

OPERATIONAL GUIDANCE NOTE

SUDAN

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1. Introduction

- 1.1** This document evaluates the general, political and human rights situation in Sudan and provides guidance on the nature and handling of the most common types of claims received from nationals/residents of that country, including whether claims are or are not likely to justify the granting of asylum, Humanitarian Protection or Discretionary Leave. Case owners must refer to the relevant Asylum Instructions for further details of the policy on these areas.
- 1.2** This guidance must also be read in conjunction with any COI Service Sudan Country of Origin Information at:
- http://www.homeoffice.gov.uk/rds/country_reports.html
- 1.3** Claims should be considered on an individual basis, but taking full account of the guidance contained in this document. In considering claims where the main applicant has dependent family members who are a part of his/her claim, account must be taken of the situation of all the dependent family members included in the claim in accordance with the Asylum Instruction on Article 8 ECHR. If, following consideration, a claim is to be refused, case owners should consider whether it can be certified as clearly unfounded under the case by case certification power in section 94(2) of the Nationality Immigration and Asylum Act 2002. A claim will be clearly unfounded if it is so clearly without substance that it is bound to fail.

Source documents

- 1.4** A full list of source documents cited in footnotes is at the end of this note.

2. Country assessment

- 2.1** The President of the Republic of Sudan is Lt. Gen. Omar Hassan al-Bashir, who took power from the previous democratically elected government in a coup on 30 June 1989. Lt. Gen. Omar Hassan al-Bashir abolished the constitution, the previous regime's National Assembly, all political parties and trade unions. President al-Bashir and his party were elected in December 2000, but the elections were uncontested due to a boycott by the main opposition parties.¹

South Sudan

- 2.2** On 9 January 2005 the 20 year old civil conflict was formally ended when the Government of Sudan (GoS) and Sudan People's Liberation Movement (SPLM) signed the Comprehensive Peace Agreement (CPA). This agreement included key issues such as self-determination for the South and established a permanent ceasefire. The parties established a Government of National Unity (GNU) comprising members of the National Congress, SPLM and other northern and southern political forces. The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang [who was succeeded by Lt. Gen. Salva Kiir Mayardit following Garang's death on 30 July 2005] and Vice President Taha, was sworn in on 9 July, the National Assembly first sat on 1 September and the formation of the Government of National Unity was announced on 20 September 2005. The CPA provided for a devolved Government of Southern Sudan (GoSS) and also made provisions for national elections in 2009 (now due to take place in April 2010) together with a referendum for determining the status of the South in 2011.²
- 2.3** While the CPA's security arrangements are making progress in parts of the South, the presence of other armed groups such as the Ugandan Lord's Resistance Army in the far south remain a threat to maintaining peace.³ The State of South Kordofan, which lies to the north of the border of South Sudan and borders Darfur was bitterly disputed during the north-south war. The demarcation of the disputed oil-rich Abyei region, which was incorporated into Southern Kordofan under the 2005 peace deal, has led to violent clashes between northern and southern groups in 2008.⁴ In July 2009, an international tribunal cut the size of the Abyei region excluding more than 45,000 square kilometres of land formally claimed by the SPLM/A.⁵ The people of Abyei will vote to either join the South or remain in the North in the 2011 referendum.⁶
- 2.4** On 2 August 2009 an attack was carried out in Akobo, Jongeli state by fighters from the Murle ethnic group. It was described as one of the worst single outbreaks of violence in South Sudan since the end of the civil war four years ago. At least 185 people died. The United Nations say that 2,000 people have died in the south in recent months, more than in Darfur. Many in the south blame former civil war enemies in the north for encouraging the attacks. There are fears the north wants to destabilise the oil-rich south ahead of the 2011 referendum.⁷

¹ COIS Sudan COI Report (History)

² COIS Sudan COI Report (History; Peace and conflict in Sudan - South Sudan)

³ FCO Country Profile November 2007

⁴ BBC News: 'UN warned of South Sudan violence' 7.01.09 and "Sudan could face new Darfur war" 22.10.08

⁵ Sudan: Tribunal Cuts Size of Disputed Abyei Region: All Africa.com, 22.07.08

<http://allafrica.com/stories/200907220688.html>

⁶ 'South Sudan cabinet approves Abyei ruling': Sudan Tribune, 1.08.09

<http://www.sudantribune.com/spip.php?article31992>

⁷ 'Horrors of South Sudan massacre' BBC News 10.08.09

<http://news.bbc.co.uk/1/hi/world/africa/8194060.stm>

West Sudan - Darfur

- 2.5** The conflict in Darfur continues. It escalated in February 2003 when the Sudan Liberation Army/Movement (SLA/M) and Justice and Equality Movement (JEM) rebels attacked a government garrison. In response, the government equipped and mobilised groups of Arab militias ('Janjaweed') as counter insurgency forces to fight the rebels. Despite the 2004 deployment of the African Union Mission in Sudan (AMIS), attacks on civilians continued. In March 2005, the Darfur situation was referred to the International Criminal Court (ICC). The ICC issued arrest warrants for government minister, Ahmed Harun, and Janjaweed commander, Ali Kushayb, in April 2007 but Khartoum has so far refused to hand them over.⁸
- 2.6** Since the beginning of the conflict around 2.7 million people have been displaced, including 250,000 who have fled across the border to Chad. Most now live in camps near Darfur's main towns. Over 3.5 million are in need of humanitarian assistance. The United Nations reports that up to 300,000 people have died from the combined effects of war, famine and disease although President Bashir puts the death toll at 10,000.⁹
- 2.7** The Darfur Peace Agreement (DPA) was signed in 2006 by the government and one SLA/M faction (led by Minni Minawi) but was undermined by the absence of other parties. JEM rejected the deal. Attacks on civilians and aid workers increased dramatically from late 2006. Groups have since splintered which has hampered peace initiatives. The SLA/M as well as the Janjaweed and government forces are responsible for attacks on civilians. The government launched major aerial and ground attacks in Darfur from early 2008. Access for humanitarian aid also became more difficult.¹⁰
- 2.8** On 10 May 2008, JEM launched an assault on Omdurman, Khartoum which left at least 200 dead. The attack was the first military strike on the capital for 30 years. Government forces defeated the rebels but there were reports of arbitrary arrests by the Sudanese authorities, extra-judicial executions and ill-treatment of detainees following the attack.¹¹ The Foreign and Commonwealth Office (FCO) stated that, following the fighting, large numbers of non-Arab Darfuris living in Khartoum were detained. Reports suggested the Government detained anyone identified as Zaghawa. Press reports and eye-witness accounts described up to 3,000 arrests although exact numbers were difficult to verify. There had also been allegations of torture, mistreatment and inhumane detention conditions.¹²
- 2.9** Reports estimated that at least 500 individuals from Darfur, whether civilians or presumed JEM combatants, were summarily executed or extra-judicially killed in the first three days, and subsequently, following the attack.¹³ The government denied the allegations and disputed the numbers. The State Minister of Information stated that arrests were only on the basis of evidence and that 90% had been released immediately because of insufficient evidence. He said that the only people left in custody were the 50 or so who had been charged and were now on trial.¹⁴
- 2.10** Human Rights Watch reported that Anti-Terrorism Special Courts set up by the Sudanese government to try individuals accused of participating in the attack on the capital did not meet international standards. Lawyers had limited or no access to clients and described the court proceedings as arbitrary...Under Sudanese law, a defendant can be convicted on t he

⁸ FCO country profile November 2007 and International Crisis Group conflict history

⁹ UN Sudan: History of Conflict

¹⁰ International Crisis Group: The current situation

¹¹ IRIN news "Rights groups decry Khartoum crackdown 26 May 2008

¹² FCO egram 29 June 2008

¹³ Sudan Tribune 'NGO report details new dimensions of violence after Khartoum attack' 14.09.08

¹⁴ IRIN 'Mounting criticism against government following rebel attack' 23.09.08

basis of a confession made while in incommunicado detention or during coerced interrogations. There was insufficient time to bring an appeal against serious charges.¹⁵

- 2.11** On 4 March 2009 the ICC announced the issue of an arrest warrant against President Bashir for war crimes and crimes against humanity in Darfur. Immediately following the issue of the arrest warrant, Sudan expelled 13 foreign NGOs from Darfur and dissolved three local organisations.¹⁶ On 16 March 2009, President Bashir stepped up his clampdown on foreign aid groups by ordering that local relief organisations take over food distribution within a year.¹⁷ Other members of the government subsequently modified this to an intention to gradually “Sudanize” delivery of aid.¹⁸ President Bashir also announced that his government is prepared to expel foreign missions if they exceed their mandate.¹⁹ The Sudanese authorities have denied reports that the expelled NGOs will be allowed to return but new NGOs may apply for registration.²⁰
- 2.12** A joint Government of Sudan/UN report put the expulsions of large foreign aid agencies at 13, mostly from Darfur. Four of the expelled NGOs served some 1.1 million people.²¹ At least five of the NGOs asked to leave have been UNHCR implementing partners carrying out important humanitarian programmes in Darfur, Blue Nile State and Khartoum State.²²
- 2.13** At a meeting in Doha on 17 February 2009 sponsored by Qatar, the UN, the African Union and the Arab League, JEM signed a declaration of intent to pave the way for broader peace talks with Khartoum.²³ On 17 March a leading rebel commander from an SLM group signed a merger agreement with the JEM.²⁴ On 20 March 2009, JEM suspended its participation in the Doha peace process and called on Khartoum to reverse its decisions to expel aid groups and replace all international NGOs with local ones by the end of the year. It would suspend participation until evicted NGOs had returned and resumed operations.²⁵ Rebels from the Justice and Equality Movement (JEM) met on 14 September with the Qatari facilitators to assess the evolving efforts to resume Doha peace process next October and reaffirmed commitment to the peace process.²⁶
- 2.14** In December 2007 the UN took control of peacekeeping in Darfur but remains seriously under strength. The Sudanese authorities have been accused of blocking the full deployment of the force due to their objection to its international composition.²⁷ As of March 2009, UNAMID had approximately 18,300 troops, police and civilians. Comprising 12,937 military personnel (66% mandated strength) 2,639 Police (41%), and 3,129 civilians (56%).
- 2.15** In August 2009, General Agawi, former Force Commander for the Joint African Union/United Nations Hybrid operation in Darfur stated that the war in Darfur had ended and

¹⁵ Human Rights Watch ‘Sudan: End Unfair trials 24.06.08

¹⁶ Sudan Tribune ‘Sudan expels 10 aid NGOs and dissolves 2 local groups’ 5.03.09

¹⁷ SudanTribune ‘Sudan’s Bashir warns foreign diplomats that they face expulsion’ 16.03.09

¹⁸ Thomson Reuters Foundation: ‘Sudan minister says no to mass aid expulsion’ 17.03.09

¹⁹ SudanTribune ‘Sudan’s Bashir warns foreign diplomats that they face expulsion’ 16.03.09

²⁰ VOA News.com ‘Sudan denies some expelled NGOs returning.’ 11.06.09

[http://www.voanews.com/english/archive/2009-06/2009-06-11-](http://www.voanews.com/english/archive/2009-06/2009-06-11-voa52.cfm?CFID=296541315&CFTOKEN=58301538&jsessionid=84302e02b7eeacab2f63b7e079135a60604)

[voa52.cfm?CFID=296541315&CFTOKEN=58301538&jsessionid=84302e02b7eeacab2f63b7e079135a60604](http://www.voanews.com/english/archive/2009-06/2009-06-11-voa52.cfm?CFID=296541315&CFTOKEN=58301538&jsessionid=84302e02b7eeacab2f63b7e079135a60604)

²¹ BBC News ‘Joint Darfur aid warning issued’ 24.03.09/Joint Government of Sudan - United Nations assessment on the situation created by the departure of NGOs in Darfur 24.03.09

²² UNHCR – March 2009 Update

²³ BBC News ‘Q&A: Sudan’s Darfur Conflict’ 5.03.09

²⁴ Sudan Tribune ‘Darfur rebel faction merges with JEM’ 18.03.09

²⁵ Sudan Tribune ‘Rebel JEM suspends their participation in Darfur peace process’ 21.03.09

²⁶ Sudan Tribune ‘Darfur rebels assess peace process in Qatar’ 15.09.09

²⁷ BBC News ‘UN takes over Darfur peace force’ 31 December 2007

that fighting had subsided as rebel groups split into factions. Only JEM posed a real threat but even it no longer had the ability to hold territory. He said that the region now suffered from local security issues and banditry rather than full blown conflict.²⁸ Although there has been a large decrease in fighting, there continue to be recent reports of bombings and fighting between rebel groups and the government.²⁹ The UN reports the continued seriousness of the security situation and deterioration of the humanitarian situation in Darfur and recurring attacks on the civilian population. NGOs continue to struggle to operate in the region due to the security risks.³⁰

- 2.16** It was reported by the UK media in March 2009 that Mr Adam Osman Mohammed, who returned to Khartoum under the Voluntary Returns Scheme in August 2008, travelled to South Darfur some months later and was killed. Uncorroborated reports state that he was killed by Sudanese security forces.³¹

East Sudan

- 2.17** Eastern Sudan has suffered from years of marginalisation and neglect. As such, it is one of the least developed areas in Sudan. In response to this a number of rebel groups, formed mainly from the Beja and Rasha'ida tribes carried out attacks on government targets. Although isolated and small scale, these skirmishes had the potential to erupt into a larger-scale conflict. In order to avoid such an escalation, in August 2006, the Government of Eritrea convened negotiations between the Eastern rebels, known as the Eastern Front (EF) and the Sudanese government. A peace deal was signed on 14 October 2006, guaranteeing greater development for Eastern Sudan.³²
- 2.18** The State of Emergency in Eastern Sudan has been lifted and the ceasefire holds. The United Nations Development Programme (UNDP) is working closely with the Sudanese Government on the disarmament, demobilisation, and reintegration of EF troops.³³ It was reported that in May 2007 leading members of the Eastern Front were assigned government posts as part of the implementation of the peace accord. In August 2007 the last of eastern Sudan's former rebels returned from exile in Eritrea to be sworn into the central government in Khartoum, having established a political structure in preparation for their return to Sudan.³⁴ A press statement issued by the Chairman of the Eastern Front and assistant to the President on the implementation of the Eastern Sudan Peace Agreement stated that the implementation mechanisms had been established and that the Eastern Sudan Rehabilitation Fund would begin implementing development projects in 2008.³⁵
- 2.19** There were reports in August 2008 of internal power struggles described by Chairman of the Eastern front, Mussa Mohammed Ahmed, as a normal crisis of transition. In September the National Congress party formed a committee to mediate in a bid to bridge differences

²⁸ BBC News 'Africa War in Sudan is over' 27.08.09
<http://news.bbc.co.uk/1/hi/world/africa/8224424.stm>

²⁹ All Africa "Oxfam reaction on 'War is Over' comment."
<http://allafrica.com/stories/200908280772.html>

³⁰ UNHCR refworld: Security Council Resolution 1881
<http://www.unhcr.org/refworld/country,,,RESOLUTION,SDN,456d621e2,4a76a0aa2,0.html>

³¹ Independent "Sent back by Britain: Executed in Darfur" 17.03.09
<http://www.independent.co.uk/news/uk/home-news/sent-back-by-britain-executed-in-darfur-1646507.html>

³² FCO country profile November 2007

³³ FCO country profile November 2007

³⁴ Sudan Tribune, 'Eastern Sudan rebels to join government' 25 August 2007

³⁵ COI country report

between the different factions of the former rebel front.³⁶ The government allocated 100 million dollars in 2007 to the Rehabilitation Fund which is supposed to receive at least 125 million dollars each year until 2011, but only 25 million has been spent.³⁷ Amna Dirar, deputy of the Eastern Front said in August that almost 2,000 soldiers had been waiting in camps in the east to be disarmed, demobilised and reintegrated into society. Another 1,200 has already joined Sudan's police or armed forces.³⁸ Demobilization of 767 ex-combatants under the second phase of the Disarmament, Demobilization and Reintegration (DDR) programme was officially launched in July 2009.³⁹

3. **Main categories of claims**

- 3.1** This Section sets out the main types of asylum claim, human rights claim and Humanitarian Protection claim (whether explicit or implied) made by those entitled to reside in Sudan. It also contains any common claims that may raise issues covered by the Asylum Instructions on Discretionary Leave. Where appropriate it provides guidance on whether or not an individual making a claim is likely to face a real risk of persecution, unlawful killing or torture or inhuman or degrading treatment/ punishment. It also provides guidance on whether or not sufficiency of protection is available in cases where the threat comes from a non-state actor; and whether or not internal relocation is an option. The law and policies on persecution, Humanitarian Protection, sufficiency of protection and internal relocation are set out in the relevant Asylum Instructions, but how these affect particular categories of claim are set out in the guidance below.
- 3.2** Each claim should be assessed to determine whether there are reasonable grounds for believing that the applicant would, if returned, face persecution for a Convention reason - i.e. due to race, religion, nationality, membership of a particular social group or political opinion. The approach set out in *Karanakaran* should be followed when deciding how much weight to be given to the material provided in support of the claim (see the Asylum Instruction on Considering the Asylum Claim).
- 3.3** If the applicant does not qualify for asylum, consideration should be given as to whether a grant of Humanitarian Protection is appropriate. If the applicant qualifies for neither asylum nor Humanitarian Protection, consideration should be given as to whether he/she qualifies for Discretionary Leave, either on the basis of the particular categories detailed in section 4 below or on the individual circumstances.
- 3.4** This guidance is **not** designed to cover issues of credibility. Case owners will need to consider credibility issues based on all the information available to them. (For guidance on credibility see the Asylum Instructions on 'Considering the Asylum Claim' and 'Assessing Credibility in Asylum and Human Rights Claims').
- 3.5** All Asylum Instructions can be accessed on the Horizon intranet site. The instructions are also published externally on the Home Office internet site at <http://www.ukba.homeoffice.gov.uk/documents/asylumpolicyinstructions/>
- 3.6** **Members of the Beja Congress**

³⁶ Sudan Tribune 'Ruling party to mediate between eastern Sudan factions' 22.09.08

³⁷ Sudan.net 'East Sudan leaders in damaging internal power struggle' 24.08.08

³⁸ Sudan Tribune 'Easter Sudan risks war if soldiers not paid – former rebel' 10.08.08

³⁹ UN Development Programme 'Demobilisation in Easter Sudan enters last phase', 31.07.09
<http://www.sd.undp.org/press%20eastern-ddr.htm>

- 3.6.1** Some applicants will make an asylum and/or human rights claim based on alleged mistreatment at the hands of the authorities on account of their association with, or membership of, the Beja Congress (BC).
- 3.6.2 *Treatment.*** The BC was founded in 1958 to draw attention to the political and economic grievances of the Beja tribes from the Port Sudan region and turned to armed struggle in 1989. In 1995 it joined the National Democratic Alliance (NDA) and began military activities in the East in coordination with the Sudan People's Liberation Movement/Army (SPLM). The BC observed a self-imposed ceasefire from November 2003, as it awaited the result of the north-south peace talks.⁴⁰
- 3.6.3** In June 2005, the Government and the NDA signed a reconciliation deal allowing the NDA into a power-sharing administration. However, the Eastern Front (comprising the Beja Congress, Free Lion and the JEM), formed later in 2005, had split from the NDA and did not consider itself bound by the June 2005 agreement. All those detained following demonstrations in January 2005 were released by the end of June 2005 and there have been no reports of significant confrontations since.⁴¹
- 3.6.4** In April 2005 the government pledged \$88 million to eastern Sudan over three years.⁴² On 19 June 2006 the Sudanese government and rebels of the Eastern Front (EF) signed a ceasefire and agreed on a framework for substantive peace talks to end the conflict. Talks in June ended with the signing of two agreements: a declaration of principles and an agreement on creating a conducive environment for peace, including a ceasefire, the lifting of the state of emergency, the release of prisoners of war, and an agreement to refrain from hostile media campaigns. In October 2006 a peace agreement was signed to end the conflict in Eastern Sudan.⁴³
- 3.6.5** See also sections 2.17 and 2.19
- 3.6.6 *Sufficiency of protection.*** Since the ceasefire agreement in June 2006, individuals associated with the Beja Congress are not at risk of ill treatment amounting to persecution at the hands of the state authorities. The availability and necessity of state protection for such applicants is not a relevant consideration.
- 3.6.7 *Internal relocation.*** Similarly, internal relocation is unlikely to be a consideration. However, if this category of applicants' fear is of ill treatment/persecution by the state authorities, this does not mean that case owners should automatically presume that internal relocation is not an option. As Lord Bingham observed in *Januzi* ([2006] UKHL 5):
- "The more closely the persecution in question is linked to the state, and the greater the control of the state over those acting or purporting to act on its behalf, the more likely (other things being equal) that a victim of persecution in one place will be similarly vulnerable in another place within the state. The converse may also be true. All must depend on a fair assessment of the relevant facts."*
- 3.6.8** Very careful consideration must be given to whether internal relocation would be an effective way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unduly harsh to expect them to do so, then asylum or humanitarian protection should be refused.

⁴⁰ COI Sudan Report

⁴¹ COI Sudan report

⁴² COI Sudan report

⁴³ COI Sudan report

- 3.6.9 Conclusion.** In June 2006 the Eastern Front Alliance in which the BC operates finalised a ceasefire agreement with the Khartoum government in which a ceasefire was announced with immediate effect. A peace agreement was signed in October 2006. In light of this agreement and continued observance of the ceasefire, it is not likely that any level of BC member is now at real risk of persecution for reason of such membership. The grant of asylum in such cases is therefore unlikely to be appropriate.
- 3.6.10** Case owners should note that members of the BC have been responsible for numerous serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for the BC and the evidence suggests he/she has been involved in such actions, then case owners should consider whether one of the Exclusion clauses is applicable. Case owners should refer all such cases within this category of claim to a Senior Caseworker in the first instance. Further guidance on Article 1F can be found in the Asylum Instructions on 'Exclusion – Articles 1F and 33(2) of the Refugee Convention
- 3.7 Members of the SPLM/A (incl the Nuba)**
- 3.7.1** Some applicants will make an asylum and/or human rights claim based on mistreatment at the hands of the state authorities due to their alleged membership of, or association with the SPLM/A in southern Sudan.
- 3.7.2 Treatment.** On 9 January 2005 the 20 year old civil conflict was formally ended when the Government of Sudan (GoS) and Sudan People's Liberation Movement (SPLM) signed the Comprehensive Peace Agreement (CPA). This agreement included key issues such as self-determination for the South and established a permanent ceasefire. The parties established a Government of National Unity (GNU) which was announced in September 2005, comprising members of the National Congress, SPLM and other northern and southern political forces. The CPA provided for a devolved Government of Southern Sudan (GoSS) and also made provisions for national elections in 2009 (now due to take place in April 2010) together with a referendum for determining the status of the South in 2011.⁴⁴
- 3.7.3** The State of South Kordofan, which lies to the north of the border of South Sudan and borders Darfur was bitterly disputed during the north-south war. The demarcation of the disputed oil-rich Abyei region, which was incorporated into Southern Kordofan under the 2005 peace deal, has led to violent clashes between northern and southern groups in 2008.⁴⁵ In July 2009, an international tribunal cut the size of the Abyei region excluding more than 45,000 square kilometres of land formally claimed by the SPLM/A.⁴⁶ The people of Abyei will vote to either join the South or remain in the North in the 2011 referendum.⁴⁷
- 3.7.4** The Nuba Mountains are in central Sudan in Southern Kordofan and not in the southern war zone where most of the civil war fighting took place. However, the northern government targeted the Nuba at certain stages of the conflict denying them access to basic rights and freedoms. The SPLM/A saw the Nuba's plight and allied themselves to their cause, basing some fighters in the Nuba Mountains. Some Nuba people joined the SPLM/A to fight against government forces.⁴⁸ The future of the Nuba remains precarious. Many of the protections –

⁴⁴ COIS Sudan COI Report (History; Peace and conflict in Sudan - South Sudan)

⁴⁵ BBC News: 'UN warned of South Sudan violence' 7.01.09 and "Sudan could face new Darfur war" 22.10.08

⁴⁶ All Africa 'Sudan: Tribunal cuts size of disputed Abyei Region' 22.07.09
<http://allafrica.com/stories/200907220688.html>

⁴⁷ Sudan Tribune 'South Sudan cabinet approves Abyei ruling' 1.08.09
<http://www.sudantribune.com/spip.php?article31992>

⁴⁸ COI Sudan Report

including the right to vote on secession in 2010 – given to Southern Sudanese was not extended to the Nuba whose region was construed as an integral part of northern Sudan in the final peace agreement.⁴⁹ In January 2009 armed irregular forces of the Hawazma tribe attacked Nuba villages and SPLA military camps in Southern Kordofan killing 19 people.⁵⁰ Ahmed Haroun, who is wanted by the ICC for crimes against humanity was appointed governor of South Kordofan in May 2009.⁵¹ He has launched an initiative for reconciliation and tolerance to work with all groups to establish security in the region and boost the unity of state groups.⁵²

- 3.7.5** On 2 August 2009 an attack was carried out in Akobo, Jongeli state by fighters from the Murle ethnic group. It was described as one of the worst single outbreaks of violence in South Sudan since the end of the civil war four years ago. At least 185 people died. The United Nations say that 2,000 people have died in the south in recent months, more than in Darfur. Many in the south blame former civil war enemies in the north for encouraging the attacks. There are fears the north wants to destabilise the oil-rich south ahead of the 2011 referendum.⁵³
- 3.7.6** **Sufficiency of protection.** Since the conclusion of the CPA in January 2005 and the establishment of the GoSS in October 2005, individuals associated with the SPLM/A are not at risk of ill treatment amounting to persecution at the hands of the state authorities.
- 3.7.7** **Internal relocation.** Since the conclusion of the CPA in January 2005, and the establishment of the GoSS in October 2005, individuals associated with the SPLM/A are not at risk of ill treatment amounting to persecution at the hands of the state authorities and can safely reside in any part of the country.
- 3.7.8** **Conclusion.** Since the peace agreement in January 2005 and the establishment of the GoSS in October 2005, affiliates of the SPLM/A at any level are not now at real risk of ill-treatment for reason of such affiliation and are therefore unlikely to have a well-founded claim for asylum.
- 3.7.9** Case owners should note that members of SPLM/A have been responsible for numerous serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for the SPLM/A and the evidence suggests he/she has been involved in such actions, then case owners should consider whether one of the Exclusion clauses is applicable. Further guidance on Article 1F can be found in the Asylum Instruction on 'Exclusion – Articles 1F and 33(2) of the Refugee Convention. Case owners should refer all such cases within this category of claim to a Senior Caseworker in the first instance.

3.8 Members or associates of the SLM/A or JEM

⁴⁹ Minorities at Risk: assessment 2004-2009 'Assessment for Nuba in Sudan
<http://www.cidcm.umd.edu/mar/assessment.asp?groupId=62503>

⁵⁰ Sudan Tribune 'Fighting erupts in Nuba Mountains' 16.01.09
<http://www.sudantribune.com/spip.php?article29874>

⁵¹ Sudan Tribune 'Nuba Mountains and possible troubles with the new Governor Haroun' 12.05.09
<http://www.sudantribune.com/spip.php?article31144>

⁵² Sudan Tribune 'New South Kordofan governor launches reconciliation initiative' 15.05.09
<http://www.sudantribune.com/spip.php?article31172>

⁵³ BBC News 'Horrors of South Sudan massacre' 10.08.09
<http://news.bbc.co.uk/1/hi/world/africa/8194060.stm>

- 3.8.1 Treatment.** The Darfur Peace Agreement (DPA) was signed in 2006 by the government and one SLA/M faction (led by Minni Minawi) but was undermined by the absence of other parties. JEM rejected the deal. Groups have since splintered which has hampered peace initiatives. The SLA/M, as well as the Janjweed and government forces are responsible for attacks on civilians.⁵⁴
- 3.8.2** On 10 May 2008, JEM launched an assault on Omdurman, Khartoum. Government forces defeated the rebels but there were reports of arbitrary arrests by the Sudanese authorities, extra-judicial executions and ill-treatment of detainees following the attack.⁵⁵ The Foreign and Commonwealth Office (FCO) stated that, following the fighting, large numbers of non-Arab Darfuris living in Khartoum were detained. Reports suggested the Government detained anyone identified as Zaghawa. Press reports and eye-witness accounts described up to 3,000 arrests although exact numbers were difficult to verify. There had also been allegations of torture, mistreatment and inhumane detention conditions.⁵⁶
- 3.8.3** On 4 March 2009 the ICC announced the issue of an arrest warrant against President Bashir for war crimes and crimes against humanity in Darfur. Immediately following the issue of the arrest warrant, Sudan expelled 13 foreign NGOs from Darfur and dissolved three local organisations.⁵⁷ On 16 March 2009, President Bashir stepped up his clampdown on foreign aid groups by ordering that local relief organisations take over food distribution within a year.⁵⁸ Other members of the government subsequently modified this to an intention to gradually “Sudanize” delivery of aid.⁵⁹ President Bashir also announced that his government is prepared to expel foreign missions if they exceed their mandate.⁶⁰ The Sudanese authorities have denied reports that the expelled NGOs will be allowed to return but new NGOs may apply for registration.⁶¹
- 3.8.4** At a meeting in Doha on 17 February 2009 sponsored by Qatar, the UN, the African Union and the Arab League, JEM signed a declaration of intent to pave the way for broader peace talks with Khartoum.⁶² On 17 March a leading rebel commander from an SLM group signed a merger agreement with the JEM.⁶³ On 20 March 2009, JEM suspended its participation in the Doha peace process and called on Khartoum to reverse its decisions to expel aid groups and replace all international NGOs with local ones by the end of the year. It would suspend participation until evicted NGOs had returned and resumed operations.⁶⁴ Rebels from the Justice and Equality Movement (JEM) met on 14 September with the Qatari facilitators to assess the evolving efforts to resume Doha peace process next October and reaffirmed commitment to the peace process.⁶⁵
- 3.8.5 Sufficiency of protection.** If this category of claimants’ fear is of ill treatment or persecution by the state or Janjaweed in Darfur they cannot seek protection from the government.

⁵⁴ International Crisis Group: The current situation

⁵⁵ IRIN news “Rights groups decry Khartoum crackdown 26 May 2008

⁵⁶ FCO letter 29 June 2008 (hard copy available)

⁵⁷ Sudan Tribune ‘Sudan expels 10 aid NGOs and dissolves 2 local groups’ 5.03.09

⁵⁸ SudanTribune ‘Sudan’s Bashir warns foreign diplomats that they face expulsion’ 16.03.09

⁵⁹ Thomson Reuters Foundation: ‘Sudan minister says no to mass aid expulsion’ 17.03.09

⁶⁰ SudanTribune ‘Sudan’s Bashir warns foreign diplomats that they face expulsion’ 16.03.09

⁶¹ VOA News.com ‘Sudan denies some expelled NGOs returning’.

<http://www.voanews.com/english/archive/2009-06/2009-06-11-voa52.cfm?CFID=296541315&CFTOKEN=58301538&jsessionid=84302e02b7eeacab2f63b7e079135a60604>

⁶² BBC News ‘Q&A: Sudan’s Darfur Conflict’ 5.03.09

⁶³ Sudan Tribune ‘Darfur rebel faction merges with JEM’ 18.03.09

⁶⁴ Sudan Tribune ‘Rebel JEM suspends their participation in Darfur peace process’ 21.03.09

⁶⁵ Sudan Tribune ‘Darfur rebels assess peace process in Qatar’ 15.09.09

- 3.8.6 Internal relocation.** All JEM members or affiliates, at any level of involvement, are at real risk of ill treatment by the Sudanese authorities or Janjaweed in Darfur and the Sudanese authorities elsewhere in Sudan. Internal relocation is not therefore an option.
- 3.8.7** Leading members of the SLM/A are at real risk of ill treatment by the Sudanese authorities or Janjaweed in Darfur and the Sudanese authorities elsewhere in Sudan. Internal relocation is not therefore an option.
- 3.8.8** Low or mid-level affiliates of the SLM/A who are at real risk of ill-treatment by local officials in Darfur may be able to avoid that particular risk by relocating to a part of Sudan where they are not known to the Sudanese authorities or where they would be of no interest to them. If their fear is solely of the Janjaweed, they should be able to avoid that particular risk by relocating to areas of the country in which the Janjaweed are not present. **However, see below.**
- 3.8.9** Ordinary non-Arab Darfuris are not thought to be subject to systematic persecution outside Darfur and the courts have found that it is not unduly harsh to expect them to internally relocate to Khartoum. However, those decisions predated the developments and reports referred to at paragraphs 3.9.4 – 3.9.7 below, and restrictions on the operations of NGOs - a key source of country of origin information on Sudan - have meant we have been unable to obtain sufficient reliable information to be able to assess accurately whether there is a continuing heightened risk to non-Arab Darfuris in Khartoum. In light of the fact that we do not yet have sufficient information to allay the concerns raised in the reports, case owners should not argue that non-Arab Darfuris can relocate internally within Sudan.
- 3.8.10 Conclusion.** All non-Arab Darfuris, regardless of their political or other affiliations, are at real risk of persecution in Darfur and internal relocation elsewhere in Sudan is not currently to be relied upon. Claimants who establish that they are non-Arab Darfuris and who do not fall within the exclusion clauses will therefore qualify for asylum.
- 3.8.11** Members of the SLM/A and JEM have been responsible for numerous serious human rights abuses, some of which amount to war crimes and crimes against humanity. If it is accepted that a claimant was an active operational member or combatant for the SLM/A or JEM and the evidence suggests he/she has been involved in such actions, then case owners should consider whether one of the Exclusion clauses is applicable. Further guidance on Article 1F can be found in the Asylum Instruction on 'Exclusion – Articles 1F and 33(2) of the Refugee Convention. Case owners should refer all such cases within this category of claim to a Senior Caseworker in the first instance.

3.9 Members of non-Arab ethnic groups from the Darfur States

- 3.9.1** A significant proportion of applicants will make an asylum and/or human rights claim on the basis of ill treatment at the hands of government-sponsored militias due to their membership of the Massaleit (aka Massalit), Zaghawa (aka Zaghewa), Fur (aka For or Four) or another of the non-Arab ethnic groups from the Darfur States.
- 3.9.2 Treatment.** On 10 May 2008, JEM launched an assault on Omdurman, Khartoum. Government forces defeated the rebels but there were reports of arbitrary arrests by the Sudanese authorities, extra-judicial executions and ill-treatment of detainees following the attack.⁶⁶ The Foreign and Commonwealth Office (FCO) stated that, following the fighting, large numbers of non-Arab Darfuris living in Khartoum were detained. Reports suggested the Government detained anyone identified as Zaghawa. Press reports and eye-witness accounts described up to 3,000 arrests although exact numbers were difficult to verify.

⁶⁶ IRIN news "Rights groups decry Khartoum crackdown 26 May 2008

There had also been allegations of torture, mistreatment and inhumane detention conditions.⁶⁷

- 3.9.3** On 4 March 2009 the ICC announced the issue of an arrest warrant against President Bashir for war crimes and crimes against humanity in Darfur. Immediately following the issue of the arrest warrant, Sudan expelled 13 foreign NGOs from Darfur and dissolved three local organisations.⁶⁸ On 16 March 2009, President Bashir stepped up his clampdown on foreign aid groups by ordering that local relief organisations take over food distribution within a year.⁶⁹ Other members of the government subsequently modified this to an intention to gradually “Sudanize” delivery of aid.⁷⁰ President Bashir also announced that his government is prepared to expel foreign missions if they exceed their mandate.⁷¹ The Sudanese authorities have denied reports that the expelled NGOs will be allowed to return but new NGOs may apply for registration.⁷²

Situation in Khartoum

- 3.9.4** The Norwegian Country of Information Centre reported in November 2008 that there had been relatively few reports of arrests and persecution of Darfuris in Khartoum prior to the JEM attack. Almost all the reported arrests and/or other persecution involved high-profile people, human rights activists or opponents of the regime. Arrests of Darfuris in Khartoum did not seem to occur on the grounds of regional or ethnic background alone although it could not be ruled out that arrests took place which were not reported. However, given the international presence in Khartoum and the fact that several national human rights organisations operated relatively freely in the capital, the report considered that the scope of such abuse was unlikely to be extensive.⁷³
- 3.9.5** Since this report was published, there have been a number of developments in Sudan. The issue of the ICC arrest warrant against President Bashir led to the expulsion of a number of international NGOs and the closure of some local human rights organisations which has severely reduced the ability of the local human rights community to monitor and report on human rights violations. There has been continued press censorship and intimidation which has further increased restrictions on freedom of expression.⁷⁴
- 3.9.6** A UNHCR report published in November 2008 states that the National Intelligence and Security Services (NISS) use arbitrary arrest against political dissidents in Khartoum. NISS detention can involve ill-treatment, torture and unofficial places of detention. Darfurians in Khartoum are at heightened risk of arbitrary arrest if they are suspected of links with Darfuri rebel groups or movements. Of particular concern is the view that, “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 organisation abroad.”⁷⁵

⁶⁷ FCO egram 29 June 2008

⁶⁸ Sudan Tribune ‘Sudan expels 10 aid NGOs and dissolves 2 local groups’ 5.03.09

⁶⁹ Sudan Tribune ‘Sudan’s Bashir warns foreign diplomats that they face expulsion’ 16.03.09

⁷⁰ Thomson Reuters Foundation: ‘Sudan minister says no to mass aid expulsion’ 17.03.09

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⁷³ Landinfo report November 2008, Norwegian Country of Information Centre

⁷⁴ Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar 15.06.09
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MYAI-7T32TD?OpenDocument>

⁷⁵ Tenth periodic report of the UNHCR on the situation of human rights in the Sudan: Arbitrary arrest and detention committed by national security, military and police 28.11.08

- 3.9.7** A June 2009 report by the Special Rapporteur notes an increase in arrests, harassment, intimidation, ill-treatment and alleged torture of human rights defenders and humanitarian workers since the application by the ICC Prosecutor for an arrest warrant.⁷⁶
- 3.9.8 *Sufficiency of protection.*** If members of non-Arab ethnic groups from the Darfur States fear ill treatment or persecution by the state they cannot seek protection from the government.
- 3.9.9 *Internal relocation.*** Ordinary non-Arab Darfuris are not thought to be subject to systematic persecution outside Darfur and the courts have found that it is not unduly harsh to expect them to internally relocate to Khartoum. However, those decisions predated the developments and reports referred to at paragraphs 3.9.4 – 3.9.7 above, and restrictions on the operations of NGOs - a key source of country of origin information on Sudan - have meant we have been unable to obtain sufficient reliable information to be able to assess accurately whether there is a continuing heightened risk to non-Arab Darfuris in Khartoum. In light of the fact that we do not yet have sufficient information to allay the concerns raised in the reports referred to above, case owners should not argue that non-Arab Darfuris can relocate internally within Sudan.
- 3.9.10 *Conclusion.*** All non-Arab Darfuris, regardless of their political or other affiliations, are at real risk of persecution in Darfur and internal relocation elsewhere in Sudan is not currently to be relied upon. Claimants who establish that they are non-Arab Darfuris and who do not fall within the exclusion clauses will therefore qualify for asylum.
- 3.10 *Prison conditions***
- 3.10.1** Claimants may claim that they cannot return to Sudan due to the fact that there is a serious risk that they will be imprisoned on return and that prison conditions in the Sudan are so poor as to amount to torture or inhuman treatment or punishment.
- 3.10.2** The guidance in this section is concerned solely with whether prison conditions are such that they breach Article 3 of ECHR and warrant a grant of Humanitarian Protection. If imprisonment would be for a Refugee Convention reason, or in cases where for a Convention reason a prison sentence is extended above the norm, the claim should be considered as a whole but it is not necessary for prison conditions to breach Article 3 in order to justify a grant of asylum.
- 3.10.3 *Treatment.*** Prison conditions throughout the country remained harsh and overcrowded in 2008. 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. Juveniles often were held with adults in the north.⁷⁷
- 3.10.4** Government authorities detained 109 children in connection with the May 10 JEM attack. Most of the children were sent to a detention facility for children after having been initially held with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and

<http://www.unhcr.org/refworld/publisher,OHCHR,SDN,4933b0c62,0.html>

⁷⁶ Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar 15.06.09
<http://www.reliefweb.int/rw/rwb.nsf/db900sid/MYAI-7T32TD?OpenDocument>

⁷⁷ COI Country report 1 May 2009

remained detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process.⁷⁸

- 3.10.5** Unlike 2007, 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.⁷⁹
- 3.10.6** 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.⁸⁰
- 3.10.7** Pretrial detainees were generally held in jails separate from convicted prisoners in the south. Detention centers 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. The SSPD permitted monitoring of prison conditions by the ICRC and other observers.⁸¹
- 3.10.8** SLA/Minni Minawi continued to operate detention centers in North Darfur, including in Dar al Salaam, Zam Zam, and Shagil Tobaya. UNAMID reported that detainees were held in poor conditions. The SLA and other rebel groups allowed the ICRC access to some detainees during the year.⁸²

3.10.9 Case law.

MA (Sudan) [2005] UKAIT 00149. Operational Guidance – prison conditions – significance. So long as the IND Operational guidance Note on Sudan continues to view prison conditions in Sudan as being “likely to reach the Article 3 threshold”, the Tribunal will expect the Home Office to concede in all appeals based on Article 3 where it is accepted that the appellant has demonstrated a real risk of imprisonment on return to Sudan.

BA (Sudan) CG [2006] UKIAT 00006. Military service – no risk. The Tribunal stated, “while accepting that prison conditions are contrary to Article 3 we do not accept (the appellant’s representative’s submissions) that there is currently a real risk the draft evaders generally would face imprisonment (paragraph 32).” Rather than imprison draft evaders, the Sudanese authorities take steps to ensure they serve in the army under supervision (paragraph 33). The background evidence does not indicate that draft evaders and deserters, in general, face a real risk of imprisonment (paragraph 35). There is no compelling evidence to show that draft evaders, deserters or conscripts are being forced to fight in Darfur (paragraph 41).

The case of **AM (Sudan Draft Evader) Sudan 2004 UKIAT 00335** is no longer an authority on the issues of draft evasion and desertion. AM does not have an evidential basis to show that draft evaders or deserters would be forced to fight in Darfur, where involvement in the military conflict may be contrary to the basic rules of human conduct (paragraph 53). The latest CG case **HGMO Sudan CG UKAIT 00062** replaces as country guidance the case of **AE (Relocation-Darfur-Khartoum an option) Sudan CG [2005] UKAIT 00101**.

⁷⁸ COI Country report 1 May 2009

⁷⁹ COI Country report 1 May 2009

⁸⁰ COI Country report 1 May 2009

⁸¹ COI Country report 1 May 2009

⁸² COI Country report 1 May 2009

3.10.10 Conclusion. Prison conditions in Sudan are severe and taking into account the severely decayed infrastructure, lack of meaningful control by the authorities, widespread abuse of inmates and extremely poor health facilities and sanitary conditions, prisons and detention facilities in Sudan are likely to reach the Article 3 threshold. Where case owners believe that an individual is likely to face imprisonment on return to the Sudan they should also consider whether the claimant's actions means they fall to be excluded by virtue of Article 1F of the Refugee Convention. Where case owners consider that this may be the case they should contact a senior caseworker for further guidance. Where individual claimants are able to demonstrate a real risk of imprisonment on return to Sudan and exclusion is not justified, a grant of Humanitarian Protection will be appropriate.

4. Discretionary Leave

- 4.1** Where an application for asylum and Humanitarian Protection falls to be refused there may be compelling reasons for granting Discretionary Leave (DL) to the individual concerned. (See Asylum Instructions on Discretionary Leave) Where the claim includes dependent family members consideration must also be given to the particular situation of those dependants in accordance with the Asylum Instructions on Article 8 ECHR.
- 4.2** With particular reference to Sudan the types of claim which may raise the issue of whether or not it will be appropriate to grant DL are likely to fall within the following categories. Each case must be considered on its individual merits and membership of one of these groups should *not* imply an automatic grant of DL. There may be other specific circumstances related to the applicant, or dependent family members who are part of the claim, not covered by the categories below which warrant a grant of DL - see the Asylum Instructions on Discretionary Leave and the Asylum Instructions on Article 8 ECHR.
- 4.3 Minors claiming in their own right**
- 4.3.1** Minors claiming in their own right who have not been granted asylum or HP can only be returned where they have family to return to or there are adequate care and support arrangements. At the moment we do not have sufficient information to be satisfied that there are adequate care and support arrangements in place.
- 4.3.2** Minors claiming in their own right without a family to return to, or where there are no adequate care and support arrangements, should if they do not qualify for leave on any more favourable grounds be granted Discretionary Leave for a period as set out in the relevant Asylum Instructions.
- 4.4 Medical treatment**
- 4.4.1** Claimants may claim they cannot return to Sudan due to a lack of specific medical treatment. See the IDI on Medical Treatment which sets out in detail the requirements for Article 3 and/or 8 to be engaged.
- 4.4.2** The expulsion of 13 international NGOs (INGOs) operating in the western Sudan region of Darfur has left gaps in health coverage, according to the UN World Health Organization (WHO) as 12 of them provided health and nutrition services to about 1.1 million people. Through mobile clinics, hospitals and primary healthcare (PHC) facilities, the organisations had been providing essential services ranging from referrals for complicated and life-threatening cases to surveillance of epidemics, states the WHO March-April health bulletin. In North Darfur, reproductive healthcare services have been interrupted after the closure of a PHC facility; the activities of other health facilities, serving at least 200,000 people, have also been curtailed. In West Darfur, only 63 of 145 medical staff are providing services at

18 health facilities. In South Darfur, one rural hospital in Muhajariya and some other health facilities are closed. Five of six therapeutic feeding centres are also shut.⁸³

- 4.4.3** Southern Sudan is lacking in basic infrastructure as a result of the prolonged civil war, and according to the UN, the capacity of the Government in the region should be built up so it can take over health-care, education and other services. Health care is a particular concern, with southern Sudan experiencing some of the worst child and maternal health indicators in the world, due in part to exceptionally low immunization rates. One in seven women, for instance, dies as a result of causes related to childbirth.⁸⁴
- 4.4.4** The International Committee of the Red Cross (ICRC) reported in May 2008 that it had provided medical aid for victims of fighting in Khartoum following the JEM attack in May. A WHO report published in June 2008 stated that key agencies would be making the first high-level international visit to Abyei to plan for the reconstruction of health facilities and other vital infrastructure in the town. It added that the main health risks faced by the displaced people of Sudan are malnutrition and lack of access to safe drinking water. WHO and its partners signed an agreement in January 2009 to produce a National Health Account to improve the health of women and children in Sudan. Sudan is the country most severely affected with HIV/AIDS in North Africa and the Middle East with an estimated 500,000 people living with the disease. It is believed that the country is in the early stages of a generalised HIV/AIDS epidemic.⁸⁵
- 4.4.5** Where a caseworker considers that the circumstances of the individual claimant and the situation in the country reach the threshold detailed in the IDI on Medical Treatment making removal contrary to Article 3 or 8 a grant of discretionary leave to remain will be appropriate. Such cases should always be referred to a Senior Caseworker for consideration prior to a grant of Discretionary Leave.

5. Returns

- 5.1** Factors that affect the practicality of return such as the difficulty or otherwise of obtaining a travel document should not be taken into account when considering the merits of an asylum or human rights claim. Where the claim includes dependent family members their situation on return should however be considered in line with the Immigration Rules, in particular paragraph 395C requires the consideration of all relevant factors known to the Secretary of State, and with regard to family members refers also to the factors listed in paragraphs 365-368 of the Immigration Rules.
- 5.2** Sudanese nationals may return voluntarily to any region of Sudan at any time by way of the Voluntary Assisted Return and Reintegration Programme (VARRP) implemented on behalf of the UK Border Agency by the International Organisation for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining any travel documents and booking flights, as well as organising reintegration assistance. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers. Those wishing to avail themselves of this opportunity for assisted return should be put in contact with the IOM offices in London on 0800 783 2332 or www.iomlondon.org

⁸³ Integrated Regional Information Networks (IRIN), *Sudan: NGO expulsions leave significant healthcare gaps in Darfur*, 4 May 2009, <http://www.unhcr.org/refworld/country,...SDN,456d621e2,4a07ef93c,0.html>

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