dated 1985 (republished 2005), considered there were ten Arab tribes who had a major presence in Darfur, of the ten, nine belonged to the Baggara group [cattle nomads], whilst the last, the Ma’aliya, was more closely related to the tribes of Kordofan. [150] (p17)

22.10 A UNHCR/Inter-SOS publication *Return-orientated Profiling in the Southern Part of West Darfur and corresponding Chadian border area*, dated July 2005, provided a list of ‘African’ and ‘Arabic’ tribes in Southern West Darfur. Accessible via the link [here](#) [6aam]

22.11 In broad geographical terms, *Inside Darfur: Ethnic Genocide by a Governance Crisis*, by Mahgoub El-Tigani, dated December 2004, observed that: “Darfur has three ethnic zones: the northern includes Arab and non-Arab people, mainly camel nomads (Zaghawa). The central zone is inhabited largely by non-Arab sedentary farmers such as the Fur and Massalit, who cultivate millet. In the south live Arabic-speaking cattle nomads, the [Arab] Baggara.” [12bt]

22.12 The HTSPE Report 2005 provided a map of Darfur, giving the approximate geographical tribal areas, refer to figure 2.1, ‘*Ethnic Composition in Darfur, 1955/56*’ [150a] (p20) accessible via the link [here](#). Annex I of the same source also listed the ‘*Tribes of Darfur*’ [150a] (p144-146). According to the source, the information used in the report was based on the 1955 census, which “provides

the only detailed information”. [150a] (p20 & p144) A report on the 2009 census, undated, entitled ‘*The Fifth population census: A census with full coverage and a high accuracy*’ by A-H Ali Ahmed, ex-Director of the Central Bureau of Statistics (CBS), described the 1955/56 census as the “most accurate census in Sudan compared with the others. This population census [1955/56] has become the standard basis for all subsequent censuses.” [6ac](p3) Nonetheless the source is over 50 years old; since then Sudan has experienced population growth, migration and massive displacement.

- 22.13 The 2005 Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, dated 25 January 2005, (ICI Report 2005), in considering the issue of land demarcation between tribes similarly noted:

“While [the] traditional division of land is not geographically demarcated in an exact manner, some general observations are possible. For instance, in the northern parts of West Darfur and some western parts of North Darfur, the Zaghawa tribe predominates, and the area is also referred to as Dar Zaghawa – the homeland of the Zaghawa. In the area around and south of El Geneina, still in West Darfur, the Masaalit tribe has its homeland. While the name Darfur would mean the homeland of the Fur, the actual area where this tribe has its homeland, is located in the centre of the Darfur region, around the Jebel Marrah area, covering an area where the borders of the three states of Darfur meet, but also stretching further into all three states. The Rhezehghat [Arab tribes] are mainly found in the southern parts of South Darfur.” [6e] (p20)

- 22.14 The same source further noted:

“Some of the tribes are predominantly agriculturalist and sedentary, living mainly from crop production during and following the rainy season from July to September. Some of the sedentary tribes also include cattle herders. Among the agriculturalists, one finds the Fur, the Barni, the Tama, the Jebel, the Aranga and the Masaalit. Among the mainly sedentary cattle herders, one of the major groups is the southern [Arab] Rhezeghat, as well as the [African] Zaghawa. In addition, a number of nomadic and semi-nomadic tribes can also be traditionally found in Darfur herding cattle and camels in Darfur, which include the Taaysha, the Habaneya, the Beni Helba, the Mahameed and others.” [6e] (p20)

- 22.15 However, a HTSPE Resource Paper, dated September 2004, explained that: “There is no real dividing line between farmers and nomads. Many Baggara Arabs, traditionally perceived as nomadic herders, are settled farmers. Conversely, some of the non-arab Fur move with their cattle. Farmers with larger herds hire nomads to manage them, in effect investing their money with them.” [150b]

Traditional sources of conflict in Darfur

- 22.16 *The Christian Science Monitor*, 30 January 2010, accessed via Pulitzer Center on Crisis Reporting, observed that: “Beneath the genocide in Darfur is a broken land tenure system, full of fights over soil that climate change is making increasingly unproductive.” [166a].
- 22.17 *Darfur in Perspective*, by Dr David Hoile, dated January 2006, in considering the historical background to conflicts in Darfur noted:

“Darfur is an ecologically fragile area which had already seen growing — and often armed — conflict over natural resources between some 80 tribes and clans loosely divided between nomadic and sedentary communities. Sudanist academics such as Richard Lobban and Rex O’Fahey have stated: ‘This conflict [in 2003] has emerged at the present in the context of persistent ecological crises of increased desertification and lack of production and limited grazing lands among the pastoralist and agricultural peoples.’ Professor Fahey has noted that desertification accelerated by droughts led to pressure on water and grazing resources...Conflicts over wells that in earlier times had been settled with spears or mediation became much more intractable in an era awash with guns.’ Desertification and drought had forced a number of tribal migrations from the 1970s onwards and by the late 1980s, as noted by Darfurian writer Ismail Abakr Ahmed, ‘the migrant groups increased in numbers, and in the absence of social harmony, tribal factions developed and culminated in violent conflicts.’” [164a] (p6)

22.18 The ICI Report 2005 also acknowledged that “the issue of land has for long been at the centre of politics in Darfur. Land-ownership in Darfur has been traditionally communal. The traditional division of the land into homelands – so-called ‘dar’ which are essentially areas to which individual tribes can be said to have historical claim ...” [6e] (p20, para 53)

22.19 The website Conciliation Resources, in an article entitled *Land and Conflict in Sudan*, by Dr Mona Ayoub from the University of Khartoum, dated 2006, reported:

“Sudan's conflicts have many causes, but at the root of each conflict are questions over the control and distribution of resources. The most important resource is land: whether exploited for agriculture, cattle-herding or subterranean resources such as oil or water, land ownership is the key to wealth and power.

“The politicization of land ownership dates back to Sudan's division by colonial administrators in 1923 into tribal homelands (diar, singular dar). These diar are clearly visible in contemporary maps and demonstrate the link between tribal identity and geography that continues today. Within each dar are a number of hawakeer (singular hakura), the lands of a particular clan or tribal group. The strong relationship between a tribe and its homeland, in which leadership is traditionally restricted to the original landlords, has allowed the major tribes to use and monopolize the natural resources within their dar and to deny minor tribes any claim to rights or ownership which would allow them to exercise political or administrative power. The colonial administrators reinforced this by considering the paramount tribal chief (nazir) as their appointee, entrusting him with legal, administrative and financial authority, expecting him to maintain law and order and the territorial and demographic integrity of his dar, and authorizing him to allocate hawakeer as he saw fit. This provided a clear and structured hierarchical mechanism for addressing land disputes, but did not always stop groups from attempting to claim hawakeer by force.” [167a]

See also: Security section – [Conflict over land and resources in Darfur](#) for details of the recent conflict between tribal groups over land.

For an historical narrative to the conflict in Darfur, see [History: Darfur \(2003 –](#)

[2009](#)

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Distinguishing 'Arab' and 'African' tribes

22.20 *Darfur in Perspective*, by Dr David Hoile, dated January 2006 explained :

“A more culturally-based classification [of Darfur] distinguishes between four groups: the Arabs; the fully Arabised; the partly Arabised; and the non-Arabised. The ‘Arabs’ are the native Arabic speakers: the Rezeigat, the Zeiyadiya, Beni Hussein, and the Djawama nomads who, as a result of intermarriage with the indigenous Darfurians, look much darker than non-Sudanese Arabs. The ‘fully Arabised’ group is made up of those Darfurians, such as the Berti, who have lost their native languages to Arabic. The third, ‘partly Arabised’ group is made up of those communities such as the Fur, the Zaghawa, and the Meidob, who have kept their native languages, but also speak Arabic fluently. The last ‘non-Arabised’ group consists of tribes that speak very little Arabic, for example, the Massaleit, some sections of the Zaghawa, the Berti, the Mima, the Tama, and the Kanein.” [164a] (p5)

22.21 The paper, *Inside Darfur: Ethnic Genocide by a Governance Crisis*, by Mahgoub El-Tigani, dated December 2004, in distinguishing between Arab and non-Arab tribes explained:

“‘All are Muslim’, writes R. S. O’Fahey, ‘and [yet] no part of Darfur was ever ethnically homogeneous. For example, once a successful Fur farmer had a certain number of cattle, he would ‘be-come’ Baggara and in a few generations his descendants would have an ‘authentic’ Arab genealogy.’ Rather than by skin color or other physical traits, Darfurians, like other Sudanese, have always identified themselves in ethnocultural or tribal terms. These terms have only recently been polarized into Arab versus African identifications in response to deep political and ideological disputes in which state repression and economic underdevelopment of the country’s marginal regions have played a significant role.” [12b]

Ethnic distinctions arising from the recent conflict

22.22 The ICI Report 2005 noted that ethnic distinctions tended to “sharpen when conflicts erupt”, [6e] (p20) concluding that “the self-perception of people as members of tribes and the social networks connected to the tribal structures remain a central feature of the demographics of Darfur.” [6e] (p21)

22.23 In considering the conflict in Darfur, between 2003 and 2005, the ICI Report 2005 observed that:

“[I]n recent years the perception of differences has heightened and has extended to distinctions that were earlier not the predominant basis for identity. The rift between tribes, and the political polarization around the rebel opposition to the central authorities, has extended itself to issues of identity. Those tribes in Darfur who support rebels have increasingly come to be identified as ‘African’ and those supporting the government as the ‘Arabs’. A good example to illustrate this is that of the Gimmer, a pro-government African

tribe and how it is seen by the African tribes opposed to the government as having been 'Arabized'. Clearly, not all 'African' tribes support the rebels and not all 'Arab' tribes support the Government. Some 'Arab' tribes appear to be either neutral or even support the rebels". [6e] (p130)

- 22.24 The UN Report of the Panel of Experts, dated 29 October 2009, in considering abuses more recently, similarly reported that:

"The parties to the conflict in Darfur are commonly referred to as 'Arab tribes', 'Arab militias', 'Janjaweed' or 'Africans', 'Blacks' or 'Tora Bora', all of which terms are unclear and often offensive. While the term 'African' purports to describe people originating from the continent of Africa, the term 'Arab tribe' negates the fact that these Darfurians are also 'African'. 'Arabness' in Darfur is best viewed as a subjective definition: some Darfurians have accepted it for themselves, while others are comfortable with 'Africaness' as their proper identity.'

"Depending on the political conjuncture, the affirmation by a group or a tribe of its 'Arabness' or 'Africaness' can result in concrete consequences and specific benefits. Landless Darfurian nomads and cattle herders ('Arabs') who lose their traditional grazing land to drought and the advancing desertification, may end up seeking pastures in the lands traditionally occupied by Darfurian farmers ('Africans').

"Some landless Darfurian Arabs chose to join the counter-insurgency forces organized by the Government of the Sudan in order to gain access to land and enhance their socio-political status. Thus, these tribes are viewed by the African and Arab tribes who are beneficiaries of *hakoura* (a local Arabic term meaning 'traditional system of collective ownership of land') as insurgents, outsiders or *Janjaweed* (Arabic for 'bandits')... In the Panel's own terminology, the only distinction made will be between Darfurians who have joined 'counter-insurgency forces' or 'Government of the Sudan auxiliary forces' and Darfurians who are part of anti-Government 'rebel movements' or 'armed groups'." [6q] (p14, box 1)

- 22.25 The ICI Report 2005 in considering those parties responsible for human rights violations committed in Darfur between 2003 and 2005 [as part of its mandate – [6e] (p2)] cautioned that:

"The various tribes that have been the object of attacks and killings (chiefly the Fur, Massalit and Zaghawa tribes) do not appear to make up ethnic groups distinct from the ethnic group to which persons or militias that attack them belong. They speak the same language (Arabic) and embrace the same religion (Muslim). In addition, also due to the high measure of intermarriage, they can hardly be distinguished in their outward physical appearance from the members of tribes that allegedly attacked them. Furthermore, intermarriage and coexistence in both social and economic terms, have over the years tended to blur the distinction between the groups. Apparently, the sedentary and nomadic character of the groups constitutes one of the main distinctions between them. It is also notable that members of the African tribes speak their own dialect in addition to Arabic, while members of Arab tribes only speak Arabic". [6e] (p129)

- 22.26 The same source, in considering the ethnic make-up of the Janjaweed

reported: “[M]any Arabs in Darfur were opposed to the Janjaweed, and some Arabs were fighting with the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. Similarly many non-Arabs were reported to have supported the Government and served in its army”. In summary the report concluded “[the] term ‘Janjaweed’ referred to by victims in Darfur certainly does not mean ‘Arabs’ in general, but rather Arab militias raiding their villages and committing other violations.” [6e] (p32)

22.27 The UN Report of the Panel of Experts (29 October 2009) reported on inter-tribal conflicts in Wada’ah in February 2009 between the Mimas and Zaghawa tribes. As the report explained: “[b]oth Mimas and Zaghawas became proxies for the ongoing conflict between the Government of the Sudan and the SLA/M. [...] Despite the fact that both tribes are of African origin, the Zaghawa call the Mimas ‘Janjaweed’ and the Mimas call the Zaghawa ‘Tora Bora’.” [6q] (para 236)

22.28 Similarly the Report of the African Union High-Level Panel on Darfur (AUPD) published on 29 October 2009, further acknowledged that:

“One of the disturbing outcomes of the war, and the international humanitarian and advocacy response, has been the stigmatisation of the Darfur Arabs. The term ‘Janjaweed’ has often been applied indiscriminately to imply that all of Darfur’s Arabs are associated with the militia. In addition, the characterisation of the conflict as a confrontation between ‘Arabs’ and ‘Africans’ reinforces the misleading and dangerous argument that the Arabs are foreigners in Darfur and cannot, therefore, be part of the solution. On the contrary, Darfur’s Arabs are an intrinsic and indigenous part of the social fabric and must be fully part of any solution.” [12br] (para 125)

For information on the crisis in Darfur, which includes further background on the Janjaweed, see [History: Darfur \(2003 – 2009\)](#). See also [Other Government forces](#) for information on the continued presence of the Janjaweed and the incorporation of former Janjaweed fighters into the government forces

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ETHNIC BASIS OF DARFUR’S MAIN REBEL GROUPS

22.29 In considering the ethnic basis of the Darfur rebel groups, the BBC website, in an article entitled ‘*Who are Sudan’s Darfur rebels?*’, dated 24 February 2009, noted:

“The Justice and Equality Movement (JEM) was founded by Darfurians. ...It has bases inside Chad. Khartoum says JEM is supported by [the] Chadian President, who is from the same Zaghawa ethnic group as [the leader of JEM] Khalil Ibrahim.

“With JEM, the Sudan Liberation Army (SLA) was one of the two original Darfur rebel groups, composed mainly of Fur, Zaghawa and Masalit – the three largest non-Arab tribes of Darfur.” [9c]

22.30 The same source also noted that in the SLA “[e]xisting divisions along largely ethnic lines widened, pitting Zaghawa (led by Minni Arkou Minnawi) [SLA/MM]

against Fur (led by Abdel Wahid Mohamed el-Nur) [SLA/AW]”. [9c] Additionally, the report noted that a third faction, the SLA-Unity, “grew out of a dissatisfaction with both [the SLA/MM and SLA/AW].” Based in North Darfur, the SLA-Unity was “composed mainly of ethnic Zaghawas and has itself [since] split.” [9c]

- 22.31 Similarly the Economist Intelligence Unit, Country Profile 2009: Sudan, also noted that:

“The two main Darfuri groups, which came to prominence in 2003, are the Justice and Equality Movement (JEM) ‘which is led by Khalil Ibrahim, has an Islamist ideology (and alleged links to Mr Turabi) and is dominated by the Zaghawa tribe’... and the secular Sudan Liberation Movement (SLM). The SLM split in 2006 because of differences over a peace agreement with the government. Minni Minnawi’s faction signed the Darfur Peace Agreement (DPA) in May, but others, including the SLM’s founder, Abdul Wahid al-Nur (who is now exiled in France) rejected it. More recently there have been further factional splinters.” [114c] (Political forces and institutions)

See also: [Annex B: Political Organisations](#)

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TREATMENT OF ETHNIC GROUPS FROM DARFUR

- 22.32 The Interim National Constitution (INC) provided legal safeguards which recognised the ethnic and cultural diversity of Sudan (refer to Articles 13, 47 and 156 via the link [here](#)). [94a]
- 22.33 Amnesty International’s (AI) 2009 Annual Report for Sudan, covering events in 2008, recorded that following the JEM attack on Omdurman on 10 May [2008] government forces combed Omdurman, arresting and detaining any individual – man, woman or child – of Darfuri appearance, those suspected of supporting opposition groups, and especially Zaghawas.” [16a] Whilst the UN Report of the Special Rapporteur, dated June 2009, also noted that the UNMIS [United Nations Mission in Sudan] Human Rights section received reports, following the May 2008 attack, “... of the arrests of close to 1,000 people, the majority of whom were ethnic Darfurians.” [6p] (para 33)
- 22.34 The UN Report of the Panel of Experts, dated 29 October 2009, also documented that it received “a significant number of reports of arbitrary arrest and detention, as well as ill-treatment and torture of persons while in the custody of the Government security apparatus”. [6q] (para 269) The report further noted that most cases were “... against Darfurians suspected of being linked to the attack against Omdurman on 10 May 2008”. [6q] (para 269) The report went on to quote the findings of the United Nations High Commissioner for Human Rights (OHCHR), report dated 28 November 2008, who observed: “[following the JEM attack in May 2008] among those arrested by NISS were hundreds of civilians of Darfurian origin who in many cases appeared to have been targeted solely because of their Darfurian ethnicity or appearance.” [6q] (para 269)
- 22.35 The OHCHR’s report, entitled, *Tenth Periodic report of the UN High*

Comissioner for Human Rights on the situation of human rights in the Sudan, dated 28 November 2008, observed:

“Darfurians in the Khartoum area are at heightened risk of being subjected to arbitrary arrests, in particular if they are suspected of maintaining links with Darfurian rebel groups or political movements. Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organizations abroad. Over the past three years, United Nations human rights officers have conducted numerous interviews with Darfurians who have been arbitrarily arrested and detained. Many reported that they were ill-treated and tortured. Reports on the questioning which they underwent in detention indicate that most of the detentions were carried out to obtain information about Darfurian political groups and rebel movements.”
[148f] (p20)

- 22.36 For further details, refer to the Tenth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan (28 November 2008), [‘Arbitrary arrest and detention committed by national security, military and police’](#)
- 22.37 The UN Report of the Panel of Experts, dated 29 October 2009, also reported that it documented specific cases of human rights violations carried out by the National Intelligence Security Services (NISS), which included mistreatment of individuals of Darfurian origin (although ethnicity is not specified as the reason for the ill-treatment in the report). [6q] (para 272-275) For details refer to the link [here](#).

See also [Political affiliation](#) (and in particular the relevant subsections on JEM and Other Darfur-based political and civil opposition), [Treatment of journalists](#) and [Treatment of human rights activists](#). See also [Arbitrary arrest by the security forces: Overview](#) for more general material on the use of arbitrary arrest. For background information on the crisis in Darfur, which includes further background on the Janjaweed, see [History: Darfur \(2003 – 2009\)](#)

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SOUTHERN SUDAN

Inter-ethnic clashes

For an understanding of the ethnic make-up of Southern Sudan refer to the section on [Demography](#) above. Additionally refer to [Annex C: States of Sudan](#), for information on which states constitute Southern Sudan.

- 22.38 The BBC Monitoring website, reported in an article entitled *Profiles: South Sudan’s warring tribes*, dated 8 October 2009:

“A flare-up of ethnic violence in Southern Sudan since January 2009 risks unravelling the peace and stability that the semi-autonomous region has enjoyed since the signing in January 2005 of the Comprehensive Peace

Agreement (CPA), which ended the 22-year-old war with the northern government.

“UN sources estimate that up to 2,000 people have died in the violence ...”
[142e]

- 22.39 A Human Rights Watch report, dated June 2009, entitled *No one to Intervene: Gaps in Civilian Protection in Southern Sudan* reported:

“In the most deadly spate of intercommunal violence since the end of the 21-year civil war in 2005, more than 1,000 men, women, and children were killed in attacks in Jonglei state in Southern Sudan in March and April 2009. The attacks starkly demonstrate the failure of both the Government of Southern Sudan (GoSS) and the United Nations Mission in Sudan (UNMIS) to protect civilians from violence, in particular from intercommunal violence that appears to be intensifying.”

“The recent surge in violence prompted UN officials to observe that in 2009 so far the death toll in Southern Sudan has been higher than in Darfur and to warn of its potential impact on elections scheduled in February 2010 and the referendum on southern self-determination in 2011. Both are politically contentious milestones in the 2005 Comprehensive Peace Agreement (CPA) between the National Congress Party-led Government of Sudan and the Southern People’s Liberation Army/Movement that could fuel local and national tensions and lead to further violence and human rights violations.”
[19m] (Summary)

- 22.40 The BBC Monitoring website article, ‘*Profiles: South Sudan’s warring tribes*’, dated 8 October 2009, observed that: “Up to eight ethnic groups and clans are involved in the clashes. They include the three largest in Southern Sudan - the Dinka, the Nuer and the Shilluk. Other tribes are the Murle, Bari, Mundari, Anyuak and Azuak. The clashes have engulfed five of the 10 states that make Southern Sudan - Jonglei, Upper Nile, Warrap, Central Equatoria, and Lakes”.
[142e]

- 22.41 A report by IRIN news, dated 2 December 2009, in considering ways of mediating inter-ethnic conflict in the South of Sudan reported:

“An ancient tradition of community governance in Southern Sudan could encourage peace-building among warring communities, say researchers.

“The ‘monyomiji’ institution encourages young and middle-aged men to collectively assume responsibility for community and inter-community affairs. The system, according to Eisei Kurimoto of Osaka University and Dimon Simonse, senior adviser to the advocacy group Pax Christi, could be an important asset in post-war peace-building, reconstruction and development.”
[10ej]

Ethnic groups involved in clashes

- 22.42 The BBC Monitoring report, *Profiles: South Sudan’s warring tribes*, dated 8 October 2009, identified the main ethnic groups involved in the inter-ethnic conflict in the south as:

“Lou-Nuer - Lou is a clan of the Nuer tribe, the second-largest ethnic group in Southern Sudan. The Lou occupy the Nuer heartland in the counties of Akobo, Yirol and Uror in Jonglei State. They are bordered in the west by the Nuer-Gawaar clan, the Dinka Bor clan in the southwest, Murle in the south, Anyuak in the east, Jikany-Nuer in the northeast and Dinka Ngok and Luach in the northwest.

“Their biggest rivals for cattle and grazing land are the Jikany-Nuer, also a Nuer clan, and the Dinka Bor, a clan of the Dinka, the largest tribe in Southern Sudan. A self-styled Lou-Nuer commander, Chibetek Mabil, has been blamed for the latest attack, which occurred on 20 September 2009 targeting the Dinka Bor. This attack in the state's Duk Padiet County, which is inhabited by the Dinka Bor, left 76 people dead.

“Its rival Nuer clan, Jikany, was blamed for the 14 June 2009 attack on a UN convoy guarded by Sudan People's Liberation Army (SPLA), a former rebel group now in control of the region. The attack which took place along River Sobat in Upper Nile State claimed 40 soldiers.

“Murle - The term 'Murle' refers to nomadic pastoralists and is the name of a tribe dispersed over various southern states. The Murle are said to have migrated to Sudan from northwestern Kenya via the modern region of Kapoeta in Eastern Equatoria State. The Murle are mainly found between Malakal, the capital of Upper Nile State and Torit, the capital of Eastern Equatoria State. They are divided into several clans, all speaking the same language except a group that migrated to the Nuba Mountains region in central Sudan. This group is referred to as Nuba Angola. The Murle Didinga clan inhabits the region that lies between Torit and Kapoeta, near the border with Kenya and Ethiopia. The Murle have over the centuries fought the Dinka (especially the Bor clan), Nuer, Anyuak and Azuka tribes mainly for cattle and grazing land. Most of the recent fighting involving the Murle has been concentrated in Jonglei State.

“Dinka Bor - The Dinka Bor are a clan of the Dinka, the largest ethnic group in Southern Sudan. This clan is pastoralist and its original home is Bor County in Jonglei State. The clan has been involved in nearly all rebellions in the south since Sudan gained independence from Britain in 1956. The most prominent Dinka Bor politician was Dr John Garang, who led the Sudan People's Liberation Movement/Army (SPLM/A) until his death in a helicopter crash in July 2005.” [142e]

States affected by clashes

22.43 The same source also identified the main states involved in the violence as:

“Jonglei State - This is the state that has witnessed the brunt of the violence. The name 'Jonglei' is derived from the Dinka Bor dialect and means 'foreign god'. The head of the United Nations Mission in Southern Sudan, David Gressly, has described Jonglei as the 'size of Bangladesh with approximately 30 miles of unpaved road and tracks which are virtually useless six or seven months of the year because of rains'. (Paris-based privately-owned Sudan Tribune 12 September 2009) Its capital, Jonglei (also known as Junqali), is divided into 11 counties: Bor South County, Twic East County, Duk County,

Akobo County, Nyirol County, Uror County, Pibor County, Pochalla County, Ayod County, Khorfulus County and Fangak County.

“The state is inhabited by five main tribes - the Dinka, the Nuer, the Murle, the Anyuak and the Azuak. The clashes in Jonglei involve the Nuer clans of Lou and Jikany tribes, the Dinka clan of Bor and the Murle tribe. The Lou-Nuer are mainly found in three of the state's counties - Akobo, Nyirol and Uror.

“**Warrap State** - Warrap State is another flashpoint for ethnic violence. Its capital is Tonj. ... The violence in Warrap involves rival Dinka clans of Rek, Luach and Awan which inhabit areas north of Tonj. ... The clashes are mainly over grazing rights.

“**Upper Nile State** - Upper Nile States has also been one of the main theatres of the violence. The state, through which the White Nile flows, is Sudan's third largest. It's capital is Malakal. ... The clashes in Upper Nile pit the Dinka against the Shilluk - the region's third largest ethnic group.

“**Central Equatoria State** - This state is located near the border with Uganda, and its violence has mainly pitted the Mundari and Bari tribes. ... The Mundari have also clashed with the Dinka clans of Bor and Aliap (www.southsudannation.com) The Bari are a small ethnic group that lives along River Nile and the Mundari, which is the ethnicity of the Central Equatoria State Governor Clement Wani Konga, border them to the north. ... According to Sudan Tribune website on 29 April, the two groups speak the same language.

“**Lakes State** - Lakes State includes Rumbek, a key southern town. ...The state is divided into eight counties, and the clashes that it has seen have involved the Dinka clans of Gok, Kongor, Wat and Agaar. ... Most of the violence is concentrated in the counties of Rumbek East, Wulu and Yirol West.” [142e]

See also: [Security situation: Southern Sudan](#) and [Annex C: States of Sudan](#)

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23. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

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

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

“By institutionalizing discrimination, laws criminalizing homosexuality reinforce systemic disadvantage of lesbians, gay men and bisexual people and against transgender people, who may be heterosexual, and act as an official incitement to or justification for violence against them, whether in custody, in prison, on the street or in the home. These laws allow law enforcement officials to invade the private residences of individuals alleged to be engaging in consensual same-sex sexual relations. They can result in impunity for arbitrary arrests on the basis of allegations about sexual orientation, rumours of sexual behaviour or objection to gender presentation, with few, if any, consequences for torture or other ill-treatment. Homophobic and transphobic individuals or groups take these laws as permission to target lesbian, gay, bisexual and transgender people, organizations and events. Survivors of human rights abuses may have no recourse to justice and be deprived of access to redress. Without the fundamental protection of legality, it is impossible for activists to form organizations and campaign for the right to engage in consensual same-sex practices, or even to meet in public. Even their use of the internet in private can be used in prosecutions against them.” [16f]

- 23.07 The FCO travel advice, last updated on 9 January 2010, noted under local laws and customs, that: “Homosexual practices and extra marital relations are illegal and subject to severe penalties under Islamic Sharia law. Sudanese society is not tolerant of homosexual relationships.” [4i]

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24. DISABILITY

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

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

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

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

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25. WOMEN

OVERVIEW

- 25.01 The USSD report 2008, dated 25 February 2009, stated that “the government’s human rights record remained poor”, with serious abuses including “violence and discrimination against women, including female genital mutilation (FGM)”. [3a] (Introduction)
- 25.02 The Organisation for Economic Co-operation and Development’s Social Institutions & Gender Index (SIGI) 2009, undated, provided a “...composite measure of gender discrimination based on social institutions...in five areas: Family code, Physical Integrity, Son Preference, Civil Liberties and Ownership Rights.” The index listed 102 non-OECD [Organisation for Economic Cooperation and Development] countries. [168a] (About the SIGI) The SIGI 2009 listed women in Sudan as subject to a high degree of gender discrimination and rating it as the worst of the 102 countries ranked. [168a] (Interactive map)
- 25.03 The UN Treaty Database, accessed 14 January 2010, recorded that Sudan had not signed or ratified the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). [6aaa]
- 25.04 Sudan had also not signed or ratified the ‘Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa’ (ACHPR website, updated 26 May 2007) [151a] An article dated 18 December 2009 on the Africa for Women’s Rights website confirmed this. [152a]. The website for Strategic Initiative for Women in the Horn of Africa (SIHA) (accessed 15 January 2009), noted that the Protocol, also known as the Maputo Protocol, “follow[ed] in the footsteps of CEDAW in prohibiting all forms of discrimination against women. ...” and providing access to a “comprehensive legal framework.” [153a]

LEGAL RIGHTS

- 25.05 The Department for International Development’s (DfID) country engagement plan for Sudan, undated, accessed 15 January 2010, found that: “In the North, the sharia justice system needs considerable reform...The poorest are also the least aware of their rights. The system is strongly biased against women – who are treated as property – and children, who are vulnerable to abuse and violence.” [8e]
- 25.06 The USSD Report 2008 noted: “Women who filed claims [of domestic abuse] 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.” [3a] (Section 5)

See also: [Domestic violence](#)

POLITICAL RIGHTS

- 25.07 The USSD Report 2008 observed that women had the right to vote. [3a] (Section 5) With regard to the forthcoming elections in April 2010, according to the National Elections Commission (NEC) over 50 percent of women in

Sudan had registered to vote (Carter Center, *Carter Center Commends Broad Participation in Sudan's Registration, Urges Additional Steps to Ensure Genuine Elections*, 17 December 2009) [143a]

See also: [Freedom of expression](#)

25.08 The USSD Report 2008 stated:

“There were approximately 70 women in the 450-seat National Assembly, three national female state ministers, and one female minister in the GNU [Government of National Unity]. The DPA [Darfur Peace Agreement] also includes provisions to ensure the representation of women at all levels of government; however, in practice, there were few women in government in Darfur.” [3a] (Section 5).

25.09 The Freedom House report, *Freedom of the Press 2009, Sudan*, covering events in 2008, released in 16 July 2009 stated: “Female politicians and activists play a role in public life, but they face extensive legal and societal discrimination.” [53b]

25.10 The UN publication *Women in Politics 2008* observed that the percentage of women in unicameral parliaments or the lower house of parliament, as of 1 January 2008, was 18.1% in Sudan (80 out of 443). Sudan was ranked 65th out of 135 countries polled. The percentage of women in ministerial positions as of 1 January 2008, was 6.3% in Sudan (2 out of 32). Sudan was ranked 81st out of 93. [6aae]

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SOCIAL AND ECONOMIC RIGHTS

The following provides a breakdown of the various issues which come under the broad theme of social and economic rights of women. However a degree of overlap in each of these sections does occur.

Marriage

25.11 The Interim National Constitution (INC) recognises under Article 15 the family unit and stated that “no marriage shall be entered into without the free and full consent of its parties.” (Article 15(1)) [94a] The UNICEF Sudan country page, accessed on 15 January 2010, noted that “36 per cent of girls marry before the age of 18”. [40d]

25.12 The Social Institutions & Gender Index (SIGI), Sudan 2009 (SIGI Sudan 2009), accessed 28 February 2010, reported:

“Women in Sudan have a very low level of legal protection in relation to family matters....According to available statistics, early marriage appears to be widespread. A 2004 United Nations report estimated that 21 per cent of girls between 15 and 19 years of age were married, divorced or widowed. This is significantly lower than the figure of 37 per cent stated in the Demographic and Health Survey (DHS) but the difference is explained by the methodology: the DHS statistics account for both registered marriages and unmarried couples living together.

“In accordance with Islamic Sharia law, polygamy is legal in Sudan as is repudiation. Divorce proceedings discriminate against women in that wives have the right to file for divorce but have a much more difficult time obtaining one. Moreover, women almost never exercise this right because initiating divorce is considered a dreadful disgrace for their families.” [168b] (Family Code)

25.13 The USSD Report 2008 stated that: “A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim. Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery. ...” [3a] (Section 5).

25.14 The website of the US Embassy in Khartoum, accessed on 28 February 2010, recorded: “Sudanese legal provisions governing marriage and divorce do not apply to non-Muslims: in mixed marriages, the marriage contract is drawn up according to the national laws of each spouse.” [88b]

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

See also: [Forced marriage](#) and [Children - Basic Legal Rights](#) (for details on the legal age for marriage)

Family rights and customs

25.15 The SIGI Sudan 2009, accessed 28 February 2010, reported:

“By law, parental authority is granted solely to fathers. In the event of divorce, young children usually remain with their mothers, but custody automatically reverts to fathers when sons reach the age of 6 years and daughters reach 8 years... (Family Code) Traditional norms hold that only mothers of sons merit social respect, thus there is a strong preference for sons and mothers tend to provide better care to young boys than to young girls.” [168b](Physical Integrity)

Ownership rights

25.16 The SIGI Sudan 2009 noted that:

“Women in Sudan have virtually no legal right to ownership. They are restricted from having access to land, even in the form of tenancy. Their access to property other than land is equally restricted in that although women can possess assets, it is virtually impossible for them to manage such assets freely. According to Sharia law, women must always defer to their husbands or

male guardians in administering their assets. Widows cannot even manage inherited assets; they must transfer the administration to sons or other male family members.”

“Similarly, women have no access to bank loans; access to all forms of credit is reserved only for men.” [168b] (Ownership rights)

Civil liberties

25.17 The SIGI Sudan 2009 observed: “Women in Sudan face a wide range of restriction to their civil liberties. In fact, the government recently reduced women’s freedom of movement even further by mandating that women and men must form two queues while waiting at public offices. On public buses, women must stand separately in the back.” [168b] (Civil liberties)

25.18 The USSD Report 2008 noted:

“Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum, persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards.” [3a] (Section 5)

25.19 The *Sudan Tribune* reported on 8 September 2009 that a female Sudanese journalist, Lubna Hussein was convicted of “indecent clothing” and ordered to pay 500 Sudanese pounds for wearing trousers. Ms Hussein was arrested in July 2008 along with several other women wearing trousers by the Public Order Police (POP). “Outside the court clashes broke out between Lubna supporters and opponents who called on the court to sentence her to flogging labelling all those who wear trousers ‘prostitutes’”. [12bw]

Freedom to travel

25.20 The USSD Report 2008 observed: “Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly. To obtain an exit visa, children must receive the permission of their father or a paternal uncle. Women cannot apply for exit visas for their children.” [3a] (Section 5)

Access to employment

25.21 The SIGI Sudan 2009 stated: “After marriage, women are expected to remain at home to care for their children. Public opinion generally condemns mothers who leave their children at home in order to work outside the home.” [168b] (Civil Liberties) Whilst the USSD Report 2008 noted: “Women experienced economic discrimination in access to employment, credit, and pay for substantially similar work, and owning or managing businesses. Women were accepted in professional roles; more than half the professors at Khartoum University were women.” [3a] (Section 5)

See also: [Trafficking](#)

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[Go to list of sources](#)**VIOLENCE AGAINST WOMEN****Domestic violence**

25.22 The USSD Report 2008 stated that:

“The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence...The police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available.” [3a] (Section 5)

25.23 The SIGI Sudan 2009 also reported: “Women in Sudan have a very low level of protection for their physical integrity. To date, there are no specific laws prohibiting violence against women, including domestic violence, which is common. Women who file claims are subject to accusations of lying, and the police normally do not intervene.” [168a] (physical integrity)

See also: [sexual violence and harassment](#) below

Prostitution

25.24 The USSD Report 2008 also noted: “Prostitution is illegal but widespread throughout the country.” [3a] (Section 5)

Sexual violence and harassment

25.25 Amnesty International’s (AI) 2009 Annual Report for Sudan, covering events in 2008, noted that: “Incidents of gender-based violence, including rape and other forms of sexual violence, continued...[and that] [t]he operations of a large number of international NGOs committed to addressing violence against women continued being restricted by the government. ...” [16a] The USSD Report 2008 noted that:

“The punishment for rape under the law varies from 100 lashes to 10 years’ imprisonment to death; however, the government did not effectively enforce these provisions. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum. Spousal rape is not addressed in the law. There was no information available on the total number of persons who were prosecuted, convicted, or punished for rape.” [3a] (Section 5)

25.26 The same report stated: “Many victims [of rape] did not report their cases either to family or authorities for fear they would be punished or arrested for ‘illegal pregnancy’. The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.” [3a] (Section 5)

25.27 The USSD Report 2008 also added:

“While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person’s modesty. The penalty for gross indecency is imprisonment of up to one year

and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere.” [3a] (Section 5)

Sexual violence against women in Darfur

25.28 The UN Report of the Panel of Experts observed that gender based violence was an “important manifestation of the localised violence” in Darfur, and concluded that “[t]he Panel’s monitoring has revealed that sexual and gender-based violence is rampant”. [6q] (para 60) Whilst the USSD 2008 observed that “systematic rape of women in Darfur” was a serious problem [3a] (Section 5) and found that:

“There were continued reports that janjaweed, rebels, and government security forces raped women and children. In 2005 the UN noted the ‘widespread and systematic’ prevalence of sexual violence in Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by ‘men in uniform’, and their assailants generally beat them and threatened to kill them.” [3a] (Section 1g)

25.29 The Report of the Special Rapporteur (June 2009) also noted that:

“Reports continue to be received of violence and sexual abuse against women and children by state, non-state, criminal groups and bandits. Although rapes and sexual violence against women/girls, particularly outside IDP camps and towns, do get reported on a regular basis, the inability of UNMAID human rights officers to access many parts of Darfur, makes it difficult to verify these incidents. Victims of sexual and gender based violence (SGBV) often do not file police complaints due to social stigma and lack of confidence in there being effective police action.” [6p](para 48)

25.30 The UN Report of the Panel of Experts, dated 29 October 2009, similarly observed that its own monitoring confirmed that “sexual and gender-based violence continue[d] to be perpetrated throughout Darfur”, with most incidents occurring in rural areas where security was considered “insufficient”. The report went on to note that between July and August 2009 the Panel visited El Fasher, Kabkabiya, Masterei, Morniey, Mukjar, Saraf Jidad, Tawila and Zalingei, and “documented more than 50 individual cases and received testimonies from hundreds of women in these areas.” [6q] (para 64) The report continued:

“In areas prone to sexual and gender-based violence women and girls restrict their movement to areas where they may relatively safely pursue income-generating activities. Those who are driven by need, however, sacrifice their safety and venture outside their safer boundaries, running the risk of abuse and rape.

“Internally displaced persons reported to the Panel dozens of instances of harassment, violence and rape that occurred during the past two years while the victimized women pursued livelihood activities. In Hasa Hisa camp for internally displaced persons in Zalingei, women reported that there are up to 35 incidents per week during the rainy season, when they engage in farming activities.

“One case that demonstrates the frequency and severity of violence against women occurred north of Al Hamadiya camp in Zalingei. A woman who had been raped and suffered a gunshot wound in 2003 while fleeing her village, was again gang-raped and stabbed in the leg on 15 May 2009, while she was collecting firewood with a group of 20 women. The assailants, three armed men in khaki uniforms, inflicted genital injuries upon her and then left her bleeding. Following the incident, she spent 45 days in hospital recovering.

“The Panel has documented cases of sexual assault committed against pregnant women and young girls. On 31 May 2009, Kodo, West Darfur, four armed men wearing military uniforms chased and assaulted a group of women who were collecting firewood ...

“According to residents and community leaders in Kabkabiya, women, who do most of the farming and collect firewood on the outskirts of the town, have been raped by individuals they refer to as Janjaweed.” [6q] (para 65-69)

- 25.31 A joint report by Physicians for Human Rights and the Harvard Humanitarian Initiative (PHR/HHI), dated May 2009, entitled *Nowhere to Turn: Failure of Protect, Support and Assure Justice for Darfuri Women*, which “set out to conduct a systematic assessment of sexual assault and other human rights violations suffered by Darfur women” [154a] found that:

“In Darfur and Chad, a total of 20 confirmed rapes were perpetrated against 17 of the 88 women interviewed, with one woman suffering two assaults in Chad and two women suffering an assault each in Darfur and Chad. An additional 12 instances were considered highly probable by the interviewers. This assessment was based on behaviors and verbal responses to signaling interview questions that were designed to allow expert interviewers to deem a sexual assault likely. Eight of the 88 respondents had witnessed sexual assaults and 30 respondents stated that they were aware of rape incidents occurring in either Darfur (16 respondents) or Chad (14 respondents). For 19 of the women, the interview was the first time they had discussed the sexual assault with anyone.

“In each case of rape, Istanbul protocol-based medical evaluations provided physical and psychological evidence that was highly consistent with women’s specific allegations of rape and other physical abuse. There were no cases in which allegations were either unsupported or inconsistent with the physical and/or psychological evidence observed. These clinical evaluations indicate a very high level of reliability of allegations of rape among the overall sample of women in the PHR/HHI study.” [154a]

- 25.32 The HRW report *Five Years On: No Justice for Sexual Violence in Darfur* (6 April 2008) provides a useful source of information on sexual violence in Darfur, accessible via the link [here](#). [19h]

See also: [Security situation](#), [Children](#) and [Internally Displaced Persons](#)

Protection for victims of sexual violence in Darfur

- 25.33 The USSD Report 2008 stated that only one person was convicted of rape in Darfur during the year. [3a] (Section 1g)

- 25.34 The UN Report of the Panel of Experts, dated 29 October 2009, in considering protection and redress available from the Sudanese authorities for victims of rape in Darfur, observed that in the town of Kabkabiya:
- “... cases that are reported to the local police seldom make it through the judicial system of Kabkabiya since there is no judge there. The last time a permanent judge sat on the bench in Kabkabiya, was in 2007, before members of the counter-insurgency attacked the court house and later, in another incident, attacked the local prison and freed all their imprisoned relatives. Now, a judge is sent from El Fasher to Kabkabiya on an ad hoc basis to consider cases... The local police in Kabkabiya refused to provide details of specific rape cases. While stating that women who work outside the town are exposed to the risk of being raped, the police also explained that the ethnicity of perpetrators is not recorded since the ‘incidence of rape in Kabkabiya is no different from that in other countries’”. [6q] (para 69-70)
- 25.35 The same report also considered that the inter-ethnic conflict which characterised Darfur, had removed traditional remedies of arbitration in which males of the communities would seek redress for each rape. [6q] (para 62) Instead the report contended that inter-tribal fighting had: “...elevated males of some communities or tribes to a level of power that ensures them impunity for acts of sexual and gender-based violence. Community leaders have been undermined and lost their ability to mediate in conflicts. The males of victimized communities have lost the ability to seek redress and thus women are left without protection.” [6q] (para 62)
- 25.36 In turning to the availability of support mechanisms to address sexual-based violence in Darfur, the UN Report of the Panel of Experts, dated 29 October 2009, further noted that although the Government of the Sudan had established the State Committee on Sexual and Gender-based Violence and established dedicated units in police stations across Darfur to combat “violence against women and children”. These had failed to “change the status quo in Darfur”, citing lack of “guidance, financial support and police capacity” as reasons for this. [6q] (para 71)
- 25.37 The same report further observed that the expulsion of the international non-governmental organisations on 4 March 2009 meant that internally displaced women “lost access to the medical and psychosocial support offered by those organisations”. The report went on to note that support had not been replaced, a consequence of which was that “no independent monitoring of localized violence and sexual and gender-based violence currently exists. UNAMID had not been able to fill this gap.” [6q] (para 72)

See also: [Non Government Organisations \(NGO\) expelled in March 2009](#)

Forced marriage

- 25.38 World Plus reported on 9 April 2009 that forced marriage was prevalent in Sudan. The report noted the case of a young Sudanese woman aged 17 whose opposition to a forced marriage to an older man resulted in a severe beating and partial loss of her sight. [25a]
- 25.39 UNICEF reported on 24 July 2009 that: “Early marriage still happens with some regularity in Sudan, most often for girls, who are sometimes as young as

12 when they're married off. Marriage at such an early age can be an obstacle to further education; it can also result in complications should the girl become pregnant before her body is adequately developed." [40a]

See also [Marriage and Children - Basic Legal Rights](#) (for details on the legal age for marriage)

Female genital mutilation (FGM)

25.40 The USSD Report 2008 recorded that: "...The law does not prohibit FGM. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. The government actively campaigned against it. Several NGOs worked to eradicate FGM." [3a] (Section 5) The UNICEF Sudan country page, accessed 15 January 2010, reported that "[FGM] and cutting affects 68 per cent of women and girls – mostly in the north of Sudan." [40d]

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

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

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

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

25.43 A press statement issued by UNICEF on 7 January 2010 however stated that the "article dealing with female genital mutilation/cutting which was taken out of this bill [The Child Act] will be included in the revision of the Criminal Act in the near future". [40p]

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SOUTH SUDAN

- 25.44 Medecins Sans Frontieres reported on 3 September 2009 of "... a drastic escalation in violence across Southern Sudan this year - from the Equatorial States besieged by LRA [rebel Ugandan Lord's Resistance Army] attacks, to the brutal clashes in Jonglei, Upper Nile and Lake States". The source went on to observe that the clashes were different to the traditional 'cattle rustling' that occurred annually and commented "... [w]omen and children, usually spared in this fighting, are now deliberately targeted and the number of deaths [is] higher than the number of wounded." [41h]
- 25.45 The USSD Report 2008 reported that there were cases where Southern Sudan Police Services (SPSS) officers and SPLA (Sudan People's Liberation Army) officers reportedly raped women, often with impunity [3a] (Section 1c) and that security forces frequently arrested and detained women in Southern Sudan on suspicion of adultery. [3a] (Section 5)
- 25.46 The same source further reported that the Government of Southern Sudan agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. [3a] (Section 5).

See also: [Security situation](#), [Internally Displaced Persons](#) and [Children](#)

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26. CHILDREN

OVERVIEW

26.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued.” [3a] (Section 5) The same report observed:

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

26.02 The UN Treatise website, confirmed that Sudan signed the Convention on the Rights of the Child (1989), on 24 July 1990 and that it was subsequently ratified on 3 August 1990. [6aab]

26.03 The UNICEF Sudan country page, accessed on 15 January 2010 noted

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

26.04 The same source stated:

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

26.05 The UNICEF website, Darfur Overview, undated, accessed 15 January 2010 observed that in Darfur 4.7million people were “currently directly affected by the conflict... [and that] ... [h]alf of those affected by the conflict are children; of these, nearly 700,000 (the under-five population) have grown up knowing nothing but conflict.” [40o]

26.06 The USSD Report 2008 also noted that:

“There were continued reports that janjaweed, rebels, and government security forces raped women and children. In 2005 the UN noted the ‘widespread and systematic’ prevalence of sexual violence in Darfur directed against women and girls, and this trend continued during the year. Women and girls in IDP camps frequently reported rapes by ‘men in uniform’, and their assailants generally beat them and threatened to kill them.” [3a] (Section 1g)

See also: [Sexual violence against women in Darfur](#)

26.07 [The UNICEF website for Sudan](#) also provides statistics and detailed information on the basic demographics regarding children. [40c] Additional statistical Information can also be accessed via the following UNICEF webpage via the link [here](#)

More generally this section should also be considered together with the section on [Women](#)

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Basic legal information

26.08 The Interim National Constitution (INC) states in Article 14 that: “(1) The State shall adopt policies and provide facilities for child and youth welfare and ensure that they develop morally and physically; and protect children from moral and physical abuse and abandonment.” [94a] (p7)

26.09 The website of the US Embassy in Khartoum, accessed on 18 January 2010, reported that: “Male applicants [for Civil Marriage] must be at least 18 years old, while females must be at least 16 years old. If an applicant does not meet the age requirements, then he/she must obtain the consent of the parents or the Khartoum Province Judge. “ [88a] However the USSD Report 2008, dated 25 February 2009, recorded that: “The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child marriage was a problem. ” [3a] (Section 5)

26.10 The UN Report of the Special Rapporteur (June 2009) reported that: “On 5 February 2009, the Council of Ministers approved a new draft Child Bill, containing several positive provisions, including criminalisation of child sexual exploitation and abuse, establishment of a comprehensive juvenile justice system and definition of a child as a person not yet 18 years old.” [6p] (para 26)

26.11 Furthermore on 7 January 2010, UNICEF in a statement reported that: “UNICEF’s Representative in Sudan, Nils Kastberg, welcomes the ratification

of the Federal Child Act which is being officially celebrated today... The law increases the minimum age of criminal responsibility from seven to 12 years and clearly defines children as being anyone under the age of 18-years-old. ... It also abolishes the death penalty for anyone under 18-years-old and spells out alternative measures for dealing with child offenders,' Mr Kastberg added. ...He said 'We welcome the fact that this law also lays out much harsher punishments for those found guilty of committing crimes against children including rape.' ...Mr Kastberg said he was delighted to see that the new act established special provisions and protection for children with disabilities. ...He noted that the act also established support for child victims of crime, provided increased protection for street and working children including decriminalizing those living on the streets." [40p]

See also: [Marriage](#)

- 26.12 The Child Soldiers' Global Report 2008 recorded the voting age and the age at which boys became liable to do military service as 18 years old. [42a] Whilst the USSD 2008 Report noted that "The legal minimum age for workers was 18 years" [3a] (Section 6d)

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VIOLENCE AGAINST CHILDREN

Child soldiers

- 26.13 The USSD Report (2008) observed that:

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

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

- 29.14 The Child Soldiers' Global Report 2008 stated:

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

- 26.15 The same report also noted that: "Thousands of child soldiers were recruited

and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR [Disarmament, Demobilization and Reintegration] efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south.” [42a]

- 26.16 The US State Department’s Trafficking in Persons Report, 16 June 2009, also observed that “[f]orcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan’s concluded north-south civil war was previously commonplace; thousands of children still associated with these forces await demobilization and reintegration into their communities of origin.” [3f] (p22)

See also: [Trafficking](#)

- 26.17 More recently the UN Report of the Panel of Experts, dated 29 October 2009, in considering the situation in Darfur, reported on the use of child soldiers as follows:

“Despite efforts on the part of the international community to help eliminate the practice of recruitment of child soldiers in the Darfur region and in eastern Chad, Panel investigations indicate that the practice continues unabated....”

“The Government of the Sudan has not been transparent concerning the disarmament and reintegration of Janjaweed, as demanded by Security Council resolution 1556. Therefore, the Panel cannot confirm whether child soldiers formerly serving with these militias may have been integrated into CRP, the Border Guards and PDF, which all have children under the age of 18 among their ranks.” [6q] (para 241 & 243)

See also [Other Government forces](#) for information on the continued presence of the Janjaweed and the incorporation of former Janjaweed fighters into the government forces

- 26.18 On the issue of recruitment of child soldiers by the Justice Equality Movement (JEM), the UN Report of the Panel of Experts stated that JEM’s leadership had contested previous findings made by the Panel (see report S/2008/647) regarding use of child soldiers, although conceded that owing to “very few cases of mistaken recruitment, some children might have fallen through the Movement’s screening system’.” The report went on to admit that JEM leadership did engage “in recruitment drives in eastern Chad”, and was unable to “provide evidence of adequate mechanisms that prevent the recruitment of children.” The report further provided details of individuals under the age of 18 whom the Panel had identified on JEM recruitment lists and who had participated in recent fighting (see Table 3). [6q] (para 244-246)
- 26.19 The UN Report of the Special Rapporteur, dated June 2009, noted that with regard to “forcibly recruited child soldiers captured by Government security forces during and after the JEM attack [in May 2008], authorities took the commendable decision to exempt 106 from prosecution and allow their return and reunification with their families between September and November 2008.” [6p](para 31)
- 26.20 However the same report noted that the Special Rapporteur expressed

concerns over other children who remained detained with adults and some who were tried and even sentenced to death, “[f]our reported 17 year-olds are currently on trial for alleged participation, while one 17 year-old and one reported 16 year-old were sentenced to death in July and August 2008”. [6p] (para 31)

See also: [Military service](#)

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Forced labour

- 26.21 The USSD Report 2008 noted that: “The law prohibits forced or compulsory labor, including by children; however, such practices continued. Including abduction, forced labor, and sexual slavery of women and children.” [3a] (Section 6c) The report also noted that many children were abused, abducted, or used as slaves and that child labour remained a problem. [3a] (Section 5)
- 26.22 The USSD Report 2008 added: “The Ministry of Social Welfare, Women, and Child Affairs has responsibility for enforcing child labor laws; however, enforcement was ineffective.”
- “Although mandated by the Interim National Constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.” [3a] (Section 6d)
- 26.23 The same source further added that: “Child prostitution, trafficking of children, and sexual abuse of children remained problems ... Children engaged in prostitution for survival, usually without third-party involvement.” [3a] (Section 5)
- 26.24 The USSD Report 2008 also added that: “A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or used them for forced labor.” The report also cited other such incidents involving the SAF and the Popular Defense Forces (PDF). [3a] (Section 1g)

For further information on recruitment of children into the Janjaweed refer to the section on [Child soldiers](#). Also see: [Sexual violence against women in Darfur](#)

- 26.25 IRIN News reported on 22 January 2009 that the lack of opportunities in Sudan is forcing children into work:
- “Many children are being forced to work as the state, which was badly affected by Sudan's 21 years of conflict, grapples with reconstruction challenges. The state is mainly inhabited by the Nuba (central highland tribes) and Baggara Arabs (the Hawazma and Misseriya). A lack of development has also led to discontent. ‘Signs of insecurity are widespread in the western area where grievances about lack of access to services and employment and the blockage of pastoralist movement towards the South have led a number of Misseriya youth to resort to armed violence’.” Said Sara Pantuliano, a

research fellow at the Humanitarian Policy Group of the Overseas Development Institute.” [10g]

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CHILDCARE AND PROTECTION

- 26.26 The National Council for Child Welfare of Sudan, had responsibility for “policy-making, planning and coordination among ministries, organizations and bodies to ensure the right of children to survival, protection, care and development and to identify specific needs of children scientifically.” [169a] For further details refer to their website via the link [here](#)
- 26.27 SOS Children, the world's largest orphan and abandoned children's charity reported on its website, undated, that:
- “... The biggest challenge facing governments and NGOs in Sudan is the plight of nearly 2 million refugee children in Darfur. The poor living conditions of children in the refugee camps can only make the incidence of HIV/AIDS rise. Currently (2005) the incidence is relatively low - 2.3%. There is no estimate of the number of AIDS orphans.
- “SOS Children, through the SOS Social Centres, has been supporting the local community with health and education programmes. In addition the charity is supporting and implementing the national and regional programme - Unite for Children Unite against HIV/AIDS.” [136a]
- 26.28 In considering the capacity of NGOs to support children in need in Sudan, it was noted that Save the Children USA in a press release, dated 12 June 2009, confirmed that in March 2009, the government of Sudan cancelled its registration, along with several other international non-governmental organisations and ceased its operations. Save the Children USA had since closed down its programmes in northern Sudan. [24f]
- For further information on the impact the NGO expulsions have had on Sudan see: [Non Government Organisations \(NGO\) expelled in March 2009](#)
- 26.29 Save the Children, in a briefing paper on Sudan dated 2008/09, noted that: “Children living on the streets are harassed by police and often detained and punished for minor offences. We're advocating with government and communities to protect the rights of these very vulnerable children, and to prevent their unlawful arrest and detention.” [24e] However a statement from UNICEF, dated 7 January 2010, on the ratification of the Federal Child Act, remarked that: “the act also established support for child victims of crime, provided increased protection for street and working children including decriminalizing those living on the streets.” [40p]

Care homes

- 26.30 The Children's Rights Information Network (CRIN) reported on 3 July 2007 that the UN Children's Fund and Sudanese authorities have launched a campaign to prevent people from abandoning infants and to find temporary families to avoid placing the children in institutions. “A joint assessment carried

out in 2003 by the Government and UNICEF found that an estimated 100 newborns were being abandoned on the streets of the capital Khartoum every month. 'Half of these were dying on the streets, the others left with no alternative but institutional care', the agency stated." [71e]

26.31 The report added:

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

26.32 The report continued:

"The launch of the initiative coincides with the planned closure of Khartoum's largest orphanage, Maygoma, which in 2004 received nearly 700 new referrals despite concerns over the quality of care being provided to abandoned children. In the last three years, as the pilot family care programme was developed and non-governmental organizations assisted in the management of the orphanage, more than 2,500 children were moved to the family care system." [71e]

26.33 The USSD Report 2008 recorded that:

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

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EDUCATION

26.34 The CIA World Factbook, last updated 15 December 2009, reported that education expenditure was 6% of GDP (1991), which ranked Sudan 42nd in the world against a total of 182 countries. [2a]

26.35 The Department for International Development (DFID) website, Key Facts, undated (accessed 15 January 2010) noted that "the difference in the proportion of girls to boys attending primary and secondary schools" was comparatively favourable at "0.87:1.00 and 0.96:1.00 ... (2006)" respectively. [8c]

26.36 The Encyclopedia Britannica reported that a "modern educational system was established in The Sudan in the 1970s". [62a] Under restructuring of the education system in 1992 primary education, which was made compulsory in

1998, began at the age of six, followed by three years of secondary education (either academic or vocational). [62a] “The primary language of instruction in the nation’s primary schools is Arabic”. [62a] The same source continued:

“In addition to the University of Khartoum, [higher education](#) is provided by several universities, including Omdurman Islamic University, which trains Muslim clerics and scholars, and Ahfad University for Women, also in Omdurman. National universities that emphasize scientific and technical training were opened in the 1970s at Wad Madanī and at Juba. Between 1990 and 1995, the number of universities in The Sudan more than doubled—the result of government efforts to expand opportunities for higher education. English was formerly the medium of instruction in the nation’s universities and secondary schools but has now been largely replaced by Arabic.” [62a]

26.37 The USSD Report 2008 reported:

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

26.38 The UNICEF country webpage on Sudan, accessed 15 January 2010, observed that:

“The primary school age population in Sudan - made up [of] children between the ages of seven and 14 years - is estimated at 9 million. The Federal Ministry of General Education reports that in the northern states gross enrolment has increased from 60.2 per cent in 2005 to 67.8 per cent, while data from Southern Sudan indicates that enrolment has almost trebled from 343,000 in 2005 to over 1.2 million in 2007. Overall, the 2006 Sudan Household Health Survey reported that only 53 per cent of children are actually attending classes at any level (although the rapid increase in enrolment in Southern Sudan has probably superseded these statistics already), and 49 per cent of girls are missing out on their primary education.

“The UN Common Country Assessment for 2007 identified a number of constraints on education in Sudan; these included inadequate government investment, low coverage and inequitable access, poor quality, and low primary school completion rates. In Southern Sudan, limited physical access to schools is a major obstacle to enrolment, with an average of one school catering for more than seven villages (Rapid Assessment of Learning Spaces, 2006). Many teachers - notably in Darfur and in Southern Sudan - are volunteers, supported by the communities themselves. In Southern Sudan, teachers in more than one-third of schools have received little, if any, training.

“Government investment in primary education is less than international

standards. A UN Joint Assessment Mission in 2005 revealed that in the north of Sudan, less than 1 per cent of Gross Domestic Product is being spent on education - to meet the world's Education For All targets on public expenditure, Sudan must strive for an annual increase in the share of GDP allocated to education of at least 1 per cent for the next five years." [40q]

- 26.39 In considering the availability of education provision within Darfur, the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA), report dated 28 May 2009, noted that education in Darfur had been affected by the expulsions of NGOs in March 2009, but recorded that in agreement with the Ministry of Education in Zalingei, UNICEF would support eight schools in Nertiti area which were previously supported by suspended NGOs. [6f]

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HEALTH AND WELFARE

- 26.40 The CIA World Fact Book, updated 15 December 2009, noted that the infant mortality rate in Sudan was 82.43 deaths per 1,000 live births. Sudan was ranked 16th out of 224 surveyed, with the highest mortality rate found in Angola, with 180.21 deaths per 1,000 live births. [2a]
- 26.41 The USSD Report (2008) noted that: "The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued." [3a] (Section 5)
- 26.42 The UNICEF country website on Sudan, accessed 15 January 2010, reported:

"An estimated 15 per cent of Sudan's population is aged below five years (Sudan Household Health Survey, 2006) - approximately 5.9 million children fall into this age group. They face significant threats from diarrhoeal disease, malaria, acute respiratory infections and vaccine-preventable diseases such as measles, meningitis and yellow fever - more than 1 child out of every 10 born in Sudan will not survive to her or his fifth birthday."

"... Less than one-third of children receive all the recommended vaccinations before their first birthday, leaving them exposed to diphtheria, tuberculosis, measles and polio. While vaccination coverage appears to increase during the second year of a child's life, there remain considerable disparities between states - for example, diphtheria vaccination rates are above 85 per cent in two states, but lower than 20 per cent in seven others. The proportion of fully immunized children ranges amongst states from a high of 72 per cent to a low of just 5.5 per cent."

"According to the Sudan Household Health Survey, more than 28 per cent of children under the age of five had experienced diarrhoeal disease just prior to the survey. More than 40 per cent of affected children received no treatment. More than 40 per cent of the population has no access to safe water supply, while 69 per cent of the population has no adequate sanitation, both factors contributing to diarrhoeal disease."

"... Infants also face societal threats in parts of Sudan. Based on research

undertaken in 2003, evidence indicated that an average of 110 new born babies were being abandoned in Khartoum every month, with half estimated to die before receiving any assistance. Economic pressure on families, and the stigma associated with children born out of wedlock are major factors leading to abandonment.” [40r]

See also: [Medical issues](#)

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SOUTHERN SUDAN

Legal rights

- 26.43 The Child Act 2008 introduced by the Government of Southern Sudan (GOSS), published on 13 January 2008, sets out a range of statutory protections, including protection from sexual abuse and gender-based violence; forced labour and harmful and cultural social practices, including female genital mutilation. [155a] The Act also sets the minimum age of criminal responsibility at 12 years of age. [155a] (Article 138) For further details access the act directly via the link [here](#).
- 26.44 “[T]he new Southern Sudanese Penal Code Act of August 2008 and Child Act of October 2008 also criminalise FGM.” (Report of the special rapporteur on the situation of human rights in the Sudan, dated June 2009) [6p] (para 27)

Violence against children

- 26.45 The USSD Report 2008 noted that: “In the south, child labor laws were rarely enforced.” [3a] (Section 6d) Furthermore that “[c]hild prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement.” [3a] (Section 5)
- 26.46 Whilst on the subject of child conscription, the US State Department Trafficking in Persons Report, 16 June 2009, reported:
- “Although the Sudan People’s Liberation Army (SPLA) high command committed to preventing recruitment and releasing the remaining children from its ranks, reports suggest some local commanders continue recruiting children. In certain states, the SPLA also persists in using children for military activities, even after these children have been formally identified for demobilization and family reunification.” [3f] (p22)
- 26.47 Similarly the UN Security Council Report, dated 14 July 2009, noted “... The position of SPLA High Command of no longer recruiting children into their forces is not widely implemented by field commanders, who continue to hold boys and girls under 18 in their ranks.” [7f]
- 26.48 The UN Security Council Report, dated 14 July 2009, noted:
- “During the inter-tribal clashes between the Murle and Lou Nuer in Jonglei State, more than 200 children were reportedly abducted and unconfirmed numbers were killed and displaced. In collaboration with local authorities, community

leaders and non-governmental organization partners, UNMIS and the United Nations Children's Fund are leading efforts to systematically register missing children. Tribal mediations have not been successful in ensuring the return of abducted children to their communities. The abductions also constitute a violation under the newly promulgated Southern Sudan Child Act." [7f]

- 26.49 The USSD Report 2008 stated that: "The LRA [Lord's Resistance Army], which used child soldiers, continued to operate in the south despite its 2006 signing of an agreement to cease hostilities. The LRA abducted adults and children in the south." [3a] (Section 5)
- 26.50 The New Sudan Vision reported, on 22 June 2009, that: "Hundreds of Children gathered at the freedom square on Tuesday, June 16, 2009 in Yambio, to commemorate the day of the African Child and to call for an end to child abductions carried out by Uganda's Lord Resistance Army (LRA) in Western Equatoria State, Southern Sudan. "The children started the day with a grand march from the county headquarters to the freedom square located at the heart of Yambio town, where leaders delivered keynote speeches to highlight the theme of the day and made pledges to work together for the welfare and survival of the children in Western Equatoria state." [89a]
- 26.51 CBS News reporting a statement by the UN on 8 July 2009 noted that tribal fighting in south Sudan had had a significant and negative impact on women and children, with estimates of approximately 1000 deaths since January 2009. The report also noted that, "[f]ighting between tribes in southern Sudan has increasingly targeted women and children and likely killed more than 1,000 people since January [2009]". [64]

Education

- 26.52 A UNICEF snapshot report, dated 28 August 2007, reported that:
- "In Southern Sudan, estimated Gross Enrolment (GE) in primary schools has reached 1.2 million children, including 400,000 who have enrolled in 2007. Since 01 January, the United Nations Children's Fund (UNICEF) has provided 11,378 student kits, 13,718 teacher kits, and 9 million exercise books, to support the increased demand for primary education. A total of 150 programme trainers and tutors were trained for fast-track training of teachers, 1,300 teachers were trained, and 1,100 teachers also received English language training." [6aad]
- 26.53 However the USSD Report 2008 observed: "In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent." [3a] (Section 5)
- 26.54 Similarly IRIN News reported on 13 July 2009, that there have been improvements in education in South Sudan, but this has mainly benefited boys. "School enrolment across Southern Sudan has trebled since a 2005 peace agreement ended almost 20 years of war with the north, but the number of girls in class has remained significantly lower than for boys." [10m]
- 26.55 The UN refugee Agency (UNHCR) report, 6 July 2009:

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

See also: [Women](#)

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27. TRAFFICKING

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

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

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

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

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

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

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28. MEDICAL ISSUES

- 28.01 The CIA World Fact book – Sudan, updated on 15 December 2009 noted that the average life expectancy at birth was:
- total population: 51.42 years.
 - the male population: 50.49 years.
 - the female population: 52.4 years (2009 est.) [2a]
- 28.02 The World Health Organisation (WHO), reported that general government expenditure on health as a percentage of total government expenditure was 6.3% (2006), with a relative decline in expenditure from a recent high in 2001 of 8.9%. [44k] The WHO statistical information system (WHOSIS) allows for customised searches to be carried out against a range of medical indicators. To access the database, click on the link [here](#)

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 28.03 The International Organisation for Migration (IOM) publication '*Returning to Sudan: Country Information*', dated 3 December 2009, (IOM Country Information 2009) commented on the health system in Sudan and noted that "[t]here are 3 levels of Health care, primary health care, secondary health care and tertiary health care" The various levels provided the following services:

"Primary health care includes: provision of essential drugs; provision of safe water; child health care; Antenatal care; Health education; Vaccination; Mental health care; Maternal health care

"Secondary health care includes: Specialized hospitals and teaching hospital which are scattered all over Sudan

"Tertiary health care includes: More advanced specialized hospitals mainly found in the Capital." [79i] (p3)

- 28.04 The WHO publication, *Country Cooperation Strategy for WHO and Sudan 2004-2007*, published 2006, commented on government health policy and organisation, as follows:

"The Ministry of Health (MoH) document Country strategy notes, covering 1992–2002, represents the framework for the national health policy. This policy is based on the primary health care (PHC) approach. A new strategic plan, with a 25-year timeframe, is in the final stages of development. ...

"The delivery of care is organized in three tiers. The first level consists of PHC units (providing 'essential PHC services') dressing stations (delivering curative care for common diseases), dispensaries (managing more serious cases) and health centres (which include laboratory and Xray units, but no inpatient wards). The second level (first referral) is represented by rural hospitals. Specialized and teaching hospitals in the state capitals, offering more developed services, represent the tertiary (second referral) level.

"Primary level health facilities represent 95% of the total network, while the

two higher levels contribute only 5%. ... From the mid-1990s, there has been a small increase in the number of hospitals and a decrease in the number of beds. This trend reflects a decrease in first level facilities and an increase in referral units. This could be a response to a number of factors: population movements from rural to urban areas, concentration of cadres in the capitals, difficulties in ensuring regular supplies and management at the periphery. However, when population growth is taken into account, it can be seen that while the number of hospitals has remained stable, their functional capacity has decreased.” [44i]

- 28.05 The FCO, travel advice website, last updated 9 January 2010, reported that: “As a general rule, GP facilities in Khartoum are adequate but the hospitals are not suitable for elective problems and only suitable for stabilisation of serious medical problems prior to evacuation.” [4i]

State or private healthcare

- 28.06 IOM Country Information 2009 reported that:

“Medical treatments are available through the government hospitals which are almost free of charge for vulnerable and emergency cases. Medical treatment is also available in private hospitals or clinics and their fees vary.

In governmental hospitals Emergency section patients are eligible for the following fees:

- Entry fees 2 SDG (0.54 Euro).
- Consultation with a General Practitioner is free of charge
- Samples analysis are free of charge.
- The patient has to pay the medicine according to the kind that was prescribed in the hospital. ...” [79i] (p4)

Medicine availability

- 28.07 IOM Country Information 2009 reported that: “Nearly all types of medication are available but there are some types of drugs that are not registered in Sudan but an alternative will be usually available. The cost varies according to the manufacturing company.” [79i] (p4)

- 28.08 The Federal Ministry of Health, National List of Essential Medicines (fifth list 2006), forms part of the Ministry’s national drug policy (NDP) and provides a list of drugs selected by the Ministry of Health for a variety of clinical needs. The list also gave details of the ‘levels of use’ of each medicine, and through what sector of care the medicine would be available. [170a] (Introduction) For further details refer to the [National List of Essential Medicines \(fifth list 2006\)](#)

For details on the minimum wage in Sudan see: [Economy](#)

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HIV/AIDS - ANTI-RETROVIRAL TREATMENT

- 28.09 The CIA World Factbook reported that the estimated number of people in 2007 with HIV/AIDS was 320,000 and that the number of adults and children who died of AIDS during 2007 was 25,000. The WHO Statistical Information System (WHOSIS) database, accessed 15 January 2010, reported that the prevalence of HIV among those of 15 years of age or under was 1,454 per 100,000 population, based on 2005 datasets. [2a]
- 28.10 The WHOSIS database, accessed 15 January 2010, also reported that “antiretroviral therapy coverage among people with advanced HIV infections” was 1%, based on 2006 datasets. Data for previous years was not listed.” [44k]
- 28.11 The United Nations Development Programme (UNDP) on its website, dated 2009, reported on the state of HIV/AIDS in Sudan and noted that the country is the most severely affected in North Africa and the Middle East, and mostly in need of antiretroviral therapy (ART). [98d] As noted:
- “According to the national survey conducted by the Sudan National AIDS Programme SNAP in 2002, Sudan is the most severely affected country in North Africa and the Middle East with an estimated 500,000 people living with HIV/AIDS, and mostly in need of antiretroviral therapy (ART). Despite the fact that the epidemiological data is limited, it is believed that the country is in the early stages of a generalized HIV/AIDS epidemic, with an almost exclusively heterosexual transmission pattern. The adult prevalence rate of HIV/AIDS has been estimated at 1.6%, with specific population group prevalence rates ranging from 0.5% to 2.5% in the northern part of the country.” [98d]
- 28.12 With regard to available drug treatment for HIV/AIDS, UNAIDS Epidemiological Fact Sheet on HIV and AIDS, updated in September 2008, reported that there were 27 sites offering Anti-Retroviral Therapy (ART) in 2007, with an estimated 1,200 people receiving ART.” [140a]

MENTAL HEALTH

- 28.13 The World Health Organisation (WHO) Mental Health Atlas: Country Profile on Sudan 2005 reported that most major initiatives of the mental health care system in Sudan were formulated in the mid- to late-1990s. [44d] (**Mental Health Resources**) It recorded that there were few psychiatric beds or professionals in relation to the population, with only 0.2 psychiatric beds per 10,000 population, 0.09 psychiatrists and 0.17 psychologists per 100,000 population in 2005. [44d] (**Psychiatric Beds and Professionals**) It also stated that: “Many mental health professionals including most psychiatrists have left for other countries.” [44d] (**Psychiatric Beds and Professionals**) And that: “Sudan has the experience of using traditional healers for provision of mental health services. ... Community care is absent due to the lack of proper transportation, lack of social workers and poor health education.” [44d] (**Mental Health Facilities**)
- 28.14 More recently, the WHO Country Office in Sudan website, undated, accessed on 28 February 2010, reported:
- “On 25 November 2008, the FMOH [Federal Ministry of Health] organized a seminar to discuss Sudan Mental Health policy proposal that was drafted by a group of national experts with WHO’s technical assistance. ...

“The policy, emphasized the need to establish a ‘National Center for Mental Health’ at Eltigani Elmahi Teaching Hospital for Psychiatric [sic]. The center will be mandated to sustain quality multidisciplinary Mental Health services and academic teaching that are articulated on evidence based practices and community partnership in response to users rights.

“In addition, the FMOH will establish a ‘National Council for Mental Health’ that will be mandated to: Elaborate nationwide Mental Health strategies, revise and propose related laws, put in place a clear mechanism to coordinate, follow-up and evaluate all efforts made by public institutions in the Mental Health domain. The Council - that will be presided by the Minister of Health - will be composed of representatives of: Ministries, NGOs, syndicates and media experts.” [44m]

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29. HUMANITARIAN ISSUES

OVERVIEW

- 29.01 The Human Development Report 2009, recorded that against the Human Poverty Index (HPI-1) Sudan was ranked 104th out of 135 countries for which the index had been calculated. The index was measured on the following indicators – probability of not surviving to age 40; adult illiteracy rate (persons of 15 years and over); people not using improved water source and numbers of 5 year old children who were underweight. [6aaf]
- 29.02 Doctors without Borders reported in a press release dated 21 December 2009, that the humanitarian medical crisis in Sudan was listed among its annual “top ten” humanitarian crises. [93c] For further details refer to the section on medical issues via the link [here](#).
- 29.03 The Department for International Development’s (DFID) PSA Country Report: Sudan summarised the development challenges in Sudan as follows:

“Sudan’s near-middle income status conceals great poverty and inequality between different communities. Pro-poor spending is amongst the lowest in Africa. Conflict-affected areas see minimal peace dividends and rising tensions. Progress on democratic transformation is slow. The southern government is weak and largely unable to deliver basic services, while the drop in oil prices has triggered a fiscal crisis. Darfur remains the world’s largest humanitarian operation. Although successful in providing a lifeline to millions, the operating environment remains difficult. A number of key NGOs were expelled in 2009. Peace is a prerequisite for sustainable development in Darfur.” [8f]

DARFUR

- 29.04 The USAID’s Complex Emergency Disaster Declaration on Sudan, dated 10 January 2009, observed that “In Sudan’s western region of Darfur, approximately 2.7 million people remain displaced.” The same report further commented that continued insecurity in the region “hamper the provision of humanitarian relief.” [156a](Complex Emergency 10-01-2009)

See also: [Security situation](#) and [Internally Displaced Persons](#)

- 29.05 In considering the humanitarian impact of conflict in Dafur, the African Union High-Level Panel Report on Darfur (AUPD), published on 29 October 2009 found:

“The war has witnessed the collapse of livelihoods. In many areas, farming has been abandoned. Pastoralism has suffered because of the collapse of markets and the closing of nomadic routes. The mass displacement has fuelled urbanisation and it is probable that many of those currently in IDP camps, or displaced in the towns, will end up as long - term urban residents, reliant on new forms of livelihood. A war economy has grown, so that there are people with vested interests in continued lawlessness. The task of reconstruction will be more than rebuilding infrastructure, providing

employment and replacing assets - it will require a strategic plan for the rehabilitation of the social economy of Darfur.” [12br] (para 126-127)

INTERNATIONAL HUMANITARIAN RELIEF OPERATIONS

29.06 The scale of the international humanitarian aid operation in Sudan is significant; the USAID agency reported the US government had provided more than \$6 billion in assistance since 2005 (USAID Sudan Country Profile, undated, accessed 15 January 2010) [156b], whilst the International Committee of the Red Cross (ICRC) reported that it’s operation in Sudan was the organisation’s “largest worldwide” [22d], with considerable resource employed in providing humanitarian relief to the Darfur region. [22e] The UNHCR webpage for Sudan listed 2010-2011 UNHCR partners operating in Sudan. The webpage can be accessed via the link [here](#). For details of DFID-funded projects refer to the following link [here](#).

29.07 In considering the NGO expulsion in 2009, the Report of the Special Rapporteur, dated June 2009, observed:

“The March 2009 expulsions of international NGOs, and revocation of three national NGO licenses has the potential to undermine the rights to health and adequate standard of living for more than one million conflict-affected civilians in Darfur. Reports were immediately received in Zam Zam IDP camp, North Darfur, of water shortages, delays in food distribution and lack of adequate medical services. In Kereneq, West Darfur, medical services, particularly reproductive health, were seriously affected and, as of May 2009, only one doctor was available to treat more than 35,000 beneficiaries. Difficulties in delivery of humanitarian assistance were also reported in Kalma IDP camp, South Darfur, and in Kass, West Darfur, where gaps were reported in the sectors of water and sanitation, and health services.”

29.08 The Report of the Secretary-General on the African Union-United Nations Hybrid Operations in Darfur (16 November 2009) similarly recorded:

“During the reporting period, efforts continued to fill the gaps in the delivery of humanitarian services created by the 4 March 2009 expulsion of 13 international NGOs and the dissolution of three national NGOs. The initial joint assessment of the Government of the Sudan and the United Nations in the four life-saving sectors enabled gaps to be addressed and averted an immediate crisis, but the sustainability of these initial actions remains a critical issue. In remote locations, international presence has been reduced by 50 per cent, as compared to pre-March 2009 levels....” [147a](para 28)

“These shortages have contributed to an increase in malnutrition levels, particularly in rural areas, where relief assistance is stretched beyond capacity. In addition, of an estimated 800,000 households that have been left without humanitarian support in the food security and livelihoods sector, more than 40 per cent have not received vital seeds and tools. Livestock vaccination in Darfur remained below 20 per cent of the planned target, while environmental resource protection coverage was insignificant owing to limited funding, despite continued natural resource degradation. In the education sector, expulsions of NGOs left a significant gap, with 27 of 70 administrative localities either partially or not at all covered, potentially eroding gains achieved during the past years. There is an outstanding gap of some 9,100 new teachers in Darfur. ...” [147a] (para 29)

- 29.09 For further details on the humanitarian impact of the NGO expulsions, refer to an assessment conducted jointly by the Sudanese humanitarian authorities and the United Nations ([Government of Sudan – United Nations, Joint Assessment Mission to Darfur, 24 March 2009](#)) [68u]
- 29.10 The Human Rights Watch Report *The Way Forward: Ending Human Rights Abuses and Repression across Sudan*, dated October 2009, stated that: “In May the government agreed to allow some organizations to return to Darfur under different names, yet six months after the expulsions none is yet operational.” [19k](p18) The source went on to note: “The UN secretary-general reported that as of June 30, 2009 the number of international and national aid workers in Darfur had dropped from 17,700 to 12,658. Experienced humanitarian staff warn that the loss of capacity, expertise, institutional memory, and relationships with communities in Darfur will continue to impact on the operation for years.” [19k] (p18)

For further details on the closing down of NGOs and how this has impacted on protection of human rights, refer to the Human Rights, Institutions and Activists subsection [Non Government Organisations \(NGO\) expelled in March 2009](#)

SOUTHERN SUDAN

- 29.11 The USAID’s Complex Emergency Disaster Declaration on Sudan, dated 10 January 2009, observed that “During 2009, a marked increase in inter-ethnic conflict and Lord’s Resistance Army (LRA) activities has led to large-scale displacement, contributed to food insecurity, and limited access to affected populations in Southern Sudan.” [156a] (Complex Emergency 10-01-2009)
- 29.12 Doctors without Borders reported in a press release dated 21 December 2009, that the humanitarian medical crisis in Sudan was listed among its annual “top ten” humanitarian crises. Specifically the report acknowledged that “people in southern Sudan faced a deteriorating situation marked by escalating violence, disease outbreaks and little or no access to healthcare.” [93c]
- 29.13 The Report of the Secretary-General on the United Nations Mission in the Sudan, 21 October 2009, reported that:

“In Southern Sudan, the humanitarian situation has deteriorated sharply and inter-tribal violence and attacks by LRA have resulted in the displacement of approximately 250,000 people, including 25,000 refugees who have fled the Democratic Republic of the Congo and the Central African Republic since January 2009. The situation faced by communities affected by inter-tribal fighting in Upper Nile, Eastern Equatoria, Warrap, Jonglei and Northern Bahr El Ghazal has been further aggravated by high cereal and low livestock prices and poor rainfall during the rainy season. Consequently, as many as 1.5 million people are facing severe food insecurity between August and December 2009 and malnutrition rates are rising in some of the most vulnerable areas.

“The current budgetary crisis in Southern Sudan, the result of falling oil prices and revenues and the global economic downturn, continues to hamper the anticipated transition from humanitarian to early-recovery programming. While United Nations agencies and partners continue to proactively respond to the evolving context — which includes working closely with the Government of

Southern Sudan to develop a fiscal package in response to the budget crisis — the emergence of critical gaps in the provision of essential services remains a significant risk. United Nations agencies, together with non-governmental organization partners, have scaled up their operations in support of efforts by local authorities to stabilize the situation in affected areas. As part of this effort, United Nations agencies issued an emergency action plan to address the food gap, requiring an additional total amount of \$57,155,456. The United Nations country team is actively involved in mobilizing voluntary contributions to support efforts by local authorities to stabilize the situation in affected areas. South Sudan”. [7b]

For further details on the latest Humanitarian aid situation in Sudan (north and south), refer to the [UN Information Gateway Sudan](#) and the various publications listed under the library

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30. FREEDOM OF MOVEMENT

30.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: “The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice.” [3a] (Section 2d)

30.02 The report added:

“While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners were required to register with the police on entering the country, obtain permission to move more than 25 kilometers outside of Khartoum and from one city to another, and reregister at each new location within three days of arrival. The GOSS did not restrict the movement of foreigners in the south, and did not require foreigners to register upon entry.” [3a] (Section 2d)

See also: [Security Situation, Internally Displaced Persons](#) and [Exit and return](#)

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31. INTERNALLY DISPLACED PEOPLE (IDPs)

OVERVIEW

- 31.01 USAID's *Sudan – Complex Emergency, Situation Report #3*, dated 8 January 2010, listed the following statistical data:

Location	Numbers	Source
From Southern Sudan	2.7 million	UNHCR – 10/08
In Darfur	2.7 million	OCHA – 01/09
In Eastern Sudan	168,000 (based on humanitarian planning figures)	UN – 09/07

[46c]

- 31.02 The UNHCR website, country page on Sudan, undated, accessed 15 January 2010, recorded that there were 1,201,040 “persons who are displaced within their country and to whom UNHCR extends protection and/or assistance. It also includes persons who are in an IDP-like situation”. [6aag] **(Statistical Snapshot)** The same source also observed that there were 2.6 million IDPs in Darfur and a further 1.7 million in Khartoum state. [6aag]
- 31.03 USAID's *Sudan – Complex Emergency, Situation Report #3*, dated 8 January 2010 noted: “In 2010, Sudan continues to cope with the effects of conflict, displacement, and insecurity countrywide. Since 2003, a complex emergency in Sudan's western region of Darfur has affected more than 4.7 million people, including nearly 2.7 million internally displaced persons (IDPs).” [46c]
- 31.04 The US State Department's Background Note, updated November 2009 noted that “[t]he complex emergency in Darfur affects approximately 4.2 million people, including more than 2.5 million internally displaced people in both Sudan and Chad.” [3j]

IDP OPERATIONS

- 31.05 The 2010 UNHCR Country Operations Profile, undated, accessed 15 January 2010, in considering its operations in Sudan, identified there to be “four distinct sub-operations”. These were in the east of the country, where civil conflict had led to “political, economic and social marginalisation”; in Darfur where return of internally displaced persons was complicated by ongoing fighting between state and non-state factions; political complications; competition for land and resources; and general insecurity within the region; in Khartoum which, in addition to some 30,000 foreign refugees and asylum seekers from mainly Eritrea and Ethiopia, also hosted some 1.7 million IDPs and in Southern Sudan where decades of conflict had “destroyed even the most basic infrastructure.” [6aag]

See also: [Foreign refugees](#)

- 31.06 The USAID website provided maps and satellite imagery of camps in Eastern Chad and Western Sudan. To access the site, click on the link [here](#). The UN Sudan Information Gateway site, provided a map catalogue for Sudan, including maps of IDP camps based in Sudan. The site can be accessed via the link [here](#).

Darfur

- 31.07 The 2010 UNHCR country operations profile, accessed 15 January 2010, stated:

“Lawlessness and impunity, sexual abuse and the recruitment of children by armed militias, generates insecurity in IDP and host communities, and internal displacement is expected to persist. Gaps in health, education, water, sanitation, and shelter will continue to be exacerbated by conflict and rivalries over natural resources. At the same time, self-reliance and self-management will need to be encouraged so as not to foster dependence on aid. Given the growing emphasis on IDP returns, a comprehensive-solutions strategy is required.” [6aag]

- 31.08 The USSD 2008 report similarly recorded that:

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

- 31.09 The USSD 2008 also observed that: “The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force.” [3a] (Section 1g)

- 31.10 A UN Human Rights Council report, *Killing and injuring of civilians on 25 August 2008 by government security forces: Kalma IDP camp, South Darfur, Sudan*, dated 23 January 2009 noted:

“On 25 August 2008, members of the Government of the Sudan security forces comprised of National Intelligence and Security Services (NISS), police forces and Sudanese Armed Forces (SAF) attempted to enter Kalma IDP camp in South Darfur to execute a search warrant issued by a South Darfur judge. The security forces were encountered by a group of IDPs, including women and children, gathered at the site to prevent the security forces from entering the camp. The security forces fired shots in the air before opening fire on the crowd”. [148e]

- 31.11 For further details on the above incident refer to the report [*Killing and injuring of civilians on 25 August 2008 by government security forces: Kalma IDP camp, South Darfur, Sudan*](#), dated 23 January 2009. [148e] Additionally see the relevant subsections under [Security forces](#).

- 31.12 The International Organisation for Migration (IOM) Sudan Activity Report 2008, covering events in 2008, noted that through IOM protection monitoring activities, “over 25,742 individuals were observed to have returned [to North and South Darfur].” [79g] (p53) However, in considering the sustainability of returns to Darfur, the source noted:

“Darfur continues to be a complex operating environment characterized by ongoing population movements, a large affected population caused by humanitarian and conflict reasons, and continued insecurity. ...

“Until durable peace is achieved in Darfur, involving active and constructive negotiations with all concerned parties and populations, as well as effective mechanisms of land and property dispute settlement, the situation will remain unpredictable and thus the sustainability of returns and other durable solutions will not be readily found. Additionally, targeting of humanitarian workers, primarily by bandits for assets, has ... greatly impeded the access of the humanitarian community to rural areas. The additional factors framing the security context are the continuing decline in clear and consistent leadership and fluctuating control over certain territories, as well as the general reduction in the rule of law. For those IDPs who returned home or found another durable solution within Darfur in 2008, this situation is likely to also affect their security and provide further challenges to their achievement of durable solutions. As such the IOM and UN policy continues to maintain that the environment in Darfur is not conducive for large scale returns. However, smallscale spontaneous returns are ongoing...” [79g] (p52-53)

For further information refer to the IOM publication, [Sudan Activity Report 2008](#). See also: [Security situation for non-combatants](#) for details on the security situation for civilians residing in Darfur, together with subsections: [Sexual violence against women in Darfur](#) and [Humanitarian issues](#). See also [History: Darfur \(2003 to 2009\)](#) and [Recent Developments](#) for further details on recently reported security incidents and headline statistics

Khartoum

- 31.13 The UNHCR policy paper, entitled *A tale of three cities: internal displacement, urbanisation and humanitarian action in Abidjan, Khartoum and Mogadishu*, dated March 2009, (UNHCR Policy Paper 2009) examined patterns and causes of urban displacement in Khartoum. [6aah] (p4) The paper observed:

“The IDP situation in Khartoum can be characterized as ‘a complex urban and protracted displacement situation’ as IDPs have arrived to the city during the last 25-30 years for a variety of reasons such as drought, the civil war between the north and the south and more recently the conflict in Darfur. Khartoum has experienced large influxes of people fleeing rural areas also because of famine.

“When displacement in Sudan is analyzed it is important to remember that the population in Sudan is highly mobile and majority of migrants are moving for a variety of reasons. About 40 per cent of the people are estimated to be on the move annually for a variety of reasons. IDPs that are mostly fleeing war, drought and famine have a variety of reasons to reach the capital city.” [6aah] (p4)

- 31.14 The 2010 UNHCR Country Operations Profile, undated, accessed 15 January 2010, noted that of some 1.7 million IDPs in Khartoum, only about 400,000 resided in four recognised sites, with the remainder living in informal squatter areas. [6aag]
- 31.15 The UNHCR Policy Paper 2009 in considering IDP population levels within

Khartoum stated that: “In 2008 there was an estimated 1.7 million IDPs in the city, comprising between 23-30 per cent of the population in Khartoum. The majority of IDPs in Khartoum are living outside the camps and other official resettlement areas. Only about 10 per cent of the IDPs in Khartoum are in camps.” [6aah] (p7) However the same source cautioned: “These estimations are ... unreliable because there is no accurate IDP registration or demographic data available at present. This makes also the identification of specific needs of IDPs difficult. ...”. [6aah] (p7)

31.16 The same source also noted that:

“Because the state does not systematically register IDPs it is extremely difficult to analyze their profile and demographic characteristics. It is, however, believed that IDPs in Khartoum have a highly mixed profile and they are integrated locally at various levels. Average time of displacement in Khartoum is 12 years, and hence can it can be defined as a protracted situation. Most of the IDPs are living dispersed around the city. Few of them are habiting the main four camps and approximately 30 official squatters... It has also been estimated that some 10-15 per cent of IDPs originate from Darfur. The majority is from South Sudan and the three Transitional Areas [the states of South Kordofan, Abeyi and Blue Nile]”. [6aah] (p8)

31.17 The same report further acknowledged that “...the protracted nature of displacement and the massive number of IDPs in Khartoum” changed the situation from a “typical urban displacement requiring humanitarian action more into a long-term developmental issue”. The report additionally identified that “the fact that IDPs are very difficult to define and identify, has affected the humanitarian response.” [6aah](p8)

Protection and support for IDPs in Khartoum

31.18 The 2010 UNHCR Country Operations Profile, undated, accessed 15 January 2010, in considering the protection and support needs of IDPs in Khartoum noted: “The protracted IDP situation is more akin to that of an urban poverty problem and requires development and human rights responses. The expulsion of a number of NGOs involved in protection, if not reversed, will leave gaps that the remaining humanitarian community may not be able to fill.” [6aag]

31.19 The UNHCR policy paper, entitled *A tale of three cities: internal displacement, urbanisation and humanitarian action in Abidjan, Khartoum and Mogadishu*, March 2009, (UNHCR Policy Paper 2009) reported:

“In terms of access to services and living conditions, higher densities of IDPs are found in the poor areas of Khartoum. IDPs are also more likely to live in poorer quality dwellings than non-IDPs. Access to land in the city is highly determined by the time of arrival and the consequent definition of an official IDP. IDPs who came to Khartoum pre-1983, which is prior to the civil war in South Sudan, were identified officially as IDPs and accordingly received a plot of land. Other ‘unofficial’ IDPs are in more serious risk of being evicted, because of the lack of land. IDPs are less educated than non-IDPs in Khartoum. However, the city had the highest proportion of IDPs with university education compared to the other locations in North Sudan.”

“In general no significant distinction between IDPs and non-IDPs is found in relation to employment. Employment and education patterns are differentiated more by gender than by the IDP status. Overall, the household difficulties are more likely to depend on the location rather than whether people were IDPs or not. However, Khartoum has one of the lowest proportions of working IDPs when compared to the other IDPs in North Sudan ...

“The lack of livelihood options for IDPs is evident in the capital, and many IDP women are illegally selling alcohol, thus suffering from the risk of being arrested. The means of income-generating activities used by IDPs have diversified since the move to the city, because most of the people had to give up their agricultural livelihoods and consequently they are not self-employed anymore.

“When it comes to the access of services and basic necessities, IDPs and migrants mostly share the same difficulties related to housing, food and water. It has even been suggested that IDPs ‘enjoy their rights as any other non-displaced citizens in Khartoum.’ Issues related to employment, experience of crime, access to water and transportation are, however, identified as IDP specific issues. It has been argued that urban poverty, not the displacement, is the main concern in Khartoum. Hence, the situation cannot be improved solely through humanitarian action, but it requires fundamental developmental efforts from the government with the support of the international community.” [6aah] (p9-10)

See also: [Employment rights](#)

- 31.20 In considering protection needs of IDPs, the same report found that “... there are also several IDP-specific protection challenges in Khartoum. IDPs are more likely to be evicted than the other urban population.” [6aah] (p10) The same report continued:

“It is estimated that since 1989 at least 665 000 IDPs have been forcibly relocated in Khartoum State and nearly half of the relocations have taken place since 2003. Besides protection concerns related to forced evictions, the lack of documentation has created protection challenges. The lack of identity documents is widespread among urban IDPs, but it is also common among the local population. This results in the lack of access to services and livelihood opportunities. 36 per cent of the IDPs held no identity documentation in 2003. Nearly 40 per cent of the children born in displaced families have no documentation. IDPs in Khartoum have also identified in participatory assessments arbitrary arrests, lack of security, limited access to employment, sexual and gender-based violence (SGBV) and child abduction as their main protection concerns.... Both urban refugees and asylum seekers, and IDPs constitute the most vulnerable category of people in Khartoum. They are sharing the marginalization of the other urban poor, but additionally also suffering from specific challenges related to their displacement.” [6aah] (p11)

- 31.21 The UNHCR Policy Paper 2009 also provided information on government policies towards urban IDPs in Khartoum, concluding that the impact of such efforts had “been weak”. [6aah] (p14) With regard to protection and assistance provided by humanitarian actors, the report observed that the international community had been working in Khartoum since the late 1980s, however “according to UNHCR the situation in Khartoum [had] received decreased

humanitarian attention in recent years". As noted: "[The] UN has been more involved in Khartoum during the main evictions in 2003-2004, but since the conflict in Darfur has intensified, IDPs in Khartoum have received less attention." [6aah] (p16-17)

The East and South

- 31.22 In considering UNCHR operations in the east of Sudan, the 2010 UNHCR country operations profile, accessed 15 January 2010, referred mainly to registration exercises of asylum seekers and refugees. There was no specific information on operations relating to IDPs.

See also: [Foreign refugees](#)

- 31.23 The same source, in considering the needs of IDPs in the south of Sudan noted: "Investment and aid have only begun to fill some of the enormous gaps in the major services and in the authorities' capacity for governance. These gaps affect the local population, including those who have returned from exile, as well as displaced people. Security is hampered by inter-tribal tensions and the wide availability of weapons, as well as cross-border clashes." [6aag]

See also: [Security situation](#) and [History – Eastern Sudan](#). Additionally see: [Women](#)

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32. FOREIGN REFUGEES

32.01 The UNHCR statistical snapshot on Sudan, reported that there were 181,605 “refugees” residing in Sudan, as at January 2009, “(as recognised under the 1951 UN Convention/1967 Protocol, the 1969 [Organisation for African Union] OAU Convention, in accordance with the UNHCR Statute, persons granted a complementary form of protection and those granted temporary protection. It also includes person in a refugee-like situation whose status has not yet been verified).” [6aag] (Statistical Snapshot)

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

“The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.” [3a] (Section 2d)

32.03 The report added: “The government granted asylum to a large number of asylum seekers, but there was no standard determination procedure or documentation. Government officials reportedly were unresponsive to applications for refugee status.” [3a] (Section 2d). Additionally the report noted “The government also provided temporary protection to individuals who might not qualify as refugees [...]” [3a] (Section 2d) and that it “[...] cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations in assisting refugees and asylum seekers in some cases [...]” However the same report observed that in other cases, the government defied agreements and targeted refugees and asylum seekers for abuse.” [3a] (Section 2d). The report continued:

“Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.” [3a] (Section 2d)

32.04 The report also stated that in previous years there were reports of abuses against Ethiopian refugees, although there was no specific information on such actions during the year. [3a] (Section 2d)

See also the subsection on [IDP operations](#), for further information relating to refugees residing in the capital.

32.05 In considering UNHCR operations in the east of Sudan, the 2010 UNHCR country operations profile, accessed 15 January 2010, noted that “the Government’s encampment policy requires asylum-seekers and refugees to remain in the 12 designated camps. ... A verification and registration exercise, the first phase of which was completed in 2009, will pave the way for a targeted effort to improve the living conditions in the camps and enhance

basic assistance.”

- 32.06 The United States Committee for Refugees and Immigrants’ (USCRI) World Report 2009 stated that:

“Sudan hosted around 310,500 refugees from its neighbors, primarily Eritrea, Chad, Ethiopia, the Democratic Republic of Congo (Congo-Kinshasa), and the Central African Republic (CAR). Of the roughly 165,800 Eritrean refugees, some 69,400 lived in 12 camps in eastern Sudan. Another 57,000 lived outside the camps operated by the Office of the UN High Commissioner for Refugees (UNHCR). Sudan hosted around 41,200 Chadian refugees and 10,000 Ethiopians.” [50a]

- 32.07 The UN Development Programme’s Human Development Report 2009 provided a map outlining conflict as a driver of movement in Africa (see map 3.1). The map provided details of conflict zones; refugee flows and population data throughout Africa. [6aai] (p63) To access the publication, refer to the link [here](#).

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33. CITIZENSHIP AND NATIONALITY

33.01 A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 7 of the Interim National Constitution (INC), signed on 9 July 2005 records that:

- “(1) Citizenship shall be the basis for equal rights and duties for all Sudanese;
- (2) Every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship;
- (3) The law shall regulate citizenship and naturalization; no naturalized Sudanese shall be deprived of his /her acquired citizenship except in accordance with the law;
- (4) A Sudanese national may acquire a nationality of another country as shall be regulated by law.” [94a] (p5)

IDENTITY DOCUMENTATION

33.02 The Immigration and Refugee Board of Canada on 28 February 2007 published information on the various identity documents in Sudan and the names of the agencies that issue them. Regarding citizenship identity document the report stated:

“The citizenship identity document, as described by the embassy Official, is a ‘type of certificate’ that contains the holder's photograph and personal information (Sudan 14 Feb. 2007). The certificate reportedly has a hard, hunter-green cover. According to the Official, the document is carried by persons born in Sudan and by Sudanese persons born abroad. For example, Sudanese nationals who have a child while abroad are able to apply for a citizenship identity document for their child. The citizenship identity document is issued by Sudan's Ministry of Interior Affairs; however, persons outside of Sudan can apply for this document through an embassy of Sudan.

“Like the identity card and the citizenship identity document, the driver's licence is also reportedly an identity document that is commonly carried in Sudan (Sudan 14 Feb. 2007). The Sudanese driver's licence is issued by the country's Ministry of Interior Affairs and can only be obtained within Sudan. The Official at the Embassy of Sudan in Ottawa indicated that the embassy is able to verify the authenticity of Sudanese driver's licences, but cannot renew or issue new ones.

“Birth certificates, another common identity document in Sudan, are reportedly available through the Department of Statistics of Sudan's Ministry of Social Affairs (US 13 Nov. 2006). According to the Official at the Embassy of Sudan in Ottawa, birth certificates are issued to most people in Sudan (14 Feb. 2007). The Official noted that even if a person is not born in a hospital, ‘legal doctor assistance’ in the rural villages or towns issue stamped papers, which can be taken to the birth registry (Sudan 14 Feb. 2007).

“According to the Official, however, there are some Sudanese people who were born 30 to 40 years ago who do not have birth certificates because certificates were not available in the rural villages or towns of Sudan at that time. A person without a birth certificate can go to the country's birth registry to obtain a document certifying that there is no record of his or her birth in the

registry's database (26 Feb. 2007). The birth registry document can then be taken to the health commission, which is able to issue a 'substitute health document. This substitute document indicates the person's age, but not necessarily where he or she was born (14 Feb. 2007). According to the embassy Official, laboratory tests are conducted by the Commission to estimate the person's age. The date of birth appearing on the substitute health document is generally 1 January with the estimated year of the person's birth. The embassy Official indicated that a birth certificate or a 'substitute health document' is required in order to apply for the identity card, the citizenship paper and the passport." [52a]

- 33.03 The Immigration and Refugee Board of Canada published an update on Sudan's passport issuance and renewal procedures on 28 February 2007, stating that:

"The Sudanese passport, according to the [Sudanese] embassy Official [consulted by the IRB], is another commonly held identity document in Sudan. Issued by the country's Ministry of Interior Affairs, Sudanese passports are valid for ten years, but need to be renewed four times during this period. Passports can be renewed within Sudan through the Ministry of Interior Affairs or outside Sudan through one of the country's embassies. ..." [52c]

- 33.04 The US State Department's travel website, Sudan Reciprocity Schedule for visa applications, provided an overview of documentation available within Sudan. The webpage, accessed 15 January 2010, recorded:

"Birth Certificates - Available. Birth certificates are available through the Department of Statistics, Ministry of Social Affairs. When official records are not available, persons born in the Southern Sudan can often obtain birth certificates issued by various mission authorities.

"Marriage and Divorce Certificates - Available. Marriages in Sudan are conducted by religious authorities and those certificates may be authenticated by the Ministry of Foreign Affairs for submission to foreign government authorities. Certificates of Divorce may be obtained from the court that granted the divorce.

"Police Records - Unavailable.

"Military Records - Available. Each person discharged from the Sudan Defense Force or from the Sudan Police is issued a discharge certificate. Duplicates can be obtained by applying to the appropriate headquarters.

"Travel Document Information - Sudanese machine readable passports do not always provide a full English translation of Arabic names. Post may issue visas in the new passports if the consular officer is satisfied that the passport accurately reflects the bearer's identity. When the passport does not contain a full English translation of the bearer's name and the consular officer cannot determine the applicant's true identity, post should request the applicant, if otherwise qualified, return with a passport containing the appropriate amendment, i.e. providing a translation of the entire name of the bearer from Arabic to English." [31]

See also: [Forged and fraudulently obtained documents](#)

SOUTHERN SUDAN

33.05 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 48 of the ICSS states that:

- “(1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
- (2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan, subject to Article 9 (3) of this Constitution.
- (3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.
- (4) The law shall establish a public registry of every birth, marriage or death in Southern Sudan.” [94b] (p17)

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34. FORGED AND FRAUDULENTLY OBTAINED DOCUMENTS

- 34.01 The Immigration and Refugee Board of Canada on 26 April 2007 published information on the availability and prevalence of fraudulent identity documents in India (2004 - 2007), the article noted the arrest of three people in 2006 for selling fake visas to travel to Saudi Arabia, Sudan and Afghanistan (The Times of India 5 Feb. 2006). [52d]
- 34.02 The report of the Danish Immigration Services fact-finding mission to Cairo, Khartoum and Nairobi entitled *'Human rights situation, military service, and entry and embarkation procedures in Sudan, (8 to 18 August and 20 to 23 November 2001)*, noted that:

“Any Sudanese citizen could have a national passport issued to him if he could produce valid proof of nationality and an identity card. There were two types of passport which were normally used, one for business travellers (pale blue cover) and one for ordinary travellers (green cover). From 2002 new technically improved passport types would be issued to replace the above, which were relatively easy to falsify.” [23b] (p56)

See also: [Identity documentation](#)

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35. EXIT AND RETURN

35.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) observed that, “[i]n contrast to previous years, there were no reports that the government detained persons, particularly opposition political figures, at the airport and prevented them from travelling, citing security concerns.” [3a] (Section 2d) The same source also acknowledged that: “The government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens’ travel, the government did deny some humanitarian workers exit visas.” [3a] (Section 2d)

35.02 However the *Sudan Tribune* reported on 9 May 2009 that a conference (known as Mandate Darfur), scheduled 12-16 May 2009 in Addis Ababa, for some 300 “civil society figures from Darfur ... to establish common positions towards reaching a negotiated solution for Darfur”, had to be cancelled due to government obstruction. The source continued:

“Despite numerous attempts at engagement with the Sudanese government, including sending a delegation to Khartoum and inviting senior figures to address the conference, we were greatly disappointed that Sudanese security services harassed our delegates, confiscated passports and threatened the conference coordinators in Sudan. Ultimately, the government has refused to grant exit visas to the delegates making it impossible for the conference to proceed,” stated the Board [of the Mo Ibrahim Foundation, who was organising the conference].” [12bx]

35.03 The Embassy of Sudan, London, website, undated, accessed 10 January 2010 stated that:

“An exit visa must be obtained by all Sudanese nationals as well as by foreigners who have resided in Sudan, for longer than three months. (Alien Regulatios [sic]) Upon arrival Sudan, all foreign visitors must register their names at the Alien Department of the ministry of Interior, or at the pertinent departments in other states of Sudan, within a period not exceeding three days after their arrival. They are also required to notify the authorities also in case they move from one locally to another.” [130a]

See also [Freedom of movement](#) and [Identity documentation](#)

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36. EMPLOYMENT RIGHTS

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

“Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned. Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.” [3a] (Section 6a)

- 36.02 The report added: “Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas.” [3a] (Section 2c)

- 36.03 The report further stated:

“The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money. There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections.” [3a] (Section 6a)

- 36.04 Additionally: “Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.” Also that: “The law does not prohibit antiunion discrimination by employers.” [3a] (Section 6a)

- 36.05 The International Trade Union Confederation (ITUC) Annual Report 2009 stated:

“There are no trade union rights in Sudan. The national centre the SWTUF [Sudan Workers Trade Union Federation] is under the control of the government. A tripartite agreement on the abolition of censorship was negotiated by the national union of journalists but the repression of the free press intensified over the following months and a journalists' demonstration was repressed.” [157a]

- 36.06 The same report further observed that:

“Sudan is a non-democratic, authoritarian country whose human and trade union rights record is a matter of serious concern. Human rights activists, including trade unionists and professionals, especially journalists, have been harassed, intimidated, arbitrarily arrested, detained and tortured. Security officers usually act with impunity. When investigating cases they are allowed

to arrest, hold and torture suspects.

“Trade unionists outside the pro-government trade unions live under constant fear and do not dare denounce inhuman conditions of work. It appears that independent trade unionists are not able to participate in international trade union meetings for fear of reprisal when they return home. The press has reported on a few strikes organised by the official unions over pay demands that in general were tolerated by the authorities.

“Accurate information about the numbers of trade unionists in prison is difficult to obtain and their whereabouts is unknown.” [157a]

- 36.07 The International Labour Organisation website (last updated 18 January 2010), recorded Sudan’s ratification status of up-to-date International Labour Conventions. The source observed that it had ratified 10 conventions, with a further 71 classified as ‘possibilities for ratification’ Those ratified included the Minimum Age Convention, 1973 (No 138), ratified on 7 March 2002 and the Worst Forms of Child Labour Conventions, 1999 (No 182), ratified on 7 March 2003. [73b]

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37. SUDANESE REFUGEES IN NEIGHBOURING COUNTRIES

- 37.01 The US State Department Report on Human Rights Practices 2008, Sudan, released on 25 February 2009, (USSD Report 2008) recorded that: "Approximately 379,000 Sudanese refugees resided in neighboring countries because of the conflicts in the south and Darfur. Some 250,000 refugees from Darfur were in Chad. Others were in countries including Uganda, Kenya, Ethiopia, and Egypt." [3a] (2d)
- 37.02 Miraya FM reported on 11 February 2009 (accessed via ReliefWeb) that at a recent meeting in Juba, Sudan and Uganda had agreed to repatriate 50,000 Sudanese refugees from Uganda in 2009 and 2010. The report noted that new roles had been assigned to both the Sudanese and Ugandan governments in supporting the repatriation process. [68p]
- 37.03 The UN High Commissioner for Refugees (UNHCR) reported on 10 February 2009 that the number of returnees to South Sudan from Uganda and other countries, since the signing of the Comprehensive Peace Agreement in 2005, had reached 300,000. [6z]
- 37.04 Similarly the International Organisation for Migration (IOM) reported on 16 June 2009 that: "[a]n overwhelming majority of the 2 million Internally Displaced Persons (IDPs) who have returned to Southern Sudan and Southern Kordofan since the signing of the Comprehensive Peace Agreement in January 2005 continue to confront many challenges once they have returned to their villages of origin." [79b]

See also: [Security Situation](#) and [Internally Displaced Persons](#)

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Annex A: Chronology of major events

1989 June: Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. Thirty members of the former government were detained. [1a] (p1090)

For further information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005. [1a]

1991 August: Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. [1a] (p1091)

1992 February: A 300-member transitional National Assembly was created, comprising of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. [1a] (p1091)

1993 October: The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. [1a] (p1091)

1994 February: Sudan was re-divided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. [1a] (p1091)

1995 June: The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. [1a] (p1092)

1996 March: First legislative and presidential elections since 1989 took place on 6 and 17 March. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. [1a] (p1092)

1997 April: The southern factions who had signed the peace charter with the Government in early 1996 finalised and signed the Peace Accord. [1a] (p1093)

1998 May: Voting took place between 1 and 20 May in a referendum on the new Constitution; results were expected at the end of June. [1a] (p1093)

1999 January: The Political Association Act came into effect. The voting age was changed from 18 to 17. [1a] (p1093)

On 26 November the Sudanese government and the opposition Umma Party signed a peace accord, which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance. [1a] (p1093)

On 12 December, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on 13 December with the promise of presidential decrees to follow. [1a] (p1093)

- 2000** **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. [1a] (p1093)
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. [1a] (p1094) The Government extended the state of emergency from three to twelve months. [1a] (p1093)
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. [1a] (p1094)
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed a new political party called the Popular National Congress. [1a] (p1091)
December: Presidential and parliamentary elections took place from 13 to 22
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. [1a] (p1094)
- 2001** **3 January:** President al-Bashir extended the state of emergency for a further year. [1a] (p1094)
12 February: President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. [1a] (p1094)
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in April 1996. [1a] (p1097)
- 2002** **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. [1a] (p1094)
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved the peace deal but no agreement was reached regarding a ceasefire. [1a] (p1095)
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. [1a] (p1095)
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. [1a] (p1095)
December: Sudan's Parliament approved the extension of the state of emergency for another year. [1a] (p1094-5)
- 2003** **February:** In the Darfur States, members of the Fur, Zaghawa and Massaleit tribes – in the form of the SLM/A and the JEM – began an armed rebellion to protest against the political and economic marginalisation of the region. [1a] (p1096)
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. [9a] (p2)
- 2004** **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing hundreds of thousands of refugees to flee to neighbouring Chad. [9a] (p2)
March: A UN official said pro-government Arab '*Janjaweed*' militias were

carrying out systematic killings of African villagers in Darfur. [9a] (p2) Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. [9a] (p2)

April: The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which did not hold, as clashes continued. [1a] (p1096)

- 2005**
- 9 January:** the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. [10ac]
- 23 February:** it was reported that the Beja Congress (BC) and the Free Lions Association had merged to form a new group called the Eastern Front (EF). [12f]
- March:** The UN Security Council decides to freeze assets and impose a travel ban on those believed to have committed human rights abuses or violated the ceasefire agreement in Darfur. The resolution also bans the sale or supply of military equipment to nongovernmental entities or individuals involved in the Darfur conflict, including the Sudanese government. [10ac]
- June:** the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which allowed the group into the power-sharing administration. [9a] Hassan al-Turabi, who was detained in March 2004 over an alleged coup plot, was freed by the president. [9a]
- 6 June:** Luis Moreno-Ocampo, ICC (International Criminal Court) prosecutor, opens investigations into human rights abuses in Darfur, whilst on 13 June, a court set up by the Sudanese government starts hearing the cases of 160 people accused of committing crimes in Darfur. [10ac]
- 9 July:** the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president and an interim Constitution, giving the south a large degree of autonomy, was signed. [9a] (p3)
- August:** the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese. [9a] (p4) [10ac] Garang was succeeded by Salva Kiir. [9a] (p3) [10ac]
- 31 August:** Sudan's new interim National Assembly, which was appointed by decree by President al-Bashir, held its first session. [10ac]
- 20 September:** Government of National Unity announced. [10ac] [25f]
- 22 October:** Government of Southern Sudan formed. [10ac] [25f]
- November:** Minni Arko Minnawi elected as the new president of Darfur's main rebel group, the SLM/A. Incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise the election outcome. [10ac]
- On 29 November** the seventh round of the Darfur peace talks opened in Abuja, Nigeria. [4a]
- On 5 December** the south Sudan President, Salva Kiir Mayardit, signed the Interim Constitution of south Sudan. [10ac]
- 2006**
- January:** The two main rebel groups in Darfur – the JEM and the SLM/A – announce that they have united under the banner the Alliance of Revolutionary Forces of West Sudan. [13a]
- 5 May:** the Khartoum government and the SLM/A signed a peace accord. Two smaller rebel groups reject the deal. [9a]
- August:** Sudan rejects UN Resolution calling for a UN Peacekeeping force in Darfur [9a]

- 2007**
- April:** Sudan says it will accept a partial UN troop deployment to reinforce African Union peacekeepers in Darfur, but not a full 20,000-strong force. [9a]
- May:** International Criminal Court issues arrest warrants for a minister and a Janjaweed militia leader suspected of Darfur war crimes. US President George W Bush announces fresh sanctions against Sudan. [9a]
- July:** UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with the United Nations-African Union Mission in Darfur (UNAMID) [9a]
- October:** SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal. [9a]
- December:** SPLM resumes participation in national unity government. [9a]
- 2008**
- January:** UN takes over Darfur peace force. Within days Sudan apologises after its troops fire on a convoy of Unamid, the UN-African Union hybrid mission. Government planes bomb rebel positions in West Darfur, turning some areas into no-go zones for aid workers. [9a]
- February:** Commander of the UN-African Union peacekeepers in Darfur, Balla Keita, says more troops needed urgently in west Darfur. [9a]
- March:** Russia says it's prepared to provide some of the helicopters urgently needed by UN-African Union peacekeepers. Tensions rise over clashes between an Arab militia and SPLM in Abyei area on north-south divide - a key sticking point in 2005 peace accord. Presidents of Sudan and Chad sign accord aimed at halting five years of hostilities between their countries. [9a]
- April:** Counting begins in national census which is seen as a vital step towards holding democratic elections after the landmark 2005 north-south peace deal. UN humanitarian chief John Holmes says 300,000 people may have died in the five-year Darfur conflict. [9a]
- May:** Southern defence minister Dominic Dim Deng is killed in a plane crash in the south. Tension increases between Sudan and Chad after Darfur rebel group mounts raid on Omdurman, Khartoum's twin city across the Nile. Sudan accuses Chad of involvement and breaks off diplomatic relations. Intense fighting breaks out between northern and southern forces in disputed oil-rich town of Abyei. [9a]
- June:** President Bashir and southern leader Salva Kiir agree to seek international arbitration to resolve dispute over Abyei. [9a]
- July:** The International Criminal Court's top prosecutor calls for the arrest of President Bashir for genocide, crimes against humanity and war crimes in Darfur; the appeal is the first ever request to the ICC for the arrest of a sitting head of state. Sudan rejects the indictment. [9a]
- September:** Darfur rebels accuse government forces backed by militias of launching air and ground attacks on two towns in the region. [9a]
- October:** Allegations that Ukrainian tanks hijacked off the coast of Somalia were bound for southern Sudan spark fears of an arms race between the North and former rebels in the South. [9a]
- November:** President Bashir announces an immediate ceasefire in Darfur, but the region's two main rebel groups reject the move, saying they will fight on until the government agrees to share power and wealth in the region. [9a]
- December:** The Sudanese army says it has sent more troops to the sensitive oil-rich South Kordofan state, claiming that a Darfur rebel group plans to attack the area [9a]
- .
- 2009**
- January:** Sudanese Islamist leader Hassan al-Turabi is arrested after saying President Bashir should hand himself in to The Hague to face war crimes

charges for the Darfur war. [9a]

March: The International Criminal Court in The Hague issues an arrest warrant for President Bashir on charges of war crimes and crimes against humanity in Darfur. [9a]

May: An estimated 250 people in central Sudan are killed during a week of clashes between nomadic groups fighting over grazing land and cattle in the semi-arid region of Southern Kordofan. [9a]

June: Khartoum government denies it is supplying arms to ethnic groups in the south to destabilise the region. The leader of South Sudan and vice-president of the country, Salva Kiir, warns his forces are being re-organised to be ready for any return to war with the north. Ex-foreign minister Lam Akol splits from South's ruling SPLM to form new party, SPLM-Democratic Change. [9a]

July: North and south Sudan say they accept ruling by arbitration court in The Hague shrinking disputed Abyei region and placing the major Heglig oil field in the north. Woman journalist tried and punished for breaching decency laws by wearing trousers. She campaigns to change the law. [9a]

August: Darfur war is over, says UN military commander in the region, in comments condemned by activists. [9a]

October: SPLM boycotts parliament over a Bill allowing intelligence services to retain widespread powers. [9a]

December: Leaders of North and South say they have reached a deal on the terms of a referendum on independence due in South by 2011. [9a]

2010 **January:** President Omar Bashir says would accept referendum result, even if South opted for independence. [9a]

February: Judges of International Criminal Court are ordered to review their decision to omit genocide from the war crimes arrest warrant issued for President Omar Bashir. [9a] Ceasefire agreement signed between government and JEM on 23 February 2010, with a final peace deal to be concluded by 15 March 2010 [82b]

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Annex B: Political organisations

This list should not be viewed as exhaustive.

Alliance of the People's Working Forces

Based in Khartoum.

The leader is Gaafar Muhammad Nimeri. The acting Secretary-General is Kamal ad-Din Muhammad Abdullah. [1a] (p1113)

Baa'th Party

Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA.

The Danish Fact Finding Report of 2001 stated that: "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." [23b] (p18) The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, as stated by sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. [57] (p3) However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. [57] (p3) Sudan.net also stated that: "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." [57] (p3)

Beja Congress (BC)

The *Sudan Tribune* published a letter in June 2006 from Abu Amna of the Beja Congress; it was addressed to the United Nations Secretary-General Mr. Koffi Annan. Abu Amna described the Beja Congress as a: "Political organization established in 1958 to propagate the plight of the Peoples of Eastern Sudan. Its main aim has always been to struggle for the achievement of democracy, equality and fair distribution of wealth and power as a way of ending marginalization and underdevelopment in the Region." [12k]

Democratic Unionist Party (DUP/DUP-Mirghani)

Based in Khartoum, leadership in exile. Leader – Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. [1a] (p1113)

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. [58] (p565) [1a] (p1089) *Political Parties of the World* stated that: "After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995." [58] (p565)

The Report of the 2001 Danish Fact Finding Mission stated that, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. [23b] (p17)

Democratic Unionist Party (DUP/DUP-Hindi) – (registered)

Leader – Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA.

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes

known as the 'DUP General Secretariat', with himself as chairman. [58] (p565)

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman – Philip Abbas Ghabbush. [1a] (p1113)

Officially registered in April 1999 [58] (p565)

Independent Democrats

Based in Khartoum. Leader – As-Samawitt Husayn Osman Mansur. [1a] (p1113)

Islamic-Christian Solidarity

Based in Khartoum. Founder – Hatim Abdullah az-Zaki Husayn. [1a] (p1113), [58] (p565)

Islamic Revival Movement

Based in Khartoum. Founder – Siddiq al-Haj as-Siddiq. [1a] (p1113), [58] (p565)

Islamic Socialist Party

Based in Khartoum. Leader – Salah al-Musbah. [1a] (p1113)

Islamic Ummah Party (IUP) – (registered)

Officially registered as a political party on 13 April 1999. Leader – Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi. The IUP is allied with the Government. [1a] (p1113), [58] (p565)

Justice and Equality Movement (JEM) - <http://www.sudanjem.com>

The Justice and Equality Movement (JEM), currently reported to be fighting government troops near the capital Khartoum, was founded by Darfuri Muslims loyal to Islamist leader Hassan al-Turabi, whose National Islamic Front (NIF) instigated President Omar al-Bashir's 1989 coup against Sadeq al-Mahdi. JEM is led by a lawyer, Khalil Ibrahim Muhammad, who wrote "The Black Book: Imbalance of Power and Wealth in the Sudan" about the disproportionate numbers of Arabs in powerful positions. [9c]

Darfurian-based political movement/rebel group that emerged in 2001. [6e] (p39) Leader – Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. [6e] (p39) It split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. [6e] (p39)

BBC Monitoring reported on JEM as follows: "The only Darfur insurgent group to have almost formed a party, probably because it grew out of the NIF and can draw on greater active political experience. JEM's leadership is widely perceived as Islamist and closely linked to Al-Turabi (which he denies) though many of its fighters are first and foremost fighting for their ethnic group, usually Zaghawa. JEM now says it wants democracy and a referendum on an Islamic constitution though it has also insisted on maintaining Sharia. Leader Khalil Ibrahim Muhammad is a former NIF minister and led jihadist militia in the Southern war." [142d]

The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, January 2005, stated that:

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of

power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government....The message is designed to appeal to all marginalized Sudanese – whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan.” [6e] (p39)

BBC Monitoring also reported: “In the early years of the Darfur war, JEM was largely absent from the fighting but this changed in 2007, culminating in its attack on Khartoum in May 2008. It apparently hoped for support from within the army: either it was lured into an ambush or else help was foiled by the more powerful security services. Some saw the attack as a attempted putsch by Al-Turabi. JEM threatens to attack the capital again and has launched attacks in Kordofan. It receives help from Chad; the Zaghawa are a cross-border people and dominate President Idriss Déby Itno’s regime. JEM’s February 2009 ‘confidence-building’ talks with the NCP are seen by other Darfur groups and many others as the Islamist movement reuniting itself under pressure over the ICC.” [142d]

See also: [Ethnic Groups](#) and [Political Affiliation](#)

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. [1a] (p1113)

Korbaj (which in Arabic means ‘whip’)

The ICI recorded that, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. [6e] (p40)

Moderate Trend Party

Based in Khartoum. Leader – Mahmud Jiha. [1a] (p1113)

National Democratic Party

Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party. [1a] (p1113), [58] (p565)

National Movement for Reconstruction/Reform and Development (NMRD)

A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that: “NMRD leader Nourene Manawi Bartcham, told an IRIN correspondent in N’Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement.” [10dm] The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. [10dm]

The ICI stated that: “On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state.” [6e] (p40)

Nile Valley Conference

Based in Khartoum. Founder – Lt-Gen (ret) Umar Zaruq. [1a] (p1113), [58] (p565)

Popular Masses' Alliance

Based in Khartoum. Founder – Faysal Muhmad Husayn. [1a] (p1113), [58] (p565)

Popular National Congress Party (PNC/PC)

(also referred to as the People's National Congress or Popular Congress)

Founded – June 2000. Founder and leader – Hassan al-Turabi [1a] (p1113), [58] (p565)

Europa's Regional Surveys of the World: Africa South of the Sahara 2005 stated that, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. [1a] (p1094) Al-Turabi was detained on 21 February 2001 and finally released in October 2003. [58] (p565) The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004.

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. [9a]

See also references made to the [Justice and Equality Movement](#) and information under [Political Affiliation](#)

Al Shahamah (which in Arabic means 'The Nobility Movement')

The ICI recorded that, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [6e] (p40) The Report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. [6e] (p40) The ICI continued: "The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People's Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions." [6e] (p40)

Socialist Popular Party

Based in Khartoum. Founder – Sayyid Khalifah Idris Habbani. [1] (p1113), [58] (p565)

Sudanese Central Movement

Based in Khartoum. Founder – Dr Muhammad Abu al-Qasim Haj Hamad. [1] (p1113), [58] (p565)

Sudanese Communist Party

Although some sources suggest that the Party was formed in 1944 the Communist Party of Sudan web pages indicate that the Party was formed in 1946. [57], [59] Leaders – Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

The *Sudan Tribune* reported that: "The Sudanese Communist Party (SCP) founded in 1946, was a major force in Sudanese politics and one of the two most influential, along with the South African Communist Party, until 1971. In 1946 the party was known as the Sudanese Movement for National Liberation (SMNL). It supported the struggle for national independence, gained by the Sudan in 1956, after which the SMNL changed its name into al-Hizb al-Shuyu'i al-Sudani (Sudanese Communist Party)." [12r]

The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. [23b] (p17) The report stated that: “Adlan’s faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces.” [23b] (p17) The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. [57a] (p3) [23b] (p17)

The 2001 Danish Fact Finding Report stated that: “Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime.” [23b] (p17)

The *Sudan Tribune* reported on 19 December 2007 that the first-ever meeting between the leaders of the Sudanese communist Party (SCP) and the ruling National Congress Party (NCP) on 12 December 2007 was aimed at building national consensus among major political forces towards democratic transition in the country. It was reported by a member of the SCP Central Committee, Shafee Khidir that the meeting, “... comes in line with SCP strategy to build momentum in democratic process.” [12ad]

“Khidir pointed out that the meeting between president Omer al-Bashir, Chairman of the ruling NCP and Mohamed Ibrahim Nugud, the SCP Secretary General, discussed the implementation of the Comprehensive Peace Agreement (CPA), Cairo agreement, and Eastern Sudan agreement. The two parties also reiterated the need to put an end to the ongoing crisis in Darfur. He also said that the meeting tackled the upcoming 2009 elections and ways to build the best conditions for the success of the first general elections held in the country since 1989 coup d’etat.” [12ad]

Sudanese Green Party

Based in Khartoum. Founder – Professor Zakaraia Bashir Imam. [1a] (p1113), [58] (p565)

Sudanese Initiative Party

Based in Khartoum. Leader – J’afar Karar. [1a] (p1113)

Sudanese Liberation Movement/Army (SLM/A)

Global Security reported on its website that: “The Sudanese Liberation Army is backed by Eritrea. Until 2003, the group was known as the Darfur Liberation Front. Rebels in Darfur emerged in February 2003 under the name of Darfur Liberation Front. The Darfur Liberation Army announced no connection with the southern rebels, but it called in the middle of March 2003 for ‘an understanding’ with the opposition forces which fight the Islamist government in Khartoum. In March 2003 the Darfur Liberation Front announced it had downed a helicopter that was carrying an official in the province. On 14 March 2003 Darfur Liberation Front announced that the movement will be called the Sudan Liberation Movement and the Sudan Liberation Army (SLM/SLA). The Darfur Liberation Front was a secessionist organisation calling for the secession of the area of Darfur from Sudan. The SLA, led by Mini Arkoi Minawi, says it wants to ‘create a united, democratic Sudan’.” [99a]

In January 2006, it was reported that the Darfuri rebel movements – the SLM/A and JEM – had agreed to join forces under the banner Alliance of Revolutionary Forces of West Sudan. (AFP, 22 January 2006) [13a]

See also [History: Darfur \(2003 to 2009\)](#) and [Recent Developments](#)

Sudan People’s Liberation Movement /Army (SPLM/A or SPLM-Mainstream)

Formed – 1983. [58] Leader – Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern

Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. [9a] Now the ruling party in south Sudan and a member of the National Government of Unity. [10i]

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People's Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. [58] (p565) Rather than ending the mutiny, Garang encouraged other garrisons to rebel. [58] (p565)

Sudan People's Liberation Movement – Democratic Change (SPLM-DC)

Formed June 2009. Ex-foreign minister Lam Akol splits from South's ruling SPLM to form new party, SPLM-Democratic Change. [9a]

South Sudan Independence Movement/Army (SSIM/SSIA)

"Nuer-dominated militia, led by Riek Machar, who split from the SPLM/A in 1991, to form the SPLM/A-Nasir/United. In 1994 Riek became leader of the SSIM/A and Lam Akol took the name of SPLM/A-United for his faction in west-central Upper Nile. In 1995 Riek and Garang signed a ceasefire and agreed to reintegrate their forces, but in April 1996 Machar signed a deal with the government. In 1997, the SSIM/A merged with the other rebel factions which signed the April 1997 Khartoum peace accord to become the SSDF." (IRIN News) [10dv]

Sudanese National Party (SNP)

Based in Khartoum. Leader – Hasan al-Mahi – participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). [52b]

Umma (Ummah) Party (UP/'mainstream UP')

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman – Dr Umar Nurad Ad-Da'im. Leader – Sadiq al-Mahdi.

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi.

Information found on sudan.net noted that: "During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989." [57] (p1) The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. [57] (p1) Institute for Security Studies (ISS) reported of the prospects for a sustainable peace in Sudan on 1 May 2003. [43a]

The USSD Report 2008 noted that:

"Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party)... continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings." [3a] (Section 2b)

Umma (Ummah) Party (registered)

Breakaway faction of UP-Mainstream, no longer in existence. Leader – Nur Jadayn

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)
A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the formers political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. [43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. [43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')

National Democratic Alliance (NDA)

Asmara-based organisation. Chair – Osman al-Mirghani. Vice Chairman. [60a] (p2), [58] (p565) The opposition movements that are members of the NDA include:

Beja Congress (BC)*

Baa'th Party (pro-Iraq)* [23b]

Baa'th Party (pro-Syria) [23b]

Democratic Unionist Party (DUP – Mirghani faction and its groupings)* [23b]

Legitimate Command (LC)* – formed from dissident military officers from Sudan

Sudan Alliance Forces (SAF)* – founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman.

Sudan African National Union (SANU)* [23b]

Sudanese Communist Party (SCP – Nogud faction)* [23b]

Sudan Federal Democratic Alliance (SFDA)* – founded 1994, Chair – Ahmad Dreige – advocates a decentralised, federal structure for Sudan

The Sudanese National Party (SNP)* [23b]

The Sudan People's Democratic Front (SPDF) [23b]

The Sudan People's Liberation Movement (SPLM)* – Leader – Salva Kiir – now also President of south Sudan and First Vice President of the National Government.

Free Lions Association* – an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. [23b]

Sudan Liberation Movement – The Sudanese Liberation Army is a member of the National Democratic Alliance (NDA), the umbrella opposition organisation grouping. [99a]

* Indicates parties that were members of the Leadership Council of the NDA, along with the General Council of the Trade Union Federation, unidentified independent national figures and unidentified representatives of the liberated areas. [60a] (p1)

Political Parties of the World, published in 2005, stated that: "The NDA was formed in the immediate aftermath of the June 1989 military coup as a coalition which linked, somewhat awkwardly, a desperate group of opponents of the Bashir regime including the Sudan People's Liberation Movement/Army and a number of Muslim-based parties, many of which not only supported the imposition Islamic shari'a law on the south, but had also opposed Southern autonomy or secession prior to the coup." [58] (p565) The Alliance's own website stated that the NDA set up its headquarters outside Sudan in

Asmara, the capital city of Eritrea, and there were also branch offices in Cairo, Nairobi, Washington and London. [60a] (p1)

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the government and the NDA had signed a tentative peace agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. [10dm]

See also Annex B: [Beja Congress](#)

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Annex C: States of Sudan

The information below has been taken either from the website of the Republic of Sudan, Ministry of the Cabinet Affairs Secretariat General [5d] or the website of the Government of Southern Sudan Mission USA [172a], unless otherwise stated. Spellings and names of states and state capitals may vary in other source documents and throughout this report.

GOVERNMENT OF SUDAN (GoS)-ADMINISTERED AREAS

Al-Gazira	Capital: Wad Madani
Al-Gedaref	Capital: Al-Gedaref
Kassala	Capital: Kassala
Northern	Capital: Dongola
North Kordofan	Capital: Al-Obeid
Red Sea	Capital: Port Sudan
Sinnar	Capital: Singa
South Kordofan	Capital: Kadugli
White Nile	Capital: Rabak
Northern Darfur	Capital: Al-Fashir
Western Darfur	Capital: Al Jineina
Southern Darfur	Capital: Nyala
[5d]	
*Blue Nile	Capital: Damazeen
*River Nile	Capital: Damar
*Khartoum	Capital: Khartoum
[5d]	[171a]

* States were also listed under the The Republic of Sudan, Ministry of the Cabinet Affairs Secretariat General, [5d] but details on the capital cities were not provided. This information has been taken from the website Statoids [171a],

GOVERNMENT OF SOUTH SUDAN (GoSS)-ADMINISTERED AREAS

Central Equatoria	Capital: Juba
Jonglei	Capital: Bor
Eastern Equatoria	Capital: Torit
Lakes States	Capital: Rumbek
Northern Bahr El Ghazal	Capital: Aweil
Upper Nile	Capital: Malakal
Warrap	Capital: Kuacjok
Western Bahr El Ghazal	Capital: Wau
Western Equatoria State	Capital: Yambio
Unity State	Capital: Bentiu
[172b]	

See also: [Geography](#)

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Annex D: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FIDH	International Federation for Human Rights
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
GOSS	Government of South Sudan
HAC	Humanitarian Aid Commission
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NGO	Non Governmental Organisation
NISS	National Security and Intelligence Service
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
RSF	Reporteurs sans Frontières
SOAT	Sudan Organisation Against Torture
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNAMID	United Nations-African Union Hybrid Mission in Darfur
UNMIS	United Nations Mission in Sudan
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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

Numbering of source documents is not always consecutive because some older sources have been removed in the course of updating this document.

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