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# Darfur

**COI Compilation**

**July 2014**



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ACCORD - Austrian Centre for Country of  
Origin & Asylum Research and Documentation

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This report serves the specific purpose of collating legally relevant information on conditions in countries of origin pertinent to the assessment of claims for asylum. It is not intended to be a general report on human rights conditions. The report is prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced.

This report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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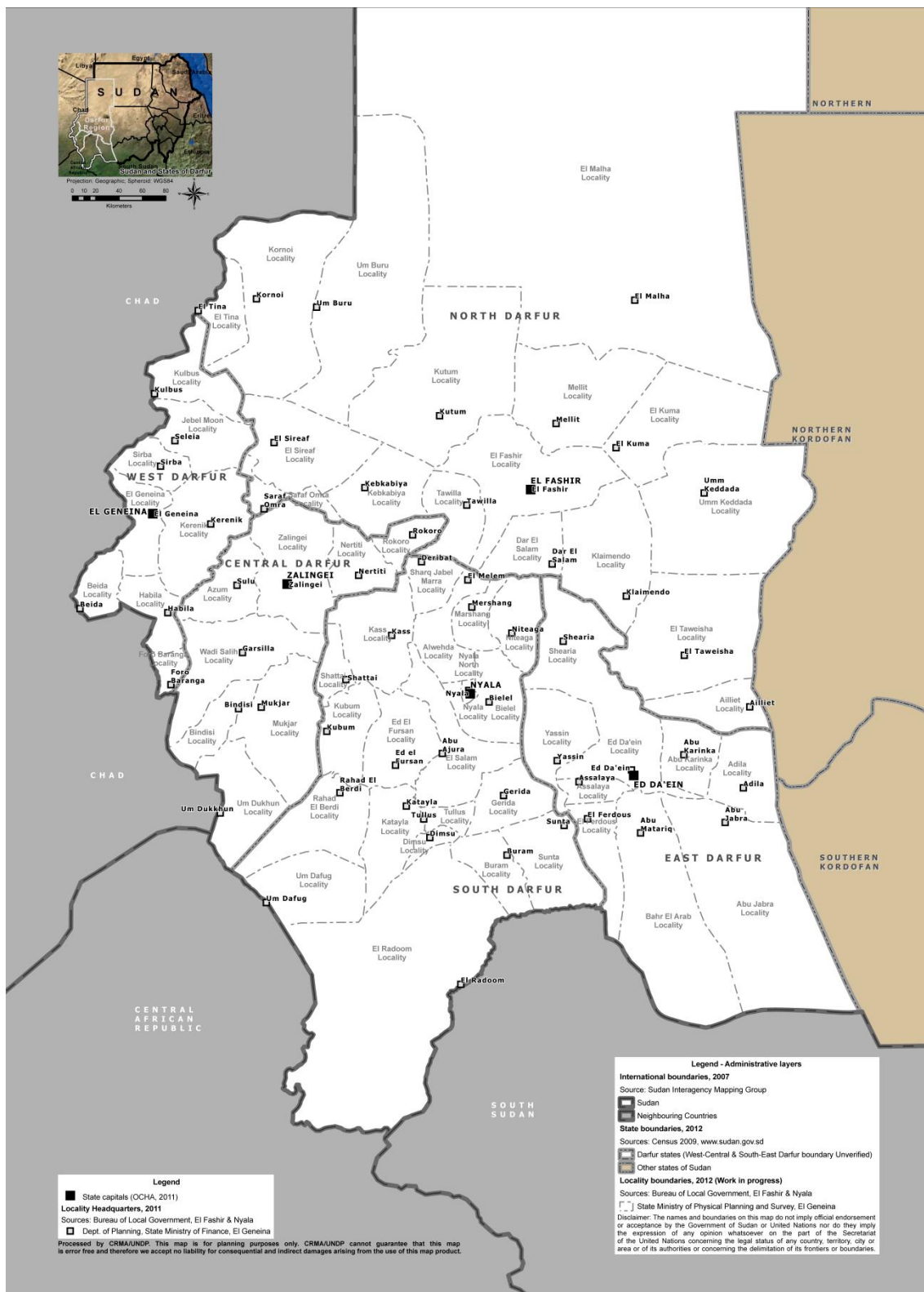
## List of Abbreviations

BG – Border Guards  
CPA – Comprehensive Peace Agreement  
CRP – Central Reserve Police  
DDPD – Doha Document for Peace in Darfur  
DPA – Darfur Peace Agreement  
DRA – Darfur Regional Authority  
FGM/C – Female genital mutilation/cutting  
HAC - Humanitarian Assistance Commission  
JEM – Justice and Equality Movement  
LJM – Liberation and Justice Movement  
NCF – National Consensus Forces  
NCP – National Congress Party  
NISS – National Intelligence and Security Services  
PDF – Popular Defence Forces  
PPF - Popular Police Forces  
RSF – Rapid Support Forces  
SAF – Sudan Armed Forces  
SLA-AW – Sudan Liberation Army-Abdul Wahid Mohamed al Nur  
SLA-MM – Sudan Liberation Army-Minni Minawi  
SPLM-N – Sudan People’s Liberation Movement-North  
SRF – Sudan Revolutionary Front  
UNAMID – African Union/United Nations Hybrid operation in Darfur

# 1 Background information

## 1.1 Geographical information

### 1.1.1 Map of Darfur



Source: CRMA/UNDP - Crisis and Recovery Mapping and Analysis/United Nations Development Programme: Darfur Map large, 2012 (available at website of the International Donor Conference for Reconstruction and Development in Darfur) <http://darfurconference.com/sites/default/files/files/Darfur%20Map%20large.pdf>

## 1.2 Central government

Sudan is a "Federal republic ruled by the National Congress Party (NCP), which came to power by military coup in 1989" (CIA, 17 June 2014). The federal state comprises 17 states. Meanwhile, the principle of central government is also strongly established. The state governors were directly elected for the first time in regional elections held in April 2010. The state parliaments only have nominal power and lack sufficient budgets (AA, October 2013). The country's president is "both the chief of state and head of government" (CIA, 17 June 2014). Field Marshal Omar Hassan Ahmad al-Bashir who is president and prime minister since October 1993 (CIA, 17 June 2014) also acts as commander in chief of the armed forces, chairman of the Supreme Council of the Judiciary and commander of the police. He can suspend the constitution and declare a state of emergency. Following the 2005 Comprehensive Peace Agreement (CPA) between the North and the South, the state structure underwent profound transformation, with the former rebel movement Sudan People's Liberation Movement/Army (SPLM/A) enlisted to participate in a Government of National Unity (AA, October 2013). The Government of National Unity (2005-2011) based on the CPA "was disbanded following the secession of South Sudan" (CIA, 17 June 2014).

Sudan's cabinet, the Council of Ministers, is "appointed by the president" and dominated by the NCP (previously known as National Islamic Front, NIF). The country's bicameral National Legislature consists of a Council of States and a National Assembly. Following South Sudan's secession in 2011, the two chambers were reduced from 50 to 32 seats and from 450 to 354 seats respectively (Freedom House, 23 January 2014). As noted by the US Department of State (USDOS), power is concentrated in the hands of President Omar Hassan al-Bashir "and his inner circle", with his National Congress Party (NCP) maintaining control of the government. In Sudan's last national elections, held in 2010, "[v]oters re-elected the president and gave the NCP 323 of 450 seats in the National Assembly" (USDOS, 27 February 2014, Executive Summary).

## 1.3 Local government (Darfur Regional Authority)

The Darfur Regional Authority (DRA) was created under the Doha Document for Peace in Darfur (DDPD) (UN Security Council, 10 April 2013, p. 1), signed in mid-July 2011 "between the Sudanese government and the former rebel Liberation and Justice Movement (LJM)" (Sudan Tribune, 10 May 2012). It was "established in December 2011 as the lead actor for the implementation of the [Doha] agreement" (HSBA, 24 July 2013).

The DRA is the "regional body [...] responsible for governing Darfur, as well as promoting reconciliation, peace, reconstruction and for distributing compensation" (IBT, 8 February 2012).

A February 2012 article of the BBC covers the establishment of the DRA as follows:

"The new Darfur Regional Authority aims to share power and wealth, compensate those affected by the nine-year war and help the return of displaced people. It was formed as part of a peace deal to end the war, and signed by one of Darfur's weaker rebel movements. But the other rebel groups, who say they are fighting against their marginalisation, rejected the deal. [...] Critics believe the DRA, tasked with implementing

the Doha deal, shares many of the weaknesses of the previous Darfur administration, a product of the 2006 Abuja peace deal." (BBC News, 8 February 2012)

The website of the International Donor Conference for Reconstruction and Development in Darfur, held in April 2013, states:

"The Darfur Regional Authority (DRA) is an interim governing body for the Darfur region of the Republic of Sudan and replaces the former Transitional Darfur Regional Authority, which was established in 2007 under the terms of the 2006 Darfur Peace Agreement. As outlined in Article 10 of the DDPD, the DRA is a regional authority with both executive and legislative functions. [...] [T]he DRA assumed its full functions on 8 February 2012." (International Donor Conference for Reconstruction and Development in Darfur, 7-8 April 2013)

The general aims of the Darfur Regional Authority (DRA) are laid down in paragraph 59 (Article 10) of the Doha Document for Peace in Darfur (DDPD):

"The DRA shall serve as the principal instrument for the implementation of this Agreement in collaboration with the GoS [Government of Sudan] and with the support of the international partners. It will also play a central role in enhancing implementation, coordination and promotion of all post-conflict reconstruction and development projects and activities in Darfur, and be responsible for cooperation and coordination among the States of Darfur. The activities of the DRA shall primarily aim to promote:

- i. Peace and security;
- ii. Socio-economic development, stability and growth;
- iii. Justice, reconciliation and healing." (DDPD, 2011, Article 10, paragraph 59)

The prerogatives of the DRA are set out in paragraph 60 (Article 10) of the DDPD:

"The prerogatives of the DRA shall not contradict or affect the exclusive powers of the states in Darfur and the Federal Government. However, the DRA shall have oversight responsibility over all matters related to its areas of primary jurisdiction and competence. The DRA shall supervise the conduct of a referendum to decide the administrative status of Darfur, specifically whether to keep the current States system or to have a single region with States." (DDPD, 2011, Article 10, paragraph 60)

The detailed primary and concurrent competencies of the DRA are listed in paragraphs 63 and 64 (Article 10) of the DDPD (DDPD, 2011, Article 10, paragraphs 63 and 64).

Paragraph 65 (Article 10) of the DDPD provides that "[t]he DRA shall be composed of two main organs: the DRA Executive Organ and the DRA Council" (DDPD, 2011, Article 10, paragraph 65).



The above-mentioned website of the International Donor Conference for Reconstruction and Development in Darfur outlines the composition of the DRA Executive Organ and the DRA Council as follows:

“The Darfur Executive is led by an Executive Chairperson, Darfur state governors, ministers and heads of the Darfur commissions. The Darfur Council will be made up of 67 Council Members drawn from the movements and the Darfur state legislatures.” (International Donor Conference for Reconstruction and Development in Darfur, 7-8 April 2013)

The Darfur Regional Authority Council is referred to by the UN Security Council as the “legislative body of the Darfur Regional Authority”, and “its members [were] appointed through a Government decree issued on 14 October 2012” (UN Security Council, 10 April 2013, p. 1).

A report of the UN Security Council elaborates on the government appointments to the Darfur Regional Authority Council:

“In accordance with the power-sharing provisions of the Doha Document, on 14 October [2012] the Government of the Sudan issued a decree appointing 42 people, including 17 LJM members and 25 members of the Darfur state legislatures, to the Darfur Regional Authority Council. The 67-member Council is responsible for supervising and monitoring the work of the Authority’s Executive Council. The remaining 25 positions are reserved for representatives from the Eastern Darfur State Legislature and for representatives of armed movements that may sign the Doha Document in the future.” (UN Security Council, 10 January 2013, p. 2)

The DDPD “also established five Commissions aimed at focusing on the most crucial issues of sustainable recovery in Darfur, namely: land; compensation; truth, justice and reconciliation; returns; and, security arrangements”. The institutions are “[s]pearheaded by the DRA”. (International Donor Conference for Reconstruction and Development in Darfur, 7-8 April 2013)

A January 2014 report by the International Crisis Group (ICG), an independent NGO working to prevent and resolve conflict through field-based analysis and high-level advocacy, states:

“A transitional Darfur Regional Authority (DRA) has been created, and LJM leaders and allies from civil society and the diaspora have been named to it and other institutional posts. Tijani Sese was appointed DRA chairman, a position that, per the DDPD, ‘comes directly after the Vice Presidents of the Republic’. However, LJM officials say, this is in protocol, and, unlike the vice presidents, Sese is not a Council of Ministers or National Security Council member. In principle, Darfur governors are deputies of the DRA executive, but as Doha did not agree on a unified region, most do not accept the DRA as a supra-state institution. NCP barons, notably North Darfur Governor Osman Mohammed Yusif Kibir, remain largely independent. A DRA official said only West Darfur Governor Haydar Galukuma accepts DRA authority. One of the few coalition leaders from the Masalit, the main West Darfur tribe, he is from the LJM and Sudan’s only non-NCP governor. [...] More substantial and potentially more popular provisions, in particular the

vote on Darfur's administrative status, have not been implemented." (ICG, 27 January 2014, pp. 6-7)

The same ICG report also indicates:

"In early 2011 [...], Khartoum announced unilaterally that it would create two additional states in Darfur and would hold a referendum on Darfur's administrative status (one supra-state region, or several states), no matter that the issue was still under discussion in Doha. The new states (Central Darfur and East Darfur) were established before the DDPD was signed; the referendum was included in the DDPD but remains unimplemented." (ICG, 27 January 2014, p. 5)

As reported by the Thomson Reuters Foundation, the new states – Central Darfur and Eastern Darfur – were established in January 2012 (Thomson Reuters Foundation, 13 June 2013).

#### **1.4 Background to the current state of the Darfur conflict**

For detailed information on the current state of the conflict, please refer to [section 3](#) of this compilation.

As reported on the website of the African Union/United Nations Hybrid operation in Darfur (UNAMID), "[a] civil war erupted in Darfur in 2003 between the Government of Sudan and its allied militia, and other armed rebel groups" (UNAMID, undated (a)).

In a July 2012 report, the Human Security Baseline Assessment for Sudan (HSBA), which is part of the Small Arms Survey, a project of the Graduate Institute of International and Development Studies in Geneva, notes the following successive waves of conflict:

"The first wave of major fighting, from 2003 to 2005, was dominated by attacks against non-Arab groups accused of supporting the rebellion. The violence was perpetrated principally by government-sponsored, Arab-dominated *abbala* (camel-herding) militias, leading to thousands of civilian deaths and the displacement of hundreds of thousands of people. After the signing of the Darfur Peace Agreement (DPA) in 2006, Arab groups increasingly turned against both the government and each other. Between 2008 and 2010, violent deaths in Darfur were thus dominated by intra-Arab fighting, notably between *abbala* and *baggara* (cattle-herding) groups in South Darfur (AU, 2009, p. 112; Flint, 2010 b; USAID, 2010). In contrast, the 'new' war in eastern Darfur, which erupted in late 2010 and early 2011, has pitted non-Arab groups against other non-Arabs; specifically, government-backed militias drawn from small, previously marginalized non-Arab groups—including the Bergid, Berti, and Tunjur—deployed against Zaghawa rebel groups and communities." (HSBA, July 2012, pp. 7-9)

The Integrated Regional Information Network (IRIN) states in August 2013:

"Darfur has seen a new wave of fighting in many areas in 2013. More than 300,000 people have had to flee their homes to escape violence since the beginning of the year, including over 35,000 people who have crossed the borders into Chad and the Central African Republic. The crisis is getting bigger," Mark Cutts, OCHA head of office in Sudan,

told IRIN. [...] The conflict in Darfur is being waged on many fronts and by different actors. It involves three main rebel groups fighting the government: the SLA(Sudan Liberation Army)-Abdul Wahid faction, the SLA-Minni Minawi faction, and the Justice and Equality Movement (JEM). And while all these rebel groups are fighting under the auspices of the Sudanese Revolutionary Front, they are also divided largely along ethnic lines, with the SLA-Abdul Wahid faction being drawn mainly from the Fur tribe, and the SLA-Minni Minawi and JEM originally being drawn many from the Zaghawa tribe. [...] Meanwhile, there is inter-tribal violence between the Misseriya and Salamat, and another conflict between the Reizegat and Beni Hussein ethnic groups. Cutts told IRIN: 'This year we have also seen a new wave of localized conflict, including not only the familiar fighting between Arab and non-Arab tribes [e.g. between the Beni Halba and the Gimir; and between the Beni Halba and the Dajo] but also an increase in intra-Arab fighting [e.g. between the Salamat and the Misseriya; and most recently between the Reizegat and the Maaliya].' There have been clashes between government forces and militia too. In July there were violent clashes between government forces and Arab militia in the Darfur capital of Nyala, leaving many dead and many more displaced. [...] The recent clashes in Darfur have mostly been as a result of inter-tribal disputes over grazing land and gold-mining rights. In January, violence broke out between the Northern Reizegat and Beni Hussein ethnic groups over control of gold mines in the Jebel Amir area of North Darfur State." (IRIN, 15 August 2013)

#### *1.4.1 Inter-communal fighting*

As reported by Amnesty International (AI), "[a] declining economy in 2012 and 2013 led to an upsurge in fighting between different Arab tribes over land and resources in North, Central and South Darfur" (AI, 14 March 2014, p. 7).

The same source goes on to state:

"Inter-communal violence between different tribes has become a major source of insecurity for the civilian population in Darfur. 2013 in particular saw an upsurge of fighting between several Arab tribes over land, resources, and administrative powers. Intra-Arab fighting in Darfur has included: the Rizeigat and the Beni Hussein over goldmines discovered in January 2013 in Jebel Amer, North Darfur; the Rizeigat and the Ma'aliya in East Darfur; the Beni Halba and Gimir in South Darfur; and the Salamat against the Misseriya and the Ta'aisha in Um Dukhun locality, Central Darfur. The increase in inter-communal violence in Darfur is partly because of the decline of the Sudanese economy over the last two years. Following South Sudan's secession in 2011, Sudan lost the majority of its oil revenues and has since seen a deteriorating economy with rising inflation and unemployment. This has resulted in increasing competition over land and resources between different groups in Darfur. The declining economy has also seen an increasing discontent within Sudan's paramilitary forces, the Popular Defence Forces (PDF), the Central Reserve Police (CRP) and the Border Guards (BG) whose wages have been reduced. There are numerous reports of criminal activities across Darfur by armed men identified as belonging to one of the three paramilitary forces." (AI, 14 March 2014, p. 10)

The January 2014 report of the International Crisis Group (ICG) notes the following developments since 2010:

"The violence has constantly evolved. Attacks of increasingly uncontrolled Arab militias against non-Arab civilians have continued, including in recent years raids in the Kutum and Hashaba areas of North Darfur. Since 2010, fighting has broken out between non-Arab tribes, with new, government-backed non-Arab militias targeting Zaghawa communities, the tribe most represented within the rebel groups in eastern Darfur. Particularly deadly clashes have multiplied since 2006 between Arab tribes as well. In 2013, three separate conflicts between Arab tribes in three different Darfur states have been the main cause of violent deaths and additional displacement of more than 450,000 people. Competition over newly discovered gold triggered very violent confrontation in Jebel Amir, North Darfur, but most current fighting is due to long-standing competition over land and power in the form of positions in the 'native administration' (traditional authorities) and creation of modern administrative units. Now heavily-armed actors replay old conflicts." (ICG, 27 January 2014, p. 1)

#### *1.4.2 Clashes between government forces and armed opposition movements*

The International Crisis Group (ICG) report of January 2014 notes:

"The Darfur conflict erupted in early 2003, when local movements rebelled to end their region's marginalisation. The 2003-2004 period was the most violent: mainly Arab militias were armed by the government to contain the rebellion, but their scorched-earth attacks targeted non-Arab civilian communities en masse, displacing more than two million people by 2005. It took almost a year for the international community to become engaged, and it was only in early 2004 that a massive humanitarian operation was deployed and peacemaking and peacekeeping mechanisms activated, mostly under African Union (AU) responsibility. The violence has constantly evolved. Attacks of increasingly uncontrolled Arab militias against non-Arab civilians have continued, including in recent years raids in the Kutum and Hashaba areas of North Darfur." (ICG, 27 January 2014, p. 1)

A September 2005 article by the Sudan Tribune, a Paris-based online news website with a focus on Sudan and its neighbouring countries, gives an overview of early developments in the Darfur conflict:

"The insurgency began virtually unnoticed in February 2003; it has, over the past two years, precipitated the first great episode of genocidal destruction in the 21st century. [...] Darfur's insurgency found early success against Khartoum's regular military forces. But this success had a terrible consequence: The regime in Khartoum switched from a military strategy of direct confrontation to a policy of systematically destroying the African tribal groups perceived as the civilian base of support for the insurgents. The primary instrument in this new policy has been the Janjaweed, a loosely organized Arab militia force of perhaps 20,000 men, primarily on horse and camel. This force is dramatically different in character, military strength, and purpose from previous militia raiders. Khartoum ensured that the Janjaweed were extremely heavily armed, well-supplied, and actively coordinating with the regime's regular ground and air forces. [...] Janjaweed assaults, typically conducted in concert with Khartoum's regular military forces (including helicopter

gunships and Antonov bombers), have been comprehensively destructive of both human life and livelihood: men and boys killed en masse, women and girls raped or abducted, and all means of agricultural production destroyed." (Sudan Tribune, 3 September 2005)

A March 2014 report by Amnesty International (AI) states:

"Fighting between government forces and armed opposition groups has continued over the years, including the use of indiscriminate bombardments by the Sudanese Armed Forces (SAF) and ground attacks by both parties in civilian areas, particularly in North, East and South Darfur. Over the years, conflict dynamics have shifted and the actors have evolved." (AI, 14 March 2014, p. 7)

The July 2012 report of the Human Security Baseline Assessment for Sudan (HSBA) states:

"[L]ate 2010 and the first half of 2011 saw a significant offensive by the Sudan Armed Forces (SAF) and militias, backed by airstrikes and aerial bombardments, targeting both rebel groups and the Zaghawa civilian population across a broad swathe of eastern Darfur [...]. Significantly, the Government of Sudan has partly shifted away from using Arab proxy militias only to rely on newly formed (and newly armed) non-Arab proxies. This development has fundamentally changed the ethnic map of eastern Darfur, drawing on previously latent tensions between non-Arab groups over land, ethnicity, and local political dominance—and generating some of the most significant ethnically directed violence since the start of the conflict in 2003" (HSBA, July 2012, p. 7)

A March 2013 press release by Amnesty International (AI) points to armed attacks involving government forces and pro-government militias:

"Elements of government forces, along with armed militias, are carrying out multiple large-scale attacks against civilians in North Darfur in what represents the worst instance of violence in recent years [...]. Border Guards, who are under the authority of the Sudanese Military Intelligence, have been involved in attacks that have reportedly killed more than 500 people so far this year. According to the UN, roughly 100,000 people have been displaced since violence broke out on 5 January when an officer of the Border Guards and leader of the Rizeigat tribe both laid claim to a gold-rich piece of land in Jebel 'Amer. [...] Government forces and militias are still present in the area and continue to cause insecurity, but the latest large-scale attack took place on 23 February when hundreds of gunmen attacked the town of El Siref, where 60,000 internally displaced people (IDPs) had taken refuge. IDPs told Amnesty International that armed men arrived on 150 camels and 200 horses and in more than 40 four-wheel drive vehicles to attack the town. Fifty three people were killed and 66 injured, most of whom were civilians, including women and children. Attackers also burned down houses and other civilian buildings. Villagers fought back with Kalashnikovs, killing 17 of the attackers, most of whom carried government issued identity documents, identifying them as members of the Border Guards." (AI, 28 March 2013a)

## 2 Actors involved in the conflict

### 2.1 Government forces

#### 2.1.1 *Armed forces*

As indicated in the CIA World Factbook, the Sudanese Armed Forces (SAF) comprise the Land Forces, the Navy (which includes Marines), the Sudanese Air Force (Sikakh al-Jawwiya as-Sudaniya) and the Popular Defence Forces (CIA, 17 June 2014).

Article 6 (1) of Sudan's Armed Forces Act of 2007 defines the SAF as "military forces of national composition" whose "target and mission" consists in "protection of sovereignty of the country, and securing safety of its territories, and participating in construction thereof, and assisting in facing national disasters and protection or the Nation's gains, and defense of the constitutional regime" (Armed Forces Act, 5 December 2007, Article 6 (1)). As laid out in Article 6 (2), "[t]hey help law enforcement organs, upon need, in the time of peace and emergencies, in accordance with the provisions of the law; and shall have for the sake of that, such powers and legal protection, as may be granted to such forces" (Armed Forces Act, 5 December 2007, Article 6 (2)). Article 8 states that the SAF "shall be under the supreme command of the President of the Republic" (Armed Forces Act, 5 December 2007, Article 8).

A December 2013 position paper published by the Al Jazeera Center for Studies indicates that "[t]he military has been strong since Bashir came to power" in 1989. The paper notes that Bashir abandoned the title of commander-in-chief in 2010 "for legal reasons" while remaining "supreme commander by virtue of his presidential post" (Al Jazeera Center for Studies, 30 December 2013).

The UK Home Office quotes a June 2012 Jane's Sentinel Country Risk Assessment (JSCRA) as follows:

"Field Marshal Omar Hassan Ahmad al-Bashir holds both the posts of president and commander in chief of the armed forces and People's Defence Forces (PDF). The minister of defence has operational command of the armed forces. There is a defence planning body, known as the National Defence Council, which operates through the defence ministry. The commander of the armed forces now has the title chief of joint staff." (UK Home Office, 11 September 2012, p. 94)

In June 2013, Agence France-Presse (AFP) news agency reports that General Mustafa Osman Obeid Salim took command of the SAF as its new chief of staff (AFP, 25 June 2013).

The UK Home Office quotes a July 2011 Jane's Sentinel Country Risk Assessment (JSCRA) as saying that "[t]he army formally relinquished responsibility for internal security in 2001, although since 2010 rumours abound that senior military commanders have been extending the reach of their power at the expense of the president" (UK Home Office, 11 September 2012, p. 94).

The UK Home Office states that the number of assigned personnel in the army varies between 100,000 and 225,000, with reference to the Jane's Sentinel Country Risk Assessment (JSCRA) of April 2012 and a HSBA report of December 2009 (UK Home Office, 11 September 2012, pp. 93-94). The JSCRA of April 2012 is further quoted as saying:

"The professionalism and development of the Sudanese Army (not to mention its air force and navy) has since independence been retarded by limited and outdated equipment, poor training and a lack of loyalty to the authority of the central government in Khartoum." (UK Home Office, 11 September 2012, p. 94)

The same JSCRA of April 2012 is referred to as describing the territorial organisation of the army as follows:

"From a territorial point of view, the army is organised on the basis of regional military commands. There were traditionally six military regional commands - central, eastern, western, northern, southern and Khartoum, with the Khartoum district further divided into three sub-divisions. The southern command has effectively ceased to exist since July 2011, when South Sudan became an independent nation. It is not yet clear how the new map of Sudan will be reflected in the Army's organisational maps. [...] There are a number of infantry divisions, divided among regional commands. The commander of each military region traditionally commanded the divisional and brigade commanders within his territory. It is understood that there were six infantry divisions and seven independent infantry brigades; a mechanised division and an independent mechanised infantry brigade; and an armoured division. Other elements are understood to include a Special Forces battalion with five companies; an airborne division and a border guard brigade. Support elements include an engineer division. [...] Army bases were located at Atbara; Dongola; Al-Fashir; El-Geneina; Kassala; Khartoum; Nyala; Omdurman and Port Sudan."(UK Home Office, 11 September 2012, p. 95)

Defence Web, a South Africa-based news portal with a focus on defence and security issues in Africa, provides an overview of capabilities and resources of the SAF:

"Sudan's military is large and relatively well equipped, and is bolstered by paramilitary, irregular tribal and former rebel militias. The Sudanese Armed Forces (SAF) are combat hardened, having fought in various conflicts in recent times, including the Sudanese Civil War, Darfur Conflict, Sudan-SPLM-N conflict and the 2012 South Sudan-Sudan border conflict. Nevertheless Sudanese army soldiers are considered to be largely ineffective, poorly motivated and politically unreliable. During the 1990s purges eroded the army's capability and command authority. Sudan has acquired vast amounts of military hardware over the last decade, primarily from the East using oil money. China and Russia are the country's biggest suppliers, with Russia providing aircraft like Mi-24 attack helicopters and Mi-17 transport helicopters and China providing aircraft and armoured vehicles. Sudan has used such equipment in Darfur in spite of a United Nations arms embargo. The Air Force in particular continues to receive new hardware, replacing some of the many aircraft that it has lost to crashes and rebel action. Since the 1990s Chinese, Russian and Iranian companies have helped Sudan develop its domestic military industry, which manufactures small arms, artillery and armoured vehicles. The Military Industry Corporation (MIC) was

established in 1993 to manufacture weapons and equipment for the Sudanese military and is now marketing its products internationally. Products include recoilless rifles, mortars, rocket launchers and upgraded armoured vehicles. Sudanese military acquisitions are ongoing, particularly due to the numerous security concerns Sudan faces, notably the rebel Sudan People Liberation Movement North (SPLM-N), as well as the Sudan Revolutionary Front (SRF), which also includes rebel groups from Darfur. In addition, Sudan is maintaining a strong military due to tensions with South Sudan." (Defence Web, 3 December 2013)

An International Crisis Group (ICG) report of May 2011 states that "[t]hrough most SAF commanders are linked to the top elites, the NCP [National Congress Party] does not trust them". The same report states that "[t]he majority of the SAF is deployed along the North-South border, in Darfur and to a lesser extent in the East and to provide security for strategic establishments such as dams". (ICG, 4 May 2011, p. 14)

The Human Security Baseline Assessment for Sudan (HSBA) indicates in November 2010 that "Western military sources estimate that 40,000 regular troops from the Sudan Armed Forces (SAF) are dedicated to the Darfur area, and probably the same number of Border Guard, police, security, and militia forces." The structures of command of the SAF forces operating in Darfur are described as follows:

"Control over the SAF in Darfur was centralized in Khartoum in 2009 with the abolition of the Western Military Command in al Fasher, the capital of North Darfur State. Since the beginning of the insurgency in Darfur in 2003, the commander of the 6th Infantry Division in al Fasher had had overall command responsibility for all SAF forces operating in Darfur, including the air force. With the reform, all three sectors - in North Darfur, the 16th Infantry Division in Nyala in South Darfur, and the 22nd Brigade in al Geneina in West Darfur, reported to be a division in all but name - report directly to Khartoum. Subordinate brigades are located in major towns in Darfur, which in turn deploy battalions in smaller towns, and so on down to the company level." (HSBA, November 2010a)

The same source further notes:

"Morale among SAF soldiers in Darfur has been undermined by counterinsurgency operations - Sudan's regular forces proved unable to adapt to the mobile style of warfare imposed by the insurgents - and by collaboration with the government-supported 'janjaweed' militias, which many professional officers feel have undermined both standards and discipline within the force. Indeed, Sudanese army troops have developed a reputation for being ineffective, poorly-motivated, and politically unreliable." (HSBA, November 2010a)

An AFP article of June 2013 quotes a regional expert as saying that the "SAF has a lot of difficulties" in pushing back rebel groups, as insurgencies continue in South Kordofan and Blue Nile states and the Darfur region (AFP, 25 June 2013).

The ICG report of May 2011 notes with reference to a retired general and former member of the National Congress Party (NCP) interviewed in July 2010:



"A retired general contends that the Riverine tribes have deliberately kept security officers from elsewhere out of the higher ranks. Over the past six years, many senior officers from the peripheries have been given early retirement rather than promotion. Reportedly many mid-level and junior officers are frustrated, which in turn is the main reason the government has relied heavily on tribal militias (PDF units) to fight in Darfur." (ICG, 4 May 2011, p. 14)

The US Department of State (USDOS) annual human rights report of February 2014 (covering the year 2013) notes with reference to the situation in Darfur:

"In addition to deaths attributed to intertribal clashes, many deaths continued to be attributed to the SAF and militia groups. Security deteriorated in North Darfur, and violence, including indiscriminate SAF aerial bombardments, continued in the Jebel Marra area in Darfur." (USDOS, 27 February 2014, section 1g)

The same source states that "[t]he NISS [National Intelligence and Security Services], military intelligence, and the SAF arbitrarily arrested and detained persons" (USDOS, 27 February 2014, section 1d).

In a March 2013 report on the human rights and security situation in Darfur ten years after the outbreak of hostilities in 2003, Amnesty International (AI) states:

"In a context of renewed conflict between government forces and allied militias and armed opposition groups (notably the two factions of the Sudan Liberation Army), the Sudanese Armed Forces (SAF) in recent years has carried out indiscriminate aerial bombardments as well as direct bombings against civilian populations, using Su-25 ground attack aircrafts, Mi- 24 attack helicopters, and Antonov-24/26 transport aircrafts converted into bombers. [...] In 2012, SAF continued to carry out indiscriminate aerial bombardments, as documented by the UN Panel of Experts on Sudan (S/2013/79). [...]"

SAF and the Popular Defense Forces (PDF) have carried out ethnically targeted attacks and reprisals. From December 2010 throughout the first half of 2011, displaced ethnic Zaghawas who had found refuge near the Team Site of the Hybrid UN-African Union peacekeeping mission in Shangel Tobaya were subjected to attacks (including killings and sexual violence) by SAF and PDF, apparently in retaliation for renewed attacks on SAF AND PDF by the Sudan Liberation Army-Minni Minawi (SLA-MM), an armed opposition group whose membership is largely Zaghawa." (AI, 28 March 2013b, p. 5)

### *2.1.2 Intelligence*

The International Crisis Group (ICG) refers to the National Intelligence and Security Services (NISS) as "the major security and intelligence institution" in Sudan (ICG, 4 May 2011, p. 14). As noted by the US Department of State (USDOS), "[t]he 2010 National Security Act provides NISS officials with legal protection for acts committed in their official capacities" (USDOS, 27 February 2014, section 1d). The US-based human rights organisation Freedom House indicates that the National Security Act gives the NISS "sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review". The same source indicates that "[t]he police and security forces

routinely exceed these broad powers” and that the NISS is accused of “systematically detaining and torturing opponents of the government, including Darfuri activists, journalists, and members of youth movements” (Freedom House, 23 January 2014).

The UK Foreign and Commonwealth Office (FCO) also notes the “wide discretionary powers of arrest and detention” given to the NISS under the National Security Act (FCO, 10 April 2014).

An Amnesty International (AI) report of July 2010 describes the legal framework pertaining to the activities of the NISS as follows:

“Article 151 of the 2005 Interim National Constitution specifies that: ‘the National Security Service shall focus on information gathering, analysis and advice to appropriate authorities’. This vision of the NISS, which was created by the CPA [Comprehensive Peace Agreement] and is aimed at narrowing the mandate of the NISS in Sudan, is still not met by the 2010 NSA [National Security Act] which maintains the extensive powers of NISS agents. Although the duration of the allowed period of detention by NISS agents without judicial oversight was reduced in the 2010 NSA, the new act however maintains the extensive powers of NISS agents to search and seize, and arrest and detain without judicial oversight. [...] These consecutive National Security Acts have contributed to creating a culture of impunity where NISS agents can commit human rights violations without any judicial oversight of their actions, and without accountability. [...]

The 2010 National Security Act which maintains the powers of arrest and detention of NISS agents, however contains variations to the 1999 NSFA [National Security Forces Act], including the permissible period of detention without charge or judicial review. Article 50 of the 2010 NSA stipulates that the NISS can arrest and detain any person for a period of up to 30 days without judicial review. The detention could then be extended by no more than 15 days, should the Director consider it a necessity for the completion of the investigation. The 2010 Act does not specify the grounds that could justify such detentions. Under the 2010 National Security Act, the Director can refer a case to the National Security Council, which can in turn extend the detention period by up to three months. This extension is only valid in cases where the Director believes the investigation has to be completed in order to avoid, among other things, threats to the safety and security of people, political violence, plotting against the country or the disruption of peace. Article 51 (10) of the 2010 National Security Act stipulates that detainees are allowed access to a court if kept in NISS custody for longer than the period specified in article 50. The period of NISS detention without any form of judicial review could last for four and a half months under the 2010 National Security Act. Precedents show that detainees are often denied access to their families, lawyers and doctors while held by the NISS. Under the 1999 NSFA, detainees were only allowed to communicate with their families and not to receive family visits. However, the 2010 Act guarantees the right to family visits and the right to medical care under article 51. [...] The reality is very different. Families often spend months without receiving basic information regarding their relative, including a confirmation that he is being held by the NISS, news of his whereabouts and his physical condition. [...] Article 51 of the NSA also guarantees the right of the arrested individual to inform his family of his arrest and to contact his family or lawyer as long as that does not endanger ‘the progress

of interrogation, enquiry and investigation'. The vague formulation, which was also found in the 1999 NSFA in relation to family visits, allows the NISS to deprive detainees of contact with the outside world at their own discretion. [...] The 2010 National Security Act maintained [...] immunity for NISS members and their associates. Article 52 (3) again repeated the wording of article 33 of the NSFA, providing immunity to members of the NISS for all acts committed in the course of their work as long as the immunity was not waived by the NISS Director. Article 52 (1) states that any act committed by the NISS while pursuing their duties and with 'good intentions' should not be considered a crime." (AI, 19 July 2010, pp. 19-22)

According to the US Department of State (USDOS), "[t]he NISS maintained security officers in major towns and cities" (USDOS, 27 February 2014, section 1d).

In an issue brief of 2009, the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) indicates the estimated strength of NISS personnel as 7,500 (HSBA, December 2009, p. 8).

As noted by Human Rights Watch (HRW) in April 2014, the "NISS operates dozens of official and unofficial detention facilities in Khartoum and Omdurman alone, some in office buildings and others in residential compounds". The report refers to the NISS political headquarters in Bahri (Khartoum North) which "consists of several buildings including one known as 'Guantanamo' due to its extreme temperatures, bright lights and reputation for use of torture tactics against detainees held there." (HRW, 21 April 2014, p. 20)

As reported by Freedom House with regard to NISS activities, "[a]pproximately 2,000 people were arrested following anti-government protests in June 2012" (Freedom House, January 2013). Amnesty International (AI) states that when protests broke out in several cities in September 2013, "police and NISS officers used disproportionate force – including firing tear gas and live ammunition – to disperse the demonstrations", killing at least 50 people and injuring at least 100 others, with "hundreds of people reportedly detained by Sudan's National Intelligence and Security Services (NISS)" (AI, 26 September 2013). A Human Rights Watch (HRW) report of April 2014 renders statements given by persons detained in September 2013 and later released:

"Former detainees reported a common pattern of being arrested often at night from their homes, taken to the nearest NISS office and interrogated, then transferred to a detention facility, either in a NISS building or in the NISS-run wing of a prison in various locations around Sudan. They were held in locations across the country for periods ranging from a few days to weeks or months." (HRW, 21 April 2014, p. 19)

A report of the UN Secretary-General to the UN Security Council (UNSC), published in January 2014, states that "all nine cases of arbitrary arrest and illegal detention" reported between October to December 2013 were perpetrated by the NISS (UNSC, 15 January 2014, p. 11).

The Sudan Tribune reports in February 2014:

"The UK-based Sudan Social Development Organisation (SUDO UK) has accused forces from the National Intelligence and Security Services (NISS) and their allied militia of using excessive force to quell the protest on 16 February, in which 24 people were injured. The incident occurred when internally displaced people (IDPs) in Zalingei's Hameidia camp staged a peaceful protest against a peace and social justice conference organised by the Darfur Transitional Authority (DRA), which was attended by the head of the DRA, the UNAMID chief and the Central Darfur governor." (Sudan Tribune, 23 February 2014)

As reported by Amnesty International (AI) in March 2014, police and NISS officers used "tear gas and live ammunition to disperse [...] protesters" at the University of Khartoum who had gathered to protest against a surge of violence in Darfur (AI, 11 March 2014).

A Human Rights Watch (HRW) press release of June 2012 notes that "[a]ll those detained by the National Security Service [...] are at risk of beatings and other ill-treatment" (HRW, 26 June 2012).

The February 2014 US Department of State (USDOS) annual human rights report states:

"Although the government in 2011 named a special prosecutor from the Ministry of Justice to monitor NISS detentions, the UN's independent expert on the situation of human rights in Sudan remained concerned about weak judicial oversight of NISS arrests and detention. In numerous press statements, the independent expert expressed concern over NISS' failure to adhere to human rights principles, including respect for the rule of law in Darfur and the Two Areas [Southern Kordofan and Blue Nile]." (USDOS, 27 February 2014, section 1d)

An International Crisis Group (ICG) report of May 2011 notes the following other security and intelligence organisations:

"The NISS remains the major security and intelligence institution, but there are a plethora of others, including for security of installations/construction projects, economic security and popular security; the police are broken into regular, public order and popular police, the central contingency force and transhumance route police. The Jaali section of the top elite reportedly has a private force (the 'Precious Stones'), under Bashir's command. During each working shift, approximately 6,000 personnel are deployed to patrol Khartoum's strategic areas. A further 12,000 are based outside the capital. This special force, together with the operation units and the PDF, is viewed as the Islamists' most loyal fighting element in the event regime survival is seriously threatened. In March 2011, Bashir announced the establishment of yet another select force called, the 'Strategic Unit'. [Nafie Ali] Nafie [National Congress Party deputy chairman for organisational affairs and presidential adviser] and Mandour al-Mahdi, deputy NCP [National Congress Party] chairman in Khartoum State, described it as the force that would crush any revolt against the regime." (ICG, 4 May 2011, p. 14)

The US Department of State (USDOS) writes in its annual report on human rights in 2013:

"From September 23 through October 4, security forces arrested and detained a number of activists and political party members during several days of unrest in reaction to the lifting of fuel subsidies. Reportedly authorities arrested nearly 2,000 persons during the protests. Protesters were held without charge for periods of a few days to several weeks. Police transferred many demonstrators to NISS authorities, who then moved them among different detention facilities and denied them access to family visits or legal counsel. NISS officials frequently denied holding individuals in their custody or refused to confirm where they were detained. Detainees described being held in unsanitary conditions without access to adequate medical care and claimed they were subjected to beatings and harsh interrogation tactics, such as being forced to endure extreme temperature variations. On October 28, five detainees in NISS custody in El Obeid, Northern Kordofan, went on a hunger strike to protest their detention without charge since October 22. The detainees reportedly were detained in connection with the September-October protests. They were released on November 13." (USDOS, 27 February 2014, section 1d)

### *2.1.3 Law enforcement*

Among the sources consulted by ACCORD within time constraints, no information specifically pertaining to law enforcement forces in Darfur could be found.

The US Department of State (USDOS) annual human rights report of February 2014 lists the following government institutions responsible for internal security:

"Several government entities have responsibility for internal security, including the police, NISS, Ministry of Interior, and Ministry of Defense. [...] The Ministry of Interior controlled the Central Reserve Police (CRP). The Ministry of Defense's Border Intelligence Force (Border Guards), a loosely organized force composed largely of former Jingaweit Arab militia, operated in Darfur and elsewhere. The CRP also contained a number of former Jingaweit fighters." (USDOS, 27 February 2014, section 1d)

The same source also notes that "[s]ecurity force impunity remained a serious problem" and that "[c]orruption among police and other security force members was a problem" during the reporting year 2013 (USDOS, 27 February 2014, section 1d).

As regards the Sudanese police, the UK Home Office country of origin report of September 2012 includes the following information drawn from a Country Risk Assessment (JSCRA) issued by the Jane's Information Group in November 2011:

"After the signing of the Comprehensive Peace Agreement (CPA) in January 2005, law enforcement started undergoing restructuring, with the new interim constitution pointing to the decentralisation of the police service at national, state and then southern Sudanese levels in accordance with the pact. ... Responsibilities previously falling under the mandate of the United Police Forces (UPF) included responsibility for public order, criminal investigations, civil defence, prisons, passport control, immigration and customs, traffic control and wildlife protection. The UPF was divided into different functional divisions operating within provincial commands. Provincial police commissioners would answer to

the director general of police in Khartoum, who in turn answered to the minister of the interior. The sheer size of the country, however, made uniform policing difficult and traditionally tribal sheikhs were allowed to enforce law and order in rural districts, with the police maintaining a presence only in more urbanised areas. The war-torn southern and western areas were previously the responsibility of the military and other security forces.

[...] During the 2005-2011 transition period under the CPA, officers from both the then northern and southern police forces participated in training courses by, for example, the UN Mission in Sudan (UNMIS), with support also from the UN Development Programme (UNDP). In terms of the north, this included community policing courses, with a focus on internally displaced persons (IDP) camps. According to an UNMIS factsheet, training in the north also covered issues such as advanced forensics, airport security and prevention of drug trafficking. [...]

[...] Sudanese police officers were given election security training ahead of the general elections in the country in April 2010. According to figures by the UNDP, UN police trained 16,676 police officers in north Sudan, 9,440 in the Darfur states and 6,124 in the then south of Sudan between September 2009 and March 2010." (UK Home Office, 11 September 2012, p. 91)

The International Crisis Group (ICG) notes in a report of May 2011 that "the police are broken into regular, public order and popular police, the central contingency force and transhumance route police" (ICG, 4 May 2011, p. 14).

An academic article by William J. Berridge published in the *Middle Eastern Studies* journal in 2013 refers to the Popular Police, Society Police and Public Order Police, noting that they are among "the various Sudanese police units often referred to as the 'religious police' or 'morality police'". According to Berridge, there is ambiguity over "whether these units function as local crime fighters or as guardians of religious morality". (Berridge, 2013, Abstract)

The UK Home Office report of September 2012 quotes a section of the November 2011 Jane's Sentinel Country Risk Assessment (JSCRA) that deals with the Popular Police Forces (PPF):

"The Popular Police Forces (PPF) were introduced by the National Islamic Front-based government that took power in 1989. These were effectively government-sponsored vigilante groups with the role of assisting the regular police. They tended to operate as a politicised Islamic militia, enforcing their interpretation of moral standards on the general public." (UK Home Office, 11 September 2012)

A June 2011 paper of the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) outlines the history of the Popular Police as follows:

"A paramilitary reserve force composed largely of Islamist volunteers, the Popular Police decreased in size after the CPA was signed, but by 2007 was expanding again. Before the CPA, the Popular Police had no means of transport; since the CPA, it has had bicycles and Land Cruisers. The volunteers get training from SAF for a period of up to 28 days." (p. 7)

For information on the Central Reserve Police (CRP) and the Border Guards (BG), please refer to [section 2.1.4](#) of this compilation. Information on the National Intelligence and Security Services (NISS) is contained in [section 2.1.2](#).

#### *2.1.4 Paramilitary militias*

An Amnesty International (AI) report of March 2014 refers to the Popular Defence Forces (PDF), the Central Reserve Police (CRP) and the Border Guards (BG) as the Sudanese paramilitary forces. As regards paramilitary forces in Darfur, the same source states:

“Paramilitary forces in Darfur predominantly comprise former Janjaweed militias that were primarily recruited among Arab tribes in the early years of the conflict. Many Arab tribes have members who are active within the Sudanese paramilitary forces, and therefore have access to government vehicles and heavy weapons. Some of these tribes have relied on paramilitary forces to fight over land, resources and administrative authority. Amnesty International found that most attacks between the Misseriya and the Salamat, were carried out by members of the Popular Defence Forces, the Central Reserve Police or the Border Guards. Amnesty International has previously documented the involvement of the Border Guards in several large-scale attacks against civilians in Jebel Amer, in January 2013.” (AI, 14 March 2014, p. 10)

#### *Central Reserve Police (CRP) (“Abu Tira”)*

The International Crisis Group (ICG) refers to the Central Reserve Police (CRP) as follows:

“The Central Reserve Police (Ihtihati al-Merkazi), known locally by their nickname ‘Abu Tera’ (those of the bird, due to their insignia), is a paramilitary force that has been particularly active in Darfur and, since 2011, in South Kordofan.” (ICG, 27 January 2014, p. 41)

In an older paper dating from January 2011, the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) states that “[t]he Central Reserve Police (CRP) are combat-trained forces, known in Darfur as ‘police soldiers’ and armed with weapons not used by regular police”. They may “participate in joint combat operations under the tactical control of the Sudanese Army”. The same source goes on to say:

“The CRP has become increasingly important in the conflict in Darfur (and neighbouring Kordofan), and on several occasions has been specifically targeted by the Justice and Equality Movement. [...] Some analysts believe the new importance accorded the CRP reflects the reduced effectiveness of the Popular Defence Forces, which has taken on a political dimension that makes it more useful as a political rallying tool than a fighting force. [...] Confidential documents received by the Small Army Survey put the CRP in Darfur in February 2009 at 20,603, third-placed behind Khartoum with 43,210 men and CRP headquarters (location unknown) with 22,716 men. Human rights organizations, including the Sudan Organization against Torture, have pointed to ‘strong militia connections’, including with the North Darfur Border Guards of Musa Hilal.” (HSBA, January 2011, p. 1)

Amnesty International (AI) notes in a report of March 2013:

"In early 2011, the government deployed forces from the Central Reserve Police (CRP), a combat-trained paramilitary force, in the Zam Zam camp for internally displaced people, to provide security instead of civilian police. But rather than improve security, the CRP was responsible for a surge in shootings of civilians and looting of civilian shops and property, as well as other forms of harassment." (AI, 28 March 2013b)

### *Popular Defence Forces (PDF)*

An overview of the Popular Defense Forces (PDF) is given in a May 2013 report published by the Harvard Humanitarian Initiative (HHI), an interdisciplinary research centre based at Harvard University that provides expertise on humanitarian issues:

"After overthrowing the Sudanese government in 1989, Bashir recommitted Sudan to the civil war and passed the 1989 Popular Defense Forces (PDF) Act. [...] The PDF Act established the PDF as a paramilitary force composed of civilians to assist the armed forces and other uniformed forces and contribute to the defense of the nation. The Commander in Chief, President Omar Al Bashir, reserves the right to summon the PDF for training, during crises, catastrophes, war, in anticipation of war and any other situation the Commander in Chief sees fit. PDF training consists of basic military training, civil defense, civics and cultural education. PDF recruitment campaigns have resulted in thousands of Misseriya joining the PDF, receiving training and compensation (mostly monetary)." (HHI, 21 May 2013, p. 4)

An older paper by the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) of March 2011 states:

"Until the emergence of the Border Intelligence Brigade, the Popular Defence Force (PDF), formed in 1989 as a dedicated Islamist militia, was the main instrument for mobilization in Darfur, sending tens of thousands of Darfurians to fight against southern rebels. In most parts of Sudan today, the PDF is an inactive reserve force to the regular army. It remains operational in areas of active conflict like Darfur and Southern Kordofan. In addition – especially in Kordofan, but also in Darfur – it plays a major role in the distribution of weapons to, and military training for, tribal militias. When rebellion was declared in Darfur in 2003, the PDF was the first paramilitary force to be mobilized. [...] In March 2011, in an address at Omdurman Islamic University, the governor of Khartoum state, Abdel Rahman al Khidir, said the PDF continued to play a key role in deterring security threats from internal opponents of the regime. [...] In his address, Al Khidir set the number of the paramilitary force at 37,000, considerably lower than many independent estimates. It is impossible to confirm the size of the PDF in Darfur today – not least because the line with other forces is blurred: at the start of the Darfur insurgency, for example, PDF and the Border Guards both received training at the Misteriha barracks in North Darfur and went on operations together. The Borders Guards were the elite, with military identity cards and (in theory) monthly salaries. The PDF received uniforms, guns, ammunition, and food, but no salaries. At the height of the war they received SDG 100 (approximately USD 40) per operation." (HSBA, March 2011)



## *Border Guards (BG)*

An older HSBA paper of November 2010 provides an overview of the Border Guards (BG) (who are referred to as “Border Intelligence Brigade”):

“The Border Intelligence Brigade, whose members are popularly referred to as Border Guards, is a part of Sudanese Military Intelligence, funded by the army and headquartered in Khartoum. As criticism of the government’s counter insurgency operations in Darfur mounted, the Border Intelligence Brigade became the main vehicle for the incorporation of irregulars into the Sudan Armed Forces (SAF), who were given military identity cards and salaries. Sudanese military sources portrayed the shift as an attempt to ‘control’ the irregulars; human rights organizations said it was to ‘hide’ them and keep them armed. There is no official data on the strength of the Border Intelligence Brigade. One source close to the brigade command claims the number of fully registered guards was 11,000 in October 2010, not counting the unregistered tribal militias that often operate alongside them. [...] Headed by Military Intelligence General al Hadi Hamid al Tayeed, who has coordinated the integration of tribal militias into SAF operations when necessary, the Border Intelligence Brigade was given arms and logistical help by the army and could call for air and armed support when needed. The brigade commander, based in Misteriha in North Darfur, was Lt. Col. Abdul Wahid Saeed Ali Saeed. A rapid intervention group called ‘The Quick and Horrible Forces’ was controlled by Musa Hilal, the paramount leader of the Mahamid branch of the Northern Rizeigat group of tribes. [...]

The locations, and strength, of the Border Guards are, according to two separate sources close to the fighters:

1. North Darfur – al Fasher (3,000 men) and Misteriha (2,000), headed by Musa Hilal (Mahamid/Um Jalul).
2. West Darfur – Geneina (3,000), headed by Idriss Hassan (Mahamid/Awlad Zeid).
3. South Darfur (3,000) – Nyala, under no single leader. With a reported 2,000 men under him, Hemeti is the single most powerful leader.” (HSBA, November 2010b, pp. 1-2)

A March 2013 report by Amnesty International (AI) states that “Amnesty International has documented the involvement of members of the Border Guards, a force under the authority of the Sudanese Military Intelligence, in multiple large-scale attacks against civilians in the context of inter-communal violence in the region of Jebel ‘Amer, Kebkabiya and El Siref, North Darfur”. The report further notes that the “Border Guards, formally known as Border Intelligence Brigade, comprise of formerly irregular forces that were locally known as ‘janjaweed’, and are implicated in a number of serious human rights violations”. (AI, 28 March 2013b)

Among sources consulted by ACCORD within time constraints, no further general information could be found on the Border Guards.

### *Janjaweed (including Rapid Support Forces (RSF))*

Vanguard, a Nigerian newspaper, states that in response to “increasing armed struggles for self-determination by the Negroid indigenous minorities in the Darfur, western and southern Sudan”, the Sudan’s government armed “Arab pastoralists to attack and terrorise villages owned by farmers”. As indicated by the Vanguard, these armed groups are known in Sudan as the Janjaweed. (Vanguard, 7 April 2014)

A brief overview of Janjaweed activities since the beginning of the Darfur conflict is provided in an August 2013 report of the Enough Project, an advocacy organisation on genocide and crimes against humanity based in Washington, D.C.:

“At the height of the mass atrocities committed from 2003 to 2005, the Sudanese regime’s strategy appeared to be driven primarily by the counterinsurgency objectives and secondarily by the acquisition of salaries and war booty. Undeniably, even at that time, the government could have only secured the loyalty of its proxy Janjaweed militias by allowing them to keep the fertile lands from which they evicted the original inhabitants. [...] Recently, many Janjaweed groups, including those incorporated into the Sudanese government’s Border Guards and Central Reserve Police, have slipped out of government control as patronage networks have shrunk with declining government budgets. Janjaweed militias have increasingly undertaken criminal activities to make up for lost revenues. During the past six months, the regime has sought to bring many of their favored Janjaweed elements back into closer alliance around shared objectives. Throughout 2013, in addition to attacking Fur, Masalit, and other non-Arab ethnic groups, some of the regime’s favored Janjaweed militias have also targeted civilians from Arab tribes that were historically aligned with the government.” (Enough Project, August 2013, pp. 1-2)

An April 2014 report of the UN Secretary-General, published by the UN Security Council, gives an overview of the Rapid Support Forces (RSF):

“The arrival of 5,000 to 6,000 militia, known as the Rapid Support Force, in South Darfur from North Kordofan via East Darfur on 19 February intensified the already volatile security situation. The Rapid Support Force, whose members were reportedly recruited by the Government from tribes in Darfur and trained in Khartoum, were initially deployed to South Kordofan and Blue Nile States to fight the Sudanese People’s Liberation Movement - North (SPLM - North). [...] The deployment of the Rapid Support Force coincided with a series of large-scale attacks on armed groups and villages in South then in North Darfur. Attacks attributed to the Rapid Support Force included the targeting of civilians, the destruction and burning of villages, looting of property and theft of livestock. [...] In addition to attacks against civilians, elements of the Rapid Support Force have clashed with Government forces. [...] It is difficult to establish the motives behind these incidents which may not necessarily reflect a breakdown in the alliance between Government forces and the Rapid Support Force.” (UNSC, 15 April 2014, p. 2-3)

A February 2014 article by The Sudan Tribune quotes a commander of the Rapid Support Forces (RSF) as saying that his forces played an “important role in maintaining security and

stability in Darfur". According to a commander of the Sudanese Armed Forces in El Daein (East Darfur) quoted by the same source, the arrival of the RSF/Janjaweed militias would "enhance efforts made towards maintaining security and stability". (Sudan Tribune, 22 February 2014)

A press release published by Human Rights Watch (HRW) in March 2014 refers to attacks perpetrated by "a mixed government force of Sudanese military and militia known as the Rapid Support Forces" against dozens of ethnic Fur and Zaghwa villages in South Darfur, reportedly leading to the displacement of more than 45,000 people (HRW, 21 March 2014). For more detailed information on these attacks, please see [section 3.4](#) of this compilation.

The Sudan Tribune reports in an article of April 2014:

"Last March, the head of Darfur's joint peacekeeping mission (UNAMID), Mohamed Ibn Chambas, slammed in a speech he delivered at Um Jaras peace forum the attacks by SRF militia on camps for internally displaced persons (IDPs) in Darfur. The SRF militia [it is assumed that the Rapid Support Forces (RSF) are meant here, not the Sudanese Revolutionary Front (SRF), remark by ACCORD], which is widely known as the Janjaweed militias, were originally mobilised by the Sudanese government to quell the insurgency that broke out in Sudan's western region of Darfur in 2003. That counter-insurgency campaign, which mainly targeted ethnic groups on account of their affiliation to the insurgents, has led to the death of approximately 300,000 people and the displacement of more than 2.7 million, according to United Nation figures. The militia was activated and restructured again in August last year under the command of the National Intelligence and Security Services (NISS) to fight rebel groups in Darfur region, South Kordofan, and Blue Nile states following joint attacks by Sudanese Revolutionary Front (SRF) rebels in North and South Kordofan in April 2013. The defence minister told the parliament that the Decisive Summer military campaign against the rebel Sudan People's Liberation Movement-North (SPLA-N) in the Nuba Mountain has begun. Last week, the director of NISS, Mohamed Atta, announced that units of SRF militia were deployed in South Kordofan state to take part in the military operations." (Sudan Tribune, 15 April 2014)

## **2.2 Armed opposition groups**

An undated general overview of armed opposition movements in Darfur is presented by the Human Security Baseline Assessment for Sudan and South Sudan (HSBA):

"The Darfur conflict features a dizzying array of armed opposition groups, factions, and alliances that are in constant flux. Many opposition groups have joined the government or endorsed peace agreements only to later rejoin the rebellion. Rebel groups are divided not only in terms of their ideological and political objectives, but according to tribal and geographical representation. In addition to native distinctions, foreign governments have sought to create or support coalitions of opposition forces for the purposes of pursuing peace talks. But these coalitions, and their constituent groups, have not always enjoyed popular support or legitimacy within Darfur." (HSBA, undated)

In a July 2013 overview, the HSBA notes the following developments among armed opposition groups:

"The formal peace process is troubled: the Liberation and Justice Movement (LJM) which signed the Doha Document for Peace in Darfur (DDPD) in July 2011, has not been able to deliver substantial change on the ground. The second signatory to the DDPD, a splinter group from the Justice and Equality Movement (JEM), which signed the agreement in April 2013, has not appreciably added to the DDPD's legitimacy to date. In a further violent setback, its leader, Mohammed Bashar, was assassinated on his return to Sudan, only six weeks after he signed the DDPD. The major rebel movements, including the Sudan Liberation Army-Minni Minawi (SLA-MM), the only rebel group to have signed the 2006 Darfur Peace Agreement, the SLA-Abdul Wahid (SLA-AW), and the mainstream JEM have repeatedly rejected participating in the Doha process. The rapprochement between the long-estranged SLA-MM and the Fur-dominated SLA-AW, as well as with JEM, has been maintained under the banner of the Sudan Revolutionary Front (SRF), formed in November 2011. The Darfur movements have conducted several joint operations against government forces in Darfur, and show no sign of giving up their fight." (HSBA, July 2013)

A February 2014 special report of the UN Secretary-General states:

"Grievances related to the political and economic marginalization of Darfur by Khartoum continue to fuel the armed rebellion. The Justice and Equality Movement (JEM)-Jibril Ibrahim, the Sudan Liberation Army (SLA)-Abdul Wahid and SLA-Minni Minawi are the Government's main adversaries in that regard. That aspect of the conflict took on a new dimension following the secession of South Sudan in July 2011, when similar grievances reignited rebellions in Southern Kordofan and Blue Nile States led by the Sudan People's Liberation Movement (SPLM)-North. In November 2011, all four rebel movements united to form the Sudan Revolutionary Front (SRF). That marked, for the first time since fighting ended between the Government of the Sudan and SPLM, in January 2005, the coming together of several armed groups in the 'peripheries' of the Sudan for the stated cause of a more equitable share of power and wealth. While Government and armed movement forces have continued to clash sporadically inside Darfur, the formation of the SRF shifted the focus of the armed opposition's operations to areas beyond Darfur. Armed clashes outside Darfur now adversely affect stability within Darfur (and vice versa), as raids are carried out by movements within Darfur to obtain supplies for operations on other fronts. The establishment of the SRF also led to the adoption by the Darfur armed movements of a national political agenda. That agenda is set out in the 'New Dawn Charter', a political platform adopted by SRF in January 2013. Among other things, it calls for a holistic (i.e., national) as opposed to piecemeal (i.e., regional) approach to resolving the multiple conflicts within the Sudan, arguing that the underlying causes of each stem from a set of common issues. Since entering the alliance, the Darfur armed movements have presented that argument as a precondition for negotiations with the Government. Conversely, the Government's position is that the conflicts in Southern Kordofan and Blue Nile States, which it characterizes as symptoms of unresolved issues related to implementation of the Comprehensive Peace Agreement of 2005, must be dealt with separately from negotiations over Darfur. Further, it insists that negotiations concerning Darfur be based on the Darfur-specific Doha Document for Peace in Darfur." (UNSC, 25 February 2014, p. 17)

The January 2014 report of the International Crisis Group (ICG) also provides the following detailed overview of the status and activities of armed opposition groups:

“Between 2006 and 2011, mediators rightly identified Darfur rebel fragmentation as a main obstacle to peace. The time, money and energy with which this was tackled produced only limited achievements, as exemplified by the still divided LJM. JEM, SLA- AW and SLA-MM, however, have since reached unprecedented unity, thanks not to international efforts but largely to the SPLM-N, which in mid-2011 resumed fighting the government in the ‘two areas’ of South Kordofan and Blue Nile. In November 2011, the four rebel movements formed the Sudanese Revolutionary Front (SRF), an alliance largely dominated by the SPLM-N, due both to its strength, history, privileged links with South Sudan and the cementing role it plays between the still divided Darfur factions. [...] LJM and government officials in charge of the Darfur file interpret SRF operations in Kordofan as more evidence the rebels lack genuine interest in Darfur. Many also insist that, since they now operate outside Darfur, they no longer are a threat to the region, so it should be possible to implement the DDPD. [...] At the same time, several LJM officials blamed the rebels, in particular SLA-MM, for attacks on development projects. Some were directly related to the DDPD, including an April 2013 raid on a Qatari-funded model village for returnees in Marla, South Darfur that caused construction to stop. In May 2012, SLA-AW attacked two LJM registration centres in North Darfur, apparently concerned they were recruiting its fighters. However some LJM leaders say they secured an informal agreement with SLA-MM and JEM, that has been largely respected not to attack the LJM and impede DDPD implementation. LJM officials assert that attacks attributed by the government and the DRA to SLA-MM were conducted by uncontrolled militias that recently joined the government, possibly former SLA-MM and/or SLA-Justice elements.” (ICG, 27 January 2014, pp. 19-21)

The Integrated Regional Information Network (IRIN) describes the Sudan Revolutionary Front (SRF) alliance in its July 2012 listing of armed movements as a “coalition of rebel groups in Darfur, South Kordofan, Blue Nile and eastern Sudan formed in November 2011” which is led by SPLM-N chairman Malik Aggar. (IRIN, 26 July 2012)

### *2.2.1 Justice and Equality Movement (JEM)*

The Justice and Equality Movement (JEM) was “founded in 2000” (Al Jazeera, 5 May 2010) “by Darfuris drawn mostly from among former supporters of Islamist leader Hassan al-Turabi [,] a partner in President Omar al-Bashir’s 1989 [military] coup” (BBC News, 23 February 2010). In May 2010, Al Jazeera refers to claims by JEM leaders that the group has “as many as 35,000 well-armed fighters” in Darfur. The article states that in May 2008, JEM “launched the first rebel attack on the Sudanese capital”, an act through which JEM came to be perceived as “the major anti-government faction in Darfur”. Al Jazeera states that JEM is “espousing an Islamist ideology” and states that JEM comprises several ethnic groups although “[m]ost Jem members, including its leader, are from the Zaghawa tribe whose people straddle the Chad-Sudan border” (Al Jazeera, 5 May 2010). In November 2013, the Agence France-Presse (AFP) news agency mentions the JEM as a Darfur group belonging to the Sudan Revolutionary Front (AFP, 12 November 2013). The SRF is referred to by the International Crisis Group (ICG) as an “alliance [...] created in November 2011 by the SPLM-N, JEM, SLA-MM and SLA-AW to press

for regime change in Sudan, through both armed insurrection and political action” (ICG, 27 January 2014, p. 42).

A historical overview of the JEM can be found in a 2012 article published by Roman Deckert, a country expert on Sudan working with the German NGO Media in Cooperation and Transition (MICT):

“The Equality Movement (JEM) is an armed opposition group in the Western region of Darfur. Its roots date from 1993 when it started establishing clandestine cells in Darfur and Khartoum. [...] The physician Dr. Khalil Ibrahim declared the founding of JEM in 2001, while completing a master’s degree in public health in the Netherlands. In April 2003, a joint force of JEM and the Sudan Liberation Army (SLA) started the rebellion in Darfur by attacking the air base in El Fasher. Viewed by some as the armed wing of the Islamist Popular Congress [...], many JEM activists had in fact been followers of PC leader Sheikh Hassan Al Turabi and have retained his revolutionary radicalism, while denying ongoing affiliation. [...] JEM’s refusal of a separation of religion and politics has made it appear even more Islamist than the NCP [National Congress Party] itself. Unlike the SLA [Sudan Liberation Army], JEM has declared a national rather than regional agenda, fighting for power in Khartoum. However, JEM’s ethnic tendency has been at least as significant as its Islamist roots, since most of its supporters are from the Kobe Zaghawa group in Northeastern Darfur. Although it has suffered several splits along clan lines and opportunistic alliances, it is more disciplined than other rebel groups and became the leading force after 2005, escalating the war with support from Chad. In 2006, JEM became involved in the civil war in Chad on the side of President Idriss Déby, himself a Zaghawa. Two years later, it launched an attack on Khartoum, which failed militarily but raised its national standing and broadened its base. In 2009/2010, however, a rapprochement between Chad and Sudan deprived JEM of its bases and supply lines in Chad, and Ibrahim was expelled to Libya. [...] After Gaddafi’s downfall, Ibrahim escaped to Sudan where he was killed by an air-strike in December 2011. He is succeeded by his brother Jibril. JEM has joined the rebel Sudan Revolutionary Front, an alliance with the SPLM-Northern Sector and the main two SLA factions. It has recently been fighting in Southern Kordofan for regime change, allegedly with support from South Sudan and Uganda.” (Deckert, 2012, pp. 42-43)

In August 2013, the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) published a detailed report on the JEM which provides the following information regarding the movement’s origins, composition and estimated strength:

“The Justice and Equality Movement (JEM) was established early in 2003 by a group of educated, politically experienced Darfurians, many of them former members of the Popular Congress Party (PCP) of Hassan al Turabi, architect of Sudan’s Islamic revolution. Most of its leaders and membership initially came from the Kobe, a Zaghawa sub-group more numerous in Chad than in Darfur. Since 2007 JEM has worked actively to recruit Darfuri Arab, including from government-supported militias or ‘janjaweed’. From the outset, JEM sought national reform and regime change, using the atrocities in Darfur to delegitimize the government internationally. It refused to sign the Darfur Peace Agreement

(DPA) in May 2006, and two years later won new support in Darfur after attacking Khartoum's twin city, Omdurman. Despite the broadening of its base, JEM's real political and military power remains with the Kobe Zaghawa inner circle. In mid-2010, before a government offensive that led to heavy casualties on both sides, JEM was estimated to have more than 5,000 men armed with mounted anti-aircraft guns, rocket-propelled grenades, heavy machine guns, AK-47s, several hundred vehicles (possibly as many as 1,000, according to one informed source), and at least two tanks, seized from the government. To this day, and despite splits in the movement, JEM remains the strongest and most cohesive military force in Darfur. Its weakness continues to be the lack of a wider constituency among Darfurians." (HSBA, August 2013, p. 1)

An International Crisis Group (ICG) report of January 2014 refers to the JEM and its leadership as follows:

"JEM (Justice and Equality Movement)

A Darfur rebel group founded by Dr Khalil Ibrahim Mohammed, the JEM is a key SRF [Sudan Revolutionary Front] component. Since Khalil Ibrahim's death in a government bombing raid in December 2011, his brother, Dr Jibril Ibrahim, chairs the movement." (ICG, 27 January 2014, p. 41)

The above-mentioned HSBA report states with regard to the movement's leadership:

"JEM's late chairman, Khalil Ibrahim, was a Dutch-trained doctor, devout Islamist, and superb organizer feared by the government because of his inside knowledge of the ruling party, in which he held a number of important posts before 2003, including as an organizer of the paramilitary Popular Defence Forces. On 25 December 2011, Khalil Ibrahim was killed by a government airstrike while leading the majority of JEM's forces east from their rear base in Wadi Huwar on the Chad/North Darfur border. Tahir al Faki was made interim leader until a JEM leadership conference could elect a new permanent chairman. On 26 January 2012, Khalil's brother, Jibril Ibrahim, was elected chairman." (HSBA, August 2013, p. 1)

According to the HSBA, the JEM has drawn funding and support from the following sources:

"JEM's main external supporter, following its expulsion from Chad, was Libya, which, according to officials in Khartoum, rearmed the movement with B-10 recoilless rifles and anti-aircraft guns, and supplied vehicles and fuel. JEM is rumored to have received anywhere between USD 10–100 million from Libya during the unrest there in return for a role in supporting the government, either directly or by mobilizing fighters in its tribal network. With the fall of the Gaddafi regime, and its replacement by a Libyan government more sympathetic to Khartoum, prospects of further Libyan funding are slim. [...] Chad, JEM's main backer early in the insurgency, expelled JEM in February 2010, reportedly with a 'severance package'. JEM has also been generously financed by supporters in the Zaghawa and Islamist diaspora – especially by Arab Islamists who sympathized with the PCP but were expelled from Sudan, losing many of their assets, after the Islamist movement split in 1999 and Turabi was stripped of power." (HSBA, August 2013, p. 3)

The International Crisis Group (ICG) reports on the same issue:

“Though the Chad-Sudan rapprochement and later Qadhafi’s fall in Libya deprived the Darfur rebels of their main historic rear bases and supporters, they found a vital alternative in Juba, where in the months before the self-determination referendum and independence, South Sudan’s political-military leadership (SPLM/A) saw them as possibly useful for countering mischief from Khartoum. In the meantime, the resumed war in South Kordofan and Blue Nile made the SPLM-N a natural ally for the rebels, as well as a conduit between them and Juba. South Sudan encouraged the Darfur rebels to join the SRF, smaller factions to join the bigger groups and Darfurian SPLA soldiers to join the SPLM-N.” (ICG, 27 January 2014, p. 21)

In an overview of the Darfur conflict published in July 2013, the Internal Displacement Monitoring Centre (IDMC) mentions that the JEM has “splintered into various armed groups, some of which have signed peace agreements with Khartoum”, which has resulted in “fighting between the different factions” (IDMC, 9 July 2013).

These recent developments are discussed in detail in the August 2013 HSBA report:

“JEM’s rhetoric focuses on building an opposition coalition for regime change, although never explicitly ruling out a negotiated settlement. The movement was seriously divided over the decision to reject the Doha agreement and more generally the national- vs. Darfur-specific agenda. [...] On 3 October 2011, the Sudanese Bloc to Liberate the Republic (SBLR) announced it was joining JEM. SBLR leader Magoub Hussein, formerly a member of the LJM, was relieved of his post as vice chairman for political and media affairs on 14 July 2011 after he was accused of negotiating a separate track with the GoS in Doha. In mid-January 2012 a new JEM faction emerged. Zakaria Musa formed JEM Corrective Leadership (JEM-CL) following Khalil Ibrahim’s death. [...] Soon after JEM-CL emerged, it was welcomed in Khartoum as a new signatory to the DDPD. But since the announcement, the group has returned to Darfur saying a final agreement has not been reached. On 13 April 2012, an LJM splinter faction signed a merger with JEM. The deal was inked by Ahmed Hussein Adam, JEM foreign relations secretary, and Sayed Charif Jarel Nabi, acting leader of the LJM breakaway group. Jibril Ibrahim’s appointment as JEM chairman inflamed tensions within the movement, especially with the JEM forces based on the North Darfur/Chad border under the command of JEM commander in chief, Bakheit Abdallah Abdel Karim (Dabajo). Nominally, Jibril’s lack of military field experience was the focus of criticism. For his part, Jibril suspected Dabajo’s involvement in an alleged plot to poison former JEM chairman Khalil Ibrahim in early 2012 while based in Tripoli, Libya. Both UNAMID and Chad’s President Idriss Déby reached out to Dabajo, seeking to coax him into signing the DDPD (Déby’s latent interest lies in weakening JEM, always viewed as a threat for its elite Zaghawa connections). Acting preemptively, Jibril relieved Dabajo of his command on 9 August 2012, but his troops elected to remain with him, leading Dabajo to form a separate movement on 11 September under the leadership of Mohamed Bashar. Shortly after, on 16 September, Dabajo issued a statement hinting at his openness to enter negotiations in Doha provided certain conditions are met, and a series of agreements were signed in the following months. JEM-Bashar acceded to the DDPD in



April 2013. JEM, now also known as JEM-Jibril, soon took its revenge at this betrayal; its forces intercepted JEM-Bashar's leadership on their return to Darfur in May 2013, killing Mohamed Bashar and other senior members of the movement. JEM has repeatedly denounced the Doha process and its attack on Bashar makes it even less likely that the movement will ever return to Doha in its current configuration. JEM continues to militarily engage the government in Darfur and Kordofan [...]" (HSBA, August 2013, pp. 1-4)

The Integrated Regional Information Network (IRIN) describes the development of JEM and its splinter groups in its July 2012 listing of armed movements:

"JEM is a rebel group involved in the Darfur conflict founded by Khalil Ibrahim, who was killed by the Sudanese Armed Forces in December 2011. Currently JEM is led by Khalil's brother, Jibril Ibrahim, whose succession has agitated simmering fault lines, largely along ethnic lines involving non-Zaghawa, Missiriya Arabs, and some Zaghawa previously aligned with the Sudan Liberation Army - Minni Minnawi faction (SLA-MM). The diaspora-based Democratic JEM (DJEM) is a splinter group launched by predominantly non-Zaghawa dissidents in April 2006, in rejection of JEM's domination by the Kobe, a Zaghawa sub-group. JEM was established in early 2003 by a group of educated, politically experienced Darfuris, and drew most of its initial leadership and members from the Kobe, who are more numerous in Chad than in Darfur. While JEM is considered the strongest armed rebel group in western Sudan it continues to lack a wider constituency among Darfuris. The JEM Corrective Leadership (JEM CL) under Zakaria Musa, is a new breakaway movement that emerged in mid-January 2012 following Khalil Ibrahim's death." (IRIN, 26 July 2012)

The International Crisis Group (ICG) report of January 2014 provides the following background information on the JEM splinter group JEM-Bashar and its formation:

"It is a JEM splinter faction led by Mohammed Bashar and mostly from the Zaghawa Wogi sub-group. Chad President Idriss Déby supported its formation and facilitated its participation at talks in Doha. It joined the DDPD in April 2013. The next month, Bashar and other leaders were killed by JEM on Chadian soil. Bashar was re-placed by the former JEM chief of staff Bakhit Abdelkarim Abdallah 'Dabajo'." (ICG, 27 January 2014, p. 41)

"Although it prefers to call itself JEM, a practice also of the government to give the impression it represents the core movement, the group led by Mohammed Bashar is generally known as JEM-Bashar. He was released in May 2012 after several months in JEM custody and went to Chad to look for support. He was given three vehicles and money and on return established his own camp in North Darfur, where he was joined by disgruntled younger JEM leaders who had also attempted to rejoin talks in Doha; some of these had been imprisoned for six months in South Sudan at JEM's request. [...] On 6 April 2013 in Doha, JEM-Bashar endorsed the DDPD [Doha Document for Peace in Darfur] and signed an additional protocol. The negotiations were largely limited to political appointments." (ICG, 27 January 2014, pp. 25-26)

A July 2013 report by the UN Secretary-General to the UN Security Council (UNSC) states:

"On 6 April, the Justice and Equality Movement-Sudan, a faction led by Mohamed Basher (JEM-Bashar), formally signed that agreement in Doha, Qatar. Less than two weeks later, JEM-Bashar forces and the forces led by Gibril Ibrahim (JEM-Gibril) clashed on 18 and 19 April near Darma village (30 km north-west of Um Baru, Northern Darfur). Two JEM-Bashar fighters were killed, including a high-ranking field commander, and nine others were injured. On 12 May, while the JEM-Bashar leadership was returning through Chad to Darfur to begin implementation of the Doha Document, Mohamed Basher, his deputy, Arku Suleiman Dahiya, and a reported eight others from his faction were killed by JEM-Gibril in Bamina (60 km north of Tine, Northern Darfur), near the Sudan-Chad border. A total of 20 JEM-Bashar members were also alleged to have been taken hostage by JEM-Gibril forces." (UNSC, 12 July 2013, p. 1)

The ICG report of January 2014 states that while JEM-Bashar claims "to have 30,000 fighters", the government is "not willing to integrate more than 1,300" (ICG, 27 January 2014, p. 26).

### *2.2.2 Liberation and Justice Movement (LJM)*

General information on the Liberation and Justice Movement (LJM) can be found in an HSBA report of July 2012:

"Created under international mediation efforts as a negotiation platform for two earlier coalitions, LJM never had a joint military command, relying mostly on relatively isolated military commanders, many of whom were previously members of the armed factions that resulted from the splintering of the SLA and JEM. Led by Tijani Sese, LJM played an important role in the Doha Peace Process and is the only movement that signed the Doha Document for Peace in Darfur with the GoS, on 14 July 2011. The Doha process generated internal dissension and splintering that severely reduced the movement's military force, especially after the defection of its major commanders, Ali 'Kerubino' and Ali Mokhtar. As of early 2012, LJM appeared to have little popular support in Darfur – even if it was officially backed by the Fur shura council (tribal association) – and severe problems of internal cohesion, as illustrated by the defection of Ahmad Abdeshafi, who was deputy chairman of the movement, in January 2012. All these weaknesses, in addition to the challenges that were, at the time of writing, beginning to arise from the implementation of the provisions contained in the Doha Document for Peace in Darfur, may present a threat to the continued existence of the movement itself. At the Doha negotiations in 2011, LJM officially claimed to have some 6,000 to 7,000 combatants, whom it hoped to integrate into SAF. However, the GoS itself reports that, particularly after the defections in early 2011, LJM has no more than 1,000 to 2,000 combatants; most of these troops are believed to be members of the (Zaghawa) United Revolutionary Front and the (Arab) United Revolutionary Forces Front, based (separately or sometimes jointly) in pockets of Dar Zaghawa in northern Darfur and eastern Jebel Marra." (HSBA, July 2012, pp. 85-86)

The International Crisis Group (ICG) refers to the LJM as "[a]n umbrella group of Darfur rebel factions formed in 2010 and led by Dr Tijani Sese" which "signed the DDPD with the government in July 2011" (ICG, 27 January 2014, p. 41).

The ICG describes the LJM's composition and the relationships between its affiliated groups and the movement's leadership as follows:

"During the Doha talks, the government estimated the LJM had 1,000 to 2,000 troops. The LJM insisted it had vastly more but was ready to accept the integration of 5,000 to 7,000. [...] A verification exercise under UNAMID auspices registered 47,000 combatants. The government rejected the count, accusing LJM of registering civilians – as many as two thirds of the 47,000 and including women and schoolchildren – and members or former members of government militias. [...] Only one LJM component, the United Resistance Front (URF) of Bahar Abu Garda, had and still has substantial ranks (some several hundred), recruited from his Zaghawa tribe. The United Revolutionary Forces Front (URFF), an Arab faction led by Yassin Yussif that attracted disgruntled Arab militiamen, was reportedly second largest, but with quite autonomous troops, making the count uncertain and explaining why only a few are still considered part of LJM. Ismail Rifa'a's ethnic Meidob faction may have 150; and ostensible Fur and Masalit components are mostly political leaders without fighters. [...] Some frustrated LJM combatants have joined non-signatory groups or returned to civilian life, including in Chadian refugee camps. A number have turned to gold-mining in North Darfur's disputed Jebel Amir site; others reportedly are trafficking drugs across the Chad and Central African Republic (CAR) borders. The remaining troops have also been selling their arms and vehicles, in part because the government reneged, until mid-2013, on its DDPD obligation to provide food to LJM forces. [...] Relations are strained between troops and the LJM political leadership; Tijani Sese reportedly prefers to use government security services and train newly recruited Fur for his security detail. The discord might explain incidents such as a DRA minister's kidnapping by LJM fighters in August 2012. The situation was also aggravated when government soldiers attacked an LJM camp, killing two fighters, that December. Khartoum's lack of concern about these incidents and the fate of LJM troops generally is due in part to the movement's military weakness – disgruntled LJM elements do not, unlike former militias, represent a major threat. However, some officials say they want to integrate real LJM soldiers, first to prevent more from returning to rebellion and secondly to set a good example for non-signatories." (ICG, 27 January 2014, pp. 10-13)

### *2.2.3 Sudan Liberation Army (SLA) (including SLA-AW, SLA-MM, SLA-Justice and SLA-United)*

The International Crisis Group's (ICG) January 2014 report states that while the Sudan Liberation Army (SLA) was "[o]riginally the main Darfur rebel group, it splintered into a number of factions", the main ones being "SLA-MM, led by Minni Minawi, and SLA-AW, led by Abdelwahid Mohammed Nur" (ICG, 27 January 2014, p. 41).

A July 2012 report by the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) provides the following overview of the SLA prior to its split in 2005:

"Between 2003 and the signing of the DPA in May 2006, the SLA was the main rebel group in Darfur and the origin of some of the strongest factions still operating militarily. Founded in August 2001 as the Darfur Liberation Front or Darfur Liberation Movement, it adopted the name 'Sudan Liberation Army' in February 2003. In 2004-05 the SLA had

about 10, 000 fighters, drawn largely from the Zaghawa, Fur, Masalit, Berti, Meidob, and Tunjur tribes (Tanner and Tubiana, 2007). Prior to its split in 2005, the president was Abdul Wahid Mohamed al Nur (Fur) [...]” (HSBA, July 2012, p. 86)

The BBC reported in November 2005:

“The biggest rebel movement in Sudan’s war-torn Darfur region has chosen Minni Minnawi as their new leader. But Sudan Liberation Army’s choice of Mr Minnawi seems certain to split the group, long beset by rivalries. He was chosen at their unity congress and replaces Abdul Wahid, who boycotted the meeting.” (BBC News, 3 November 2005)

The July 2012 HSBA report goes on to report on the Sudan Liberation Army-Abdul Wahid Mohamed al Nur (SLA-AW), the faction of the SLA led by its original leader Abdul Wahid Mohamed al Nur and ethnically dominated by the Fur:

“At the conclusion of the Abuja peace talks that established the Darfur Peace Agreement in 2006, Abdul Wahid – who had originally served as president of the Sudan Liberation Army – settled in Eritrea and then in Paris. Over time, he lost support from both troops and commanders, who were partly displeased by the highly centralized management of the movement, and partly disappointed by the absence of their leader from the field. [...] After his departure from Paris in late 2010 – and in view of subsequent obstacles to returning to Europe – he settled in Kampala, Uganda. In 2011 Abdul Wahid was joined by Abulqasim Imam El-Haj, an SLA defector who had joined the DPA signatories and served as West Darfur governor between 2006 and 2010. In Darfur, SLA-AW’s presence and sphere of influence is limited to the mountainous Jebel Marra area, one of the regions that has been regularly targeted by SAF military operations and aerial attacks; SLA-AW is also active in some pockets in North Darfur, particularly Jebel Meidob and Jebel Issa, which are partly controlled by the largely autonomous local Meidob faction, led by Suleiman Marejan. Although its strength has declined, SLA-AW still has several hundred combatants, but only some 30 vehicles divided between its areas of operation. In spite of efforts by LJM and its Sudanese and international backers to undermine it, SLA-AW’s support among Fur IDPs remains significant. In 2011, SLA-AW joined the Sudan Revolutionary Front, along with the other main Darfur movements. In February 2012, Abdul Wahid was appointed vice president for political and legal affairs of the coalition.” (HSBA, July 2012, pp. 86-87)

The Integrated Regional Information Network (IRIN) describes the SLA-AW in its July 2012 listing of armed movements:

“SLA-AW is a Darfur rebel group emerged from the split of the Sudan Liberation Army into numerous factions. The original SLA was formed in 2001 as an alliance between Fur and Zaghawa ethnic groups with differing goals: the Fur envisaged their rebellion as being essentially anti-government, in favour of a new, decentralized Sudan, while the Zaghawa’s focused more on Arab militias with whom they were in economic competition in North Darfur. Abdul Wahid Mohammed al-Nur, SLA’s original chairman, has spent most of the period since the Darfur rebellion started in 2003 outside the region, first in Paris and more recently in Uganda. This absence has led to dissent and divisions within his

movement. SLA-AW, the Fur-led faction, has not signed the 2006 Darfur Peace Agreement and has not taken part in any peace talks." (IRIN, 26 July 2012)

The HSBA reports on the Sudan Liberation Army-Minni Arku Minawi (SLA-MM), a splinter faction largely composed of ethnic Zaghawa:

"Consisting largely of the Zaghawa component of the SLA, the SLA-MM gradually broke away from the Fur component of Abdul Wahid Mohamed al Nur in 2004–05, a split that was made official at the Haskanita conference in south-eastern Darfur in October 2005. SLA-MM was the predominant rebel faction fighting the government until its leader, Minni Minawi, signed the DPA in May 2006. [...] In late 2010, the movement left the government and resumed its military struggle. Between late 2010 and early 2011, SLA-MM elements vacated the localities they had controlled on behalf of the government, especially in the eastern part of Darfur, moving to more remote rural areas and engaging GoS [Government of Sudan] forces and allied non-Arab militias and communities with mobile fighting tactics, including attacks of military and civilian vehicles on roads. This conflict resulted in the creation of government-backed and -trained local militias (integrated into Popular Defence Forces), mainly recruited from other non-Arab local tribes, and the emergence of a cycle of violence in which Zaghawa fighters and civilians were indiscriminately targeted. During the first half of 2011, as the Doha process progressed, a number of military commanders previously affiliated with LJM joined SLA-MM. The GoS estimates that SLA-MM has a renewed strength, with '550 combatants with 117 vehicles' [...]. In February 2012, Minni Minawi was appointed vice president in charge of finance and administrative affairs for the Sudan Revolutionary Front." (HSBA, July 2012, pp. 87-88)

IRIN reports on the Sudan Liberation Army - Minni Minnawi faction (SLA-MM) in its July 2012 listing of armed movements:

"A former teacher with little prior military experience, Minawi led SLA's main forces before the group split. In 2006 he signed the Darfur Peace Agreement (DPA) with Khartoum and gained the largely nominal positions of - until April 2010 - senior assistant to Bashir, and chairman of the Transitional Darfur Regional Authority. In late 2010 Minawi moved to Juba, capital of what is now South Sudan, and disowned the DPA, leading the Sudanese army to declare his faction a legitimate target. This unleashed a new wave of violence in SLA-MM areas. Minawi's move also divided the faction into: a group which continued discussions with Khartoum, another in North Darfur negotiating with JEM and a third which remained loyal to Minawi himself." (IRIN, 26 July 2012)

The HSBA further reports on the Sudan Liberation Army-Justice (SLA-Justice), a splinter group of SLA-MM:

"This Zaghawa (Wogi sub-group) splinter faction from SLA-MM is politically represented by Musa Tajedin and is led militarily by Ali Abdallah 'Kerubino'. In 2010 and 2011, Kerubino's faction was considered the most militarily effective group of the LJM coalition. It was engaged in several military confrontations against SAF, particularly in Dar-es-Salam locality in North Darfur, sometimes in coordination with other movements. The GoS estimates that the group has some 17 vehicles (UNSC, 2012b, p. 30). Between late 2011

and early 2012, SLA-Justice was negotiating with the main Darfur armed movements, in particular JEM, in both Kampala and Juba, in order to determine its role in the scheme of the Sudan Revolutionary Front, and to establish bilateral frameworks for operational cooperation." (HSBA, July 2012, p. 88)

The same report also mentions Sudan Liberation Army-United (SLA-United), a smaller faction of the SLA:

"SLA-United has gathered former SLA commanders and politicians from various Fur and Zaghawa areas of North Darfur under the leadership of Ali Haroun Dud (a Fur from Ain Siro). The group's leadership has been based in Juba, South Sudan, since mid-2010, after it refused to join LJM in the Doha peace process. It has received proposals to merge with the three main movements (in particular SLA-MM) to facilitate reunification of the rebellion, but at the time of writing, it was maintaining its autonomy. The leaders of the movement consider themselves part of the SRF [Sudan Revolutionary Front], even if no formal endorsement has been made." (HSBA, July 2012, p. 88)

The UN Secretary-General, in his report to the UN Security Council (UNSC), draws attention to severe fighting between SLA-MM forces and the Sudan Armed Forces (SAF) in East and South Darfur in April 2013 (UNSC, 12 July 2013, pp. 4-5). Further clashes in various parts of Darfur were reported in May (UNSC, 12 July 2013, p. 5), July and August 2013 (UNSC, 14 October 2013, p. 4).

#### *2.2.4 Awakening Revolutionary Council led by Musa Hilal*

As reported by Radio Dabanga, a radio station which serves the Darfur region and is run by a coalition of Sudanese journalists and international (media) development organisations, in March 2014, Musa Hilal, a commander of Janjaweed militia troops, "established his own administration" in four areas in North Darfur (Saraf Umra town, Kutum town, Kabkabiya town and El Waha area). The article further provides the following information on Musa Hilal and the group he heads:

"Musa Hilal, responsible for a military campaign against civilians in Darfur in 2003, and his militias were armed by the Sudanese government. Now, he has separated himself and called his movement the 'Awakening Revolutionary Council'. He has been attacking tens of North Darfur villages during the past weeks, killing at least 97 government soldiers, including high ranked officers. Last Saturday, the government had sent a high delegation, including Vice-President Dr Abdel Rahman Hassabo and a former Minister of Foreign Affairs Mustafa Osman Ismail to start a dialogue, but Hilal refused to meet them in any of the proposed capitals of Darfur. The talks are now stalled. [...] While the civil war in Darfur has flared up to highest level since 2005 with military campaigns throughout Darfur, and governmental bombardments of villages in East Jebel Marra, the Janjaweed forces of Musa Hilal have turned against their regular army. [...] Musa Hilal has repeatedly said in the past that his fighters are engaged in 'a jihad' and will not disarm, 'even if the government demands it'. In a communique dated in 2004, he demanded his militias to 'change the demography of Darfur and empty it of African tribes'. He admitted that the Janjaweed were under full control of Khartoum. After being imprisoned for the

murder of 17 people of African descent, and a robbery of the Central Bank of Nyala, he was released by Khartoum without explanation. Early 2008, Sudanese President Omar Al Bashir offered the militia leader a post as a Presidential Assistant for Federal Affairs. Mid-2013 Hilal returned to North Darfur." (Radio Dabanga, 19 March 2014)

Human Rights Watch (HRW) mentions the rebel force led by Musa Hilal in an April 2014 report:

"Meanwhile clashes between militias, including a rebel force led by Musa Hilal, who recently defected from the government, have displaced an estimated 65,000 people in North Darfur. Hilal is one of four people subject to UN sanctions for his role commanding pro-government militia, or 'Janjaweed,' in attacks on civilians in past years." (HRW, April 2014)

### **2.3 Tribal militias**

The International Crisis Group (ICG) report of January 2014 describes the role of ethnic Arab militias in the conflict in Darfur:

"To fight armed rebels in Darfur, as previously in South Sudan, South Kordofan and Blue Nile, the government has largely relied on paramilitary forces recruited among local tribes, notably Arabs but also other communities often considered as newcomers, such as the Fellata (Fulbe or Fulani originally from West Africa). There are estimates of as many as 200,000 Arab militia members in Darfur." (ICG, 27 January 2014, p. 13)

As specified by the ICG, this estimated figure "includes Border Guard, PDF, CRP members, other 'official' paramilitary forces in principle under army or security officer control and tribal militias or armed nomads controlled by traditional chiefs or war leaders (ajid)." (ICG, 27 January 2014, p. 13, footnote 71)

The same report continues:

"Government officials say it is impossible to disarm them. First, 'the Janjawid are still doing good in some areas; they're tough fighters'. Secondly, the government lacks the capacity to use force against them [...]. Officials also acknowledge they are increasingly losing control over paramilitaries, who have been the main source of insecurity in Darfur for two years, particularly since JEM has concentrated its military activities in South Kordofan. The renewed violence in 2013 that displaced more than 450,000 has largely been fighting between Arab communities in which all sides have mostly relied on members or former members of paramilitary forces (and more rarely of the army). These Arab communities formerly provided fighters for government militias, though not always on the same scale. [...] This has triggered accusations from all sides that their enemies are backed either by government officials from those tribes or the government as a whole, but the latter allegation is unverified. In the meantime, everyone seeks government support, accusing enemies of links to rebel movements. However, it appears those movements have largely stayed out of the inter-Arab conflicts, to avoid making enemies. Khartoum has similarly refrained from taking sides. This failure to protect Arab civilians from the new violence, however, appears to have created unprecedented anti-government animosity among the

Arabs. For example, fighting erupted in July 2013 in downtown Nyala (South Darfur's capital) between the National Intelligence and Security Service (NISS) and Central Reserve Police (CRP) from the Abbala Rizeigat Arab tribe, after CRP Rizeigat leader Ahmed Abdallah Sharara 'Dakrom', was shot by an NISS officer. [...] While acknowledging its weakness, Khartoum says it plans to retake control of the militias, primarily by integrating them into regular forces, merging recruits from different communities and then deploying them far from their tribal homelands (even from Darfur), before downsizing them." (ICG, 27 January 2014, pp. 13-16)

The Human Security Baseline Assessment for Sudan and South Sudan (HSBA) states in an undated overview:

"[T]he government has armed and supported counter-insurgency groups, in particular of Arab fighters, almost since the eruption of the war in 2003. These groups [...] have experienced significant internal upheaval, especially since the 2006 Darfur Peace Agreement, which many Arabs perceived as a betrayal. Fighting between Abbala and Baggara Arab groups in 2010 led to a second distinct 'phase' of the Darfur conflict. Some Arab armed groups have turned to the opposition." (HSBA, undated)

A May 2013 joint report of the Enough Project and the Satellite Sentinel Project (SSP) states:

"Ten years after reports of janjaweed militias committing atrocities at the behest of the Sudanese government first propelled Darfur into the headlines, state-sponsored abuses continue in Sudan's troubled western region. Although conflict never really stopped in Darfur, since January 2013, escalating waves of violence have plunged the region into the worst humanitarian crisis in years. [...] Over 150 villages have been burned and the U.N. estimates that at least 150,000 people have been displaced in the wake of coordinated attacks by armed Abbala militias, elements of which include the historically state-sponsored janjaweed forces. [...] Historically, the Beni Hussein community, a sedentary farming and cattle-rearing Arab community, has been exempted from attack by state-sponsored militias. However, the recent discovery of gold reserves in their home area, and intense economic pressure on the Sudanese government following South Sudan's secession, has fundamentally altered that dynamic. In this latest phase of state-sponsored violence, even sedentary Arab tribes have found themselves under attack by the government-armed militias on camels, horseback and in 'technicals,' state-supplied Land Cruisers fitted with high-caliber machine guns." (Enough Project / SSP, May 2013, pp. 1-2)

In August 2013, Radio Dabanga reports on "clashes between the Rizeigat and Ma'aliya tribes in East Darfur" in which an estimated 209 people were killed and another 305 wounded (Radio Dabanga, 14 August 2013).

The Agence France-Presse (AFP) news agency reports in February 2013:

"An Arab militia firing heavy machine guns killed more than 50 people in Sudan's Darfur region on Saturday, residents said, continuing unrest that has caused the largest displacement of people in years. 'They came on Land Cruisers, used Dushkas and they burned 30 houses killing 53 people,' said one resident of El Sireaf town, to which most of



the 100,000 people displaced or severely affected by the earlier tribal fighting had fled. Another resident, who said he was wounded, also gave a figure of 53 dead. The two said the attackers wore uniforms and belonged to a militia of the Rezeigat tribe, which has been fighting rival Arabs from the Beni Hussein group since early January in the Jebel Amir gold mining area of North Darfur state." (AFP, 23 February 2013)

For more information on the Central Reserve Police (CRP), the Popular Defence Forces (PDF), the Border Guards (BG) and the Janjaweed, please refer to [section 2.1.4](#) of this compilation.

### 3 Current state of the conflict, and human rights and security situation

This section should be read in conjunction with [section 1.4](#) of this compilation.

The security and human rights situation in Darfur in the year 2013 is addressed in the Human Rights Watch (HRW) annual report of January 2014 as follows:

“More than 500,000 people were displaced by conflict in 2013, a number far exceeding previous years. The vast majority of Darfur’s displaced population, estimated around 2.5 million people, remain in camps in Darfur and Chad.

Communal violence, especially between Arab pastoralist groups, significantly increased in 2013. Sudanese government forces were unwilling or unable to protect civilians and in some cases participated in the fighting. In April, Ali Kosheib, a known militia leader who is wanted by the International Criminal Court (ICC) for alleged crimes in Darfur, participated in large-scale attacks on ethnic Salamat villages in Central Darfur, before being seriously wounded in May.

Government forces and allied militia carried out large-scale attacks, including aerial bombing, on locations believed by the government to be controlled by rebel groups. In February, government forces attacked Golo and Guldo in eastern Jebel Mara, killing an unknown number of civilians and forcing tens of thousands to flee to safer areas. In early April, government forces bombed and attacked the towns of Labado and Muhajariya and several other villages in South Darfur, and reportedly burned and looted homes and killed dozens of civilians and displaced tens of thousands.

Sudan continued to deny peacekeepers from the African Union-United Nations Mission in Darfur (UNAMID) access to much of Darfur. Insecurity also undermined UNAMID’s work. Armed attackers in Darfur killed 12 peacekeepers and injured many more between July and October alone.” (HRW, 21 January 2014)

The same report points to a widespread lack of accountability for conflict-related crimes under international humanitarian and human rights law:

“Authorities have not prosecuted the vast majority of serious crimes committed in violation of international humanitarian and human rights law during the Darfur conflict. Although some pro-government media outlets reported that the government’s special prosecutor investigated numerous cases, few if any Sudanese government forces or militia have been prosecuted, and Sudan has failed to implement justice reforms recommended in a 2009 report by the AU High-Level Panel on Darfur, the lead mediation body.” (HRW, 21 January 2014)

An overview of developments in the Darfur conflict in 2013 is also given in the US Department of State (USDOS) annual report on human rights of February 2014:

"In Darfur fighting involving government forces, government-aligned militias, rebel groups, and ethnic groups continued. These groups injured and killed other combatants and civilians, raped and displaced civilians, and exploited child soldiers.

Clashes between the SAF [Sudanese Armed Forces]-associated militias and Darfur rebel movements, notably the Sudan Liberation Army Minni Minnawi faction (SLA/MM), Sudan Liberation Army Abdul Wahid faction (SLA/AW), and the Justice and Equality Movement for Sudan, resulted in significant deaths on both sides. An estimated 4,282 persons in Darfur were killed during the year, an increase from 1,637 persons in 2012.

Security in the Darfur region deteriorated during the year due to the rise in intertribal conflict, as well as continued clashes between the government and rebel factions, and attacks by progovernment militias on unarmed civilians in South, North, and East Darfur states. UNAMID estimated intertribal conflicts caused 1,274 deaths in Darfur from January to October. [...]

Reports claimed tribal combatants affiliated with government security forces, including the Border Guards and Central Reserve Police, supported their tribes in intertribal conflicts, further increasing the number of deaths. Sources documented attacks by progovernment militia on civilians in areas controlled by both rebels and the government in east Jebel Marra, Giraida in South Darfur, Labado, Muhajeria, Donki Direisa, and Abga Rajil. Approximately 460,000 sought refuge in IDP and refugee camps because of fighting between government and insurgent forces. An estimated two million civilians remained internally displaced in Darfur, and approximately 200,000 refugees from Darfur remained in Chad.

Armed militia attacks against UNAMID increased during the year. UNAMID vehicles were carjacked, and militia groups abducted UNAMID staff for ransom. By year's end 16 peacekeepers had been killed. [...] The government failed to prosecute any suspects in attacks against UNAMID peacekeepers. Government security forces, including the NISS [National Intelligence and Security Services] and SAF Military Intelligence, regularly denied UNAMID access to their areas of control. [...]

Government forces provided support, including weapons and ammunition, to government-aligned militias, and the government seldom took action against soldiers or militia members who attacked civilians. Rebel forces received financial support from foreign sources.

Fighting, insecurity, bureaucratic obstacles, and government and rebel restrictions reduced the ability of peacekeepers and humanitarian workers to access conflict-affected areas. Armed persons attacked, killed, injured, and kidnapped peacekeepers and aid workers. Humanitarian organizations often were not able to deliver humanitarian assistance in conflict areas, particularly in Jebel Marra, South Darfur. The government increased obstacles for UN and humanitarian staff members and reduced their access to most areas of Darfur. Lack of access and fear of government retribution reduced reporting on human

rights violations, especially sexual and gender-based violence, and on humanitarian situations." (USDOS, 27 February 2014, section 1g)

In the same report, the USDOS observes that "there were instances in which elements of the security forces acted independently of civilian control, especially in the Darfur Region" (USDOS, 27 February 2014, Executive Summary).

The special report of the UN Secretary-General on the review of UNAMID, which was published by the UN Security Council (UNSC) in February 2014, states that fighting between government forces and armed opposition movements together with rising levels of inter-tribal violence and criminal activity continue to have "a highly deleterious effect" on the civilian population in Darfur:

"The fighting in Darfur continues to have a highly deleterious effect on civilians. After 11 years of fighting between Government and armed movement forces, together with the recent trends towards increased criminal activity and intercommunal conflict, Darfur remains one of the world's largest humanitarian crises. In 2013, the humanitarian situation deteriorated significantly in many areas as an estimated 400,000 people were forced to flee new outbreaks of fighting. The total number of internally displaced people increased to almost two million. Protracted displacement, food insecurity and a lack of basic services continue to drive chronic vulnerability in all five Darfur states. Overall, a total of 3.5 million people are currently targeted for humanitarian assistance." (UNSC, 25 February 2014, p. 3)

The same report notes the following developments in the Darfur conflict:

"While Government and armed movement forces have continued to clash sporadically inside Darfur, the formation of the SRF [Sudan Revolutionary Front] shifted the focus of the armed opposition's operations to areas beyond Darfur. Armed clashes outside Darfur now adversely affect stability within Darfur (and vice versa), as raids are carried out by movements within Darfur to obtain supplies for operations on other fronts. [...] While resource-based clashes between communities, supported by tribal militias, have occurred in Darfur since long before the rebellion began in 2003, that dimension of the crisis has intensified significantly since the economic downturn in mid-2012, such that it has eclipsed military clashes as the primary cause of violence against civilians and of population displacement." (UNSC, 25 February 2014, pp. 2-3)

The UN Office for the Coordination of Humanitarian Affairs (OCHA) states in a situation report of March 2014 that "[t]he conflict is now being generalised across much of North and South Darfur, with limited spillover effects to Central, West and East Darfur states" and that since the beginning of 2014, "215,000 people have been displaced in Darfur" (OCHA, 24 March 2014, p. 1).

As mentioned in the German Foreign Office's (Auswärtiges Amt, AA) travel and safety advice for Sudan, current as at 25 June 2014, attacks on aid convoys and convoys of UNAMID peacekeepers, clashes between government forces and rebel groups as well as arson attacks

by militias against civilians continue to occur in the Darfur region. Since 2009, kidnappings of aid workers and UNAMID personnel have been on the rise. (AA, 30 June 2014)

### 3.1 Central Darfur

A March 2014 report by Amnesty International (AI) documents the impact of inter-communal violence on the civilian population of Central Darfur during the fighting that broke out between the Misseriya and a rival Arab tribe, the Salamat, in April 2013 and looks at the situation of those who fled the violence to neighbouring Chad. The report notes:

“Fighting between the Misseriya and the Salamat was triggered around 3 April 2013 reportedly after an attempted robbery by Misseriya men against a Salamat man, and continued intermittently over a period of seven months, despite several reconciliation attempts brokered by the authorities.

Throughout the duration of the conflict, members of the Misseriya and Ta’aisha tribes on one hand, and the Salamat tribe on the other, launched attacks against each other, including in civilian areas, leading to civilians being killed, injured or displaced and villages being looted and burned. Many civilians from other tribes, including Masalit and Fur, were affected by the fighting.

The fighting took place in three different localities of Central Darfur; Um Dukhun, Bindisi and Wadi Salih, as well as in Rehad El Berdi in South Darfur. Over 500 people were killed, at least 100 of them unarmed civilians, and thousands of houses were looted and burned. Some civilians were subjected to torture and assaults, including sexual assault. More than 50,000 people were displaced as a result of the conflict.” (AI, 14 March 2014, pp. 11-12)

“Amnesty International spoke with civilians from over seven different towns and villages who had fled attacks. Most of them belonged to the Salamat and the Masalit tribes, but Amnesty International also spoke with individuals belonging to the Dajo, Barti, and Fur tribes. Everyone the organisation spoke with described similar patterns of attack from both sides, and most identified the attackers as belonging to the Salamat tribe on one hand, or to the Misseriya and Ta’aisha tribes on the other. Eyewitnesses told Amnesty International that some of the attackers were wearing uniforms of the Popular Defence Forces (PDF), Central Reserve Police (CRP), Border Guards (BG) or as Janjaweed militias.” (AI, 14 March 2014, p. 12)

Regarding the background to the conflict, the report states:

“The Salamat are a Baggara (cattle herder) Arab tribe found in Chad and in West, Central and South Darfur. For decades, the Salamat had been living under the administrative authority of the Ta’aisha, an Arab tribe located in South Darfur. In January 2012, President Omar Al Bashir issued a presidential decree creating two new states, Central and East Darfur in line with the power-sharing agreements set out in the Doha Document for Peace in Darfur (DDPD). Creating Central Darfur State was perceived as a move consolidating the administrative powers of the Salamat tribe. Leaders of the Salamat community told Amnesty International obtaining their own administrative unit

strained their relations with the Ta'aisha. Local sources said that other Arab tribes living in the area, such as the Misseriya and the Ta'aisha, were unhappy with the decision and did not attend the ceremony and festivities to celebrate the newly gained administrative powers. These local sources believe that the root cause of the current conflict lies in the feud over traditional land rights that has long existed in Darfur." (AI, 14 March 2014, p. 11)

The full text of the AI report of March 2014, which includes, among other things, a detailed account of human rights violations committed against civilians during the inter-tribal conflict, can be viewed here:

- AI - Amnesty International: Sudan: We can't endure any more: The impact of inter-communal violence on civilians in Central Darfur [AFR 54/002/2014], 14 March 2014  
<http://www.amnesty.org/en/library/asset/AFR54/002/2014/en/8da5fe37-ab2b-445a-bf50-7ab84c28e5cb/afr540022014en.pdf>

Radio Dabanga cites the Governor of Central Darfur state as saying that since the eruption of violence between the Salamat and the Misseriya in 2013, more than 1,000 people have died:

"Since the armed conflicts between the Salamat and Misseriya tribes erupted in the locality of Um Dukhun, Central Darfur, last year, more than a thousand people have died, the Governor of Central Darfur reported to the press on Sunday. The new Governor of Central Darfur State, El Shartai Jaafar Abdel Hakam Ishag reiterated his call to the warring parties to 'renounce the fighting and uphold a sustainable peace'. He attributed the violation of the reconciliation agreement between the two tribes signed in Zalingei on 1 July 2013, to their tribesmen's intransigence during conflicts, and their 'denial of the Islamic law'." (Radio Dabanga, 31 March 2014a)

In its Sudan Humanitarian Bulletin of 6 March 2014 (covering the period from 24 February to 2 March 2014), the UN Office for the Coordination of Humanitarian Affairs (OCHA) refers to the Sudanese Government Humanitarian Aid Commission (HAC) reporting on the displacement of around 10,000 people due to clashes between the Misseriya and the Salamat tribes in Um Dukhun locality of Central Darfur state:

"On 26 February, HAC [the Sudanese Government Humanitarian Aid Commission] reported that about 10,000 people from the Salamat tribe fled their homes in Um Dukhun locality, Central Darfur and moved to South Darfur or crossed the border into Chad following clashes between the Misseriya and Salamat tribes in the area between 17 and 20 February. At least 17 people were reportedly killed, following clashes in Sali village, about 40km northeast of Um Dukhun town, according to humanitarian organisations.

The clashes occurred after an estimated 20,000 people returned to Um Dukhun town and surrounding villages over the past three months due to improved security in the area, according to HAC. Most of the returnees were from the Salamat tribe who fled their homes in the area due to fighting between the two tribes that started in April 2013.

According to HAC, the situation in Um Dukhun locality is still volatile and humanitarian actors have been advised to postpone any field missions in the coming week. A Government-led reconciliation committee is currently negotiating with the two tribes to

stop tribal mobilisations, disburse gatherings of armed tribesmen and to open up the roads. During the past week no clashes were reported and on 1 March the United Nations Humanitarian Air Service (UNHAS) resumed flights to Um Dukhun, which were cancelled from 19 February due to the insecurity. Humanitarian operations also resumed in Um Dukhun town and IDP camps." (OCHA, 6 March 2014, p. 2)

Reporting on the same clashes, Radio Dabanga indicates that the violence was sparked off by the killing of a Misseriya tribal chief on 17 February 2014 and that it led to dozens of casualties. According to the Central Darfur Governor, the fighting was the result of a security gap caused by what he says was the premature withdrawal of conflict resolution forces from the region:

"The Governor of Central Darfur State has attributed the cause for the renewed clashes between the Salamat and Misseriya tribes in Um Dukhun to the withdrawal of the Intelligence and Security Service and the Central Reserve Forces from the region.

Governor Dr Yusuf Tibin acknowledged in an interview with the pro-government newspaper El Intibaha on Friday that 'these conflict resolution forces have withdrawn too rashly from the region. This has created a huge security gap, and paved the way for those targeting the security of the region'. According to El Intibaha, Tibin accused Chadian Salamat tribesmen of entering the region through Kalma, near the Chadian-Sudanese border. 'They participated in the clashes, after which they returned to Chad again.' He noted that the assassinated Salamat and Misseriya omdas [tribe chiefs, remark ACCORD] were both members of the Reconciliation Committee of Central Darfur's capital of Zalingei.

On Tuesday Um Dukhun in Central Darfur turned into a battlefield, when fierce clashes broke out between Misseriya and Salamat tribesmen. Dozens were killed and injured. The fighting broke out after a Misseriya omda was murdered in Um Dukhun on Monday. In response, Misseriya killed a deputy omda of the Salamat on Tuesday morning." (Radio Dabanga, 23 February 2014)

The UK-based charity Sudan Social Development Organisation (SUDO UK) notes in an April 2014 situation update for Darfur that clashes broke out between the Arab tribes of Nawayba and Ergat in Nertiti, Central Darfur:

"Nertiti, Central Darfur:

On Wednesday 2nd of April, fighting erupted between two Arab tribes, Nawayba and Ergat, Ibrahim Mohammed Hamdan from Nawayba and Mohammed Eisa Adam from Ergat was killed, in addition to injury of Mohammed Muhagir and Adam Omer." (SUDO UK, 4 April 2014)

Radio Dabanga reports that on 17 February 2014, two men were killed and 24 others injured when security forces fired live ammunitions at a demonstration of displaced persons in Zalingei, Central Darfur:

"Two men were killed and 24 injured when security forces fired live bullets at a demonstration of displaced people in Zalingei in Central Darfur on Monday morning.

They went to the streets to protest against the Social Peace Conference in Central Darfur's capital, organised by the Darfur Regional Authority (DRA). The three-day Social Peace Conference convened in Zalingei held its closing session on Monday in a tent on a distance of half a kilometre east of El Hamidia camp.

They not only protested against the 'government-backed militias attending the conference and speaking on their behalf as leaders of the displaced', but also against the security forces' assault of Koran scholar and activist, sheikh Matar Younis Ali Hussein, and the abduction of El Hamidia camp residents Yagoub Abdallah and Younis Ibrahim by militiamen on Sunday.

The demonstrators gathered east of El Hamidiya camp, where they were addressed by the organisers who read them their statement. They then headed towards the site of the World Food Programme. 'Then', the coordinator said, 'nine Land Cruisers approached, six of them mounted with a Dushka machinegun, carrying a large number of Central Reserve Police (known as Abu Tira), Unified Police and security forces troops. They began firing at the demonstrators, killing Muhamed Ali Yagoub (17) and Mohamed Ibrahim Karkab instantly and 24 people were injured, nine of them critically. [...] The shooting also ignited a fire at the El Hamidia camp, wiping out 15 shelters.

The Central Darfur State government, however, strongly denied the version of the displaced, and accused 'people with a hidden agenda' to be behind the demonstration. Muhamed Abakar Hassan Mohamedein, spokesman for the National Congress Party in Central Darfur, told Radio Dabanga that the security troops were forced to intervene to protect the University of Zalingei's buildings and secure the conference. The demonstrators, he explained, were young instigators from the El Hamidia camp, and adherents of the Sudan Liberation Movement, led by Abdel Wahid El Nur." (Radio Dabanga, 17 February 2014)

In a January 2014 article, the same source cites the coordinator of the Central Darfur camps for displaced people as saying that the Darfur conflict has evolved into a conflict for land involving displaced people, tribes and foreign settlers. According to the coordinator, there are 31 villages in Central Darfur's Mukjar, Bindisi and Um Dukhun localities that are "entirely [...] occupied" by pastoralists and people from Chad, the Central African Republic and Mali:

"The conflict in the Darfur region has turned into a struggle between displaced people, tribes and foreign settlers over land, according to the coordinator of camps for the displaced in Central Darfur this week, who blames Sudan's ruling party.

The coordinator of the Central Darfur camps explained to Radio Dabanga that many areas experience organised settlements by pastoral tribes and foreigners from neighbouring countries. 'There are 31 villages in Mukjar, Bindisi and Um Dukhun localities that have entirely been occupied by pastoral tribes and foreigners from neighbouring Chad, Central African Republic, and Mali. This especially happens in the villages of Amar Jadid, Saroukh, Abu Jaradil and Beileil.'



He reported that the leaders of the native administration, the displaced people and the council (shura) of Fur tribes of Central Darfur State held a meeting with the state secretariat and the leaders of 'new settlers' on Tuesday.

'Their statements were conflicting as some said they have purchased the lands from the former Governor of West Darfur, Jaafar Abdel Hakam, while others said that the Khartoum regime has rewarded them with the lands because they supported in defeating the opposition.'

The latter confirmed at the meeting that they continue to support Khartoum in the ongoing war in Darfur, and others claimed that 'the regime promised to keep them in these lands if they voted for them in the elections in 2015'. The attendees decided to form a committee to raise the issues of settlements to the state's government." (Radio Dabanga, 24 January 2014)

A March 2014 article by the Africa Review, an English language news website published in Nairobi, Kenya, reports that local authorities in Central Darfur's capital Zalingei shut down the office of a French aid organisation without giving any reason for the action. As stated by one of the employees of the organisation, the officials claimed to be acting on behalf of the Humanitarian Aid Commission (HAC):

"Sudan has expelled a French aid organisation from the Darfur region, officials said. Employees of the organisation, who requested anonymity because they are not authorised to speak to the press, told the Africa Review that the local authorities of Central Darfur State ordered the local head of the Agency for Technical Cooperation and Development (ACTED) to close the office and leave the country. 'The government told the local head of the Agency for Technical Cooperation and Development (ACTED) it will confiscate all assets by Thursday March 20,' a staff member revealed. 'Last Monday, security officers entered the ACTED compound in Zalingei and ordered the staff to leave the properties within 48 hours, but apparently the ultimatum was postponed until Thursday. 'The officials said they were acting on behalf of the Humanitarian Aid Commission (HAC) of Central Darfur,' he pointed out. The ACTED properties include several cars, stores and computers. 'The government wants ACTED to leave Sudan entirely,' the employee added. [...] Sudanese government confirmed the move through a local state radio, without explaining the circumstances that led to the expulsion. Early February, the government suspended the operations of the International Committee of the Red Cross that was ordered to hand over their assets to the Sudanese Red Crescent Society. ACTED provides camp-management to the displaced people in Zalingei and was setting better water and sanitation facilities for the camps and the surrounding villages before the rain season starts." (Africa Review, 20 March 2014)

In an article published a few days after the closure order was issued, Radio Dabanga cites the following explanations from the Humanitarian Aid Commissioner of Central Darfur, Radi Ali Amin:

"The Agency for Technical Cooperation and Development (ACTED) had to close its doors because the Sudanese Humanitarian Aid Commission (HAC) did not wish to renew its

agreement with the French-based organisation for 2014. In an interview published by the Sudanese daily newspaper Akhir Lahza, the Humanitarian Aid Commissioner of Central Darfur, Radi Ali Amin, said that HAC's refusal to sign the 2014 agreement with ACTED does not mean that the organisation is expelled from Sudan. Amin pointed to irregularities in the safety and security procedures of the organisation. He also downplayed the importance of projects realised by ACTED, that has been operating in the field of infrastructure in Darfur for nearly four years." (Radio Dabanga, 23 March 2014a)

In mid-May 2014, Radio Dabanga reports that three children were killed in a missile attack by government forces south of Golo town in Central Darfur state. A relative of the dead stated that "a military convoy consisting of over 100 vehicles was on its way from Nierteti town to Golo, when they launched Katyusha rockets, mortars, and missiles into the air". (Radio Dabanga, 16 May 2014a)

A January 2014 article by Radio Dabanga reports on "large concentrations" of government forces and militias in Nierteti locality of Central Darfur and points to two separate incidents of violence perpetrated by militiamen against displaced persons:

"A woman was gang-raped, and two boys stripped of their clothes by militiamen in two separate incidents in Nierteti locality, Central Darfur this week. Large concentrations of government troops in Nierteti locality have been causing terror and fear among the citizens for the last week. A witness told Radio Dabanga that on Sunday three women and their five children were returning to the Northern Nierteti camp for the displaced when they were stopped by militiamen. The women and their children tried to flee, but the men seized one of the women, aged 37, and Hashim Mohamed Abdallah (13), a basic school student. After the three militiamen alternately raped the woman, they stripped the boy of all his clothes, left him naked, and fled with the clothes. The witnesses said the incident was reported to the police. The woman was transferred to the hospital of Nierteti where she is receiving treatment. [...]

On Tuesday three gunmen attacked schoolboy Abakar Osman, of the Northern Nierteti camp for the displaced, when he refused to hand them his clothes. Witnesses from Nierteti town told Radio Dabanga that the incident occurred when Osman was doing his homework in the evening near the Bala school, on the outskirts of Nierteti. They said that the three militiamen told the boy to take off his clothes and hand them over. When he refused, one of the men stabbed Osman, seriously injuring him. He had to be taken to the hospital of Nierteti for treatment. [...]

Large concentrations of 'government forces and its militias' in the areas of Ardebe and Ladan in Nierteti locality raised terror and fear among citizens, a source from Ardebe told Radio Dabanga. Government forces, along with large numbers of militiamen in vehicles gathered in the area of Ardebe, west of Nierteti town a week ago. A listener noted that the rally of the troops coincided with the curfew that has been imposed in Nierteti locality since last Thursday. In Zalingei, Dr Yusif Tibin, the Governor of Central Darfur state, explained at the Media Centre of the Security Forces of the state that the curfew was imposed in Nierteti locality as part of 'further precautionary measures to prevent the

infiltration of rebels and other shabby types into some parts of the Jebel Marra region’.” (Radio Dabanga, 22 January 2014a)

The same source notes that an attack by the Sudan Liberation Movement led by Abdel Wahid El Nur (SLM-AW) on a Central Reserve Force convoy near Nierteti in Central Darfur on 7 January 2014 resulted in the death of nine troops. It was followed by aerial bombardment of areas west of Jebel Marra and Wadi Touro:

“The Sudan Revolutionary Front (SRF) announced the killing of nine Sudanese military police troops this morning in an attack on a military convoy near Nierteti in Central Darfur. Mustafa Tambur, the spokesman for the Sudan Liberation Movement led by Abdel Wahid El Nur (SLM-AW), operating under the banner of the SRF, told Radio Dabanga that their forces today (Tuesday) at about 9am, attacked a military convoy composed of Central Reserve Forces (Abu Tira) in the area of Foka Dako, west of Nierteti town. The rebel forces killed nine troops, injured others, and seized four vehicles mounted with machine guns, as well as large quantities of weapons. The remnant of the convoy fled in the direction of Nierteti and Zalingei. Tambur added that after the battle, aerial bombardments on the areas west of Jebel Marra and Wadi Touro led to the burning of large tracts of farmland and the killing of large numbers of livestock.” (Radio Dabanga, 7 January 2014)

A Radio Dabanga article of December 2013 refers to attacks by the Sudan Revolutionary Forces (SRF) on Sudanese troops near Central Darfur’s capital city of Zalingei:

“The Sudan Revolutionary Front (SRF) attacked the Sudanese army at about 6am on Friday morning in the area of Abata, 20km north-east of Zalingei, the capital of Central Darfur. At least 19 soldiers were either killed or injured, according to an eyewitness. The eyewitness from the area of Abata told Radio Dabanga that the ‘SRF has killed nine and wounded ten soldiers at least.’ They captured two Sudanese army officials and seized two vehicles, he reported. Afterwards, the rebels looted all the weapons, equipment and supplies of the police station in Abata. He pointed out that the SRF had attacked the area with 22 Land Cruisers mounted with machine guns. The witness also disclosed that the authorities transferred the injured soldiers to the Zalingei hospital. The Sudan Liberation Movement led by Abdel Wahid (SLM-AW) under the banner of the SRF claims to have captured three Sudanese army officials: sergeant Mohamed Yusef Abdelaziz, deputy sergeant Ahmed Ali Saeed, and sergeant Mohamed Ibrahim. The SLM-AW lost two of its men during the clash. ‘The area of Abata is now under our control,’ the SLM-AW spokesperson said.” (Radio Dabanga, 13 December 2013)

### **3.2 North Darfur**

As indicated by the UN Office for the Coordination of Humanitarian Affairs (OCHA), “[t]he UN has received reports of two separate attacks on 4 and 5 June [2014] by an armed militia on a local market and village in the Korma area of North Darfur”, which resulted in four deaths, an unknown number of injuries and looting of property. According to a local NGO, 9,200 people fled their homes and sought shelter in a camp for the displaced near the UNAMID team site in Korma. (OCHA, 12 June 2014, pp. 2-3)

Radio Dabanga reports in May 2014 that according to a Member of the South Darfur state parliament, “[t]he paramilitary Rapid Support Forces’ (RSF) widespread attacks on rural areas in El Fasher locality, last month, caused the displacement of 27,751 people”. The chairman of the High Committee for the Relief of the Victims of El Fasher’s Rural Areas added that “22 villages burned to ashes, and 2,033 houses were destroyed in the attacks”. (Radio Dabanga, 11 May 2014)

In its Sudan Humanitarian Bulletin of 14 April 2014 (covering the period from 7 to 13 April 2014), the UN Office for the Coordination of Humanitarian Affairs (OCHA) points to a rise in the number of displaced persons in Darfur and explains that this increase can largely be attributed to new displacement in the Western part of North Darfur:

“By 14 April 2014, an estimated 262,300 people remain displaced in different Darfur states, following a wave of violence that began in South Darfur in late February 2014 and spread to parts of North Darfur in March 2014, according to reports received by the United Nations. The number of people reported to be displaced is some 47,800 higher than one week ago, when 214,500 people were reported to have fled their homes.

This increase is largely due to new displacement in western North Darfur. Some 3,000 newly displaced people are reportedly arriving every day at Zamzam camp for internally displaced person (IDPs) camp near El Fasher, the capital of North Darfur State. According to the International Organization (IOM), however, this number may be revised downward after verification of new arrivals has been completed. Currently, the IOM tracking hub in Zamzam had recorded 26,498 new arrivals in the camp. In addition, there seems to be a substantial number of newly displaced people in the rural areas of El Fasher locality, North Darfur.

According to reports received by the UN, on 7 April aerial bombing in Um Baru locality in North Darfur resulted in the death of one person and injury of another four people. On the same day, armed militias attacked Kutum, Gadara, Birmaza, and Birdik villages in Kutum locality, North Darfur. The militias reportedly looted personal belongings and livestock, leading to several casualties. On 8 April, an armed militia group reportedly attacked a number of villages, including Nabaru Junu, Nabaru Samal, Hilet Jabel, Hilet Um Arda, Hilet Kamis, Tawazin, Birka, Sarafaye, Janjona and Um Usus, in North Darfur. The attackers reportedly burnt down an unspecified number of houses and robbed people of personal belongings. An unspecified number of affected people are reported to have moved to Korma to seek safety and protection, according to local community leaders. This information is yet to be clarified.” (OCHA, 14 April 2014, p. 1)

An April 2014 article by the Sudan Tribune reports that according to the government of North Darfur, the Sudanese army has managed to recapture two rebel-controlled areas said by officials to be the last strongholds of the rebel groups in the state:

“The government of North Darfur has announced that the Sudan Armed Forces (SAF) has recaptured the Bir Maza and Bir Deek areas from rebel groups, declaring that the latter had lost their last strongholds in the state. State defence minister Yahiya Mohamed Khair

and North Darfur governor Muhammad Osman Youssef Kibir visited the two areas following their recapture and distributed humanitarian assistance to the affected population. Kibir said the two areas represent the last strongholds of the rebel groups which he said are 'in their weakest state'. He went on to say that SAF's recent victories represent the beginning of the end of the rebel groups, underscoring the government's keenness to provide security, stability and basic services for people in the two areas. The governor further said that residents of Bir Miza and Bir Deek have become safe and would not be endangered again.

The rebel Sudan Liberation Movement-Minni Minnawi (SLM-MM) carried out attacks in South and North Darfur states triggering reprisal attacks by government militias on villages suspected of support to the rebels. These attacks coincided with tribal clashes in the North Darfur state. The violence displaced over 215,000 civilians in the state." (Sudan Tribune, 6 April 2014)

The same source refers to a member of North Darfur state governor's consultative office as stating that 78 military personnel and 10 civilians were killed during an attack on the town of Mellit perpetrated by the Sudan Liberation Movement-Minni Minawi (SLM-MM) and a splinter faction of the Liberation and Justice Movement led by Ali Karbino (LJM-Karbino) on 13 March 2014:

"The member of North Darfur state governor's consultative office, Ibrahim Mohamed Mahmoud, said that 78 army personnel were killed during the recent attack on Mellit this week. The official further said that 4 officers were killed among the military, pointing that 10 civilians were also killed during the attack.

On Thursday, the Sudan Liberation Movement – Minni Minnawi (SLM-MM) said it captured the strategic town of Mellit in North Darfur state, which is at 80km north to the state capital Al-Fasher. The military spokesperson of the SLM-MM, Adam Saleh Abakar, said the attack was carried out by a joint force composed of their fighters and those of a splinter faction of the Liberation and Justice Movement led by Ali Karbino. (LJM-Karbino).

Mahmoud told Ashoroq TV that government forces defeated the attackers killing 9 and destroying 3 vehicles. He added that all concerned bodies knew in advance that rebels could penetrate the town, attributing the incident to failure of those bodies to make the necessary arrangements to protect the town. He pointed that regular forces in western and southern areas of the state including the border guards and the police central reserves forces fought desperately to defend the town; stressing humanitarian situation has not been assessed so far. Mahmoud further said several houses were destroyed and pointed that the commercial market didn't fully resume its activity. He however emphasised that conditions in the town are stable." (Sudan Tribune, 13 March 2014)

The rebel attack is also reported by SUDO UK which states that one woman and her baby were killed and the market of Mellit ransacked. As regards the context of the attack, the source writes:

"Over two weeks ago, the SLA/MM and LJM/Ali Karbino rebel groups withdrew from the area South-East of Nyala, in which they were camped for more than two years, when they realized that the RSF was advancing towards them from Kordofan (See SUDO Update 1 March 2014). [...] The withdrawing rebels moved to the east of North Darfur, where they claimed to have captured and 'liberated' many villages and small towns, resulting in the displacement of more than 300,000 civilians. However, after claiming that they had liberated these areas, the SLA/MM and LJM again withdrew from the area, leaving civilians vulnerable to attack by the Janjaweed and other government forces and militias. Since their claimed liberation of the area and subsequent withdrawal, several civilians were killed and injured by air raids carried by the government air forces on those villages, towns and their surroundings." (SUDO UK, 13 March 2014)

Radio Dabanga reports in March 2014 that at least 15 villages were looted and burned down as the Rapid Support Forces (RSF) continued their attacks on areas in North Darfur's Kutum locality:

"The Rapid Support Forces (RSF) continued their attacks on areas in Kutum, North Darfur, for the tenth consecutive day. At least 15 villages in the north-eastern part of Kutum locality burned to ashes on Sunday in attacks by the RSF, people who fled the area told Radio Dabanga. 'RSF Janjaweed in about 200 vehicles attacked the area of Shagarla, west of Donki Baashim, at about 11am on Sunday. They raided our villages, and looted all our properties and livestock. They then set the places on fire. Among the villages that burned down are Shagarla, Tima, Girba, Hillet Saleh Nurein, Jido Nurein, Hillet Mohamedein Abd El Banat, Hillet Bashar Abd El Banat, Hillet Dabbat Farti, Hillet Gumeiza, Hillet Ismail Khater, and Hillet Abdallah Mohamed Hassan.' 'Schools burned to ashes, as well as health facilities and other services facilities,' the villagers added. 'Thousands of people fled their homes, most of them women, children, and elderly. They are wandering now in the wilderness, facing the risk of dying of thirst.' The villagers called on the humanitarian organisations to intervene and help them to find a safe place to stay. A resident of Shagarla told Radio Dabanga that Maryam Saeed Adam (50), Ikram Ishag (7), and Habiba Suleiman Saeed (11) were killed. 'Adam El Tom, Mohamed Abdo Jido, and his son Mohamed Abdo were slaughtered. 15 people from one family were wounded. Mohamed Abdel Wahab (12), Fathi Abdallah Yunis (13), Salah Ahmed Karkour (30), and Yunis Nahar Adam were abducted.'" (Radio Dabanga, 31 March 2014b)

In a report published by the UN Security Council (UNSC) in mid-April 2014 and covering the preceding 90 days, the UN Secretary-General refers to the following security incidents that occurred in North Darfur:

"Nine attacks on villages and communities by suspected members of Rapid Support Force were reported in North Darfur. Between 21 and 27 March, 40 villages in the vicinity of Koram were attacked by a combined force of elements of the Rapid Support Force and militia groups, forcing some 25,000 people from their homes, including 4,000 who sought refuge at the UNAMID base in Korma. The attacks by the Rapid Support Force/militia in North Darfur included acts of rape, looting and burning of houses. [...]

[...] In addition to attacks against civilians, elements of the Rapid Support Force have clashed with Government forces. On 18 March, an exchange of fire occurred between elements of the Rapid Support Force and the Sudanese Armed Forces at a checkpoint near El Fasher. On the same day, in the Al Borsa area in the vicinity of El Fasher, armed men alleged to be members of the Rapid Support Force clashed with Government police resulting in fatalities on both sides. It is difficult to establish the motives behind these incidents which may not necessarily reflect a breakdown in the alliance between Government forces and the Rapid Support Force.” (UNSC, 15 April 2014, p. 3)

Another March 2014 article by Radio Dabanga notes that civil society leaders in North Darfur submitted a memorandum to the Deputy Governor in El Fasher city demanding an end to rights abuses and fighting in the state and an improvement in the humanitarian situation:

“Leading figures of civil society organisations in North Darfur have condemned the killings, kidnappings, and displacement of thousands of civilians as well as the burning and looting of their properties during the past few days, which happened ‘under the nose of the federal and local governments and Unamid’. The leaders described their condemnations in a memorandum addressed to President Omar Al Bashir, the state governor and its legislature, and the Parliament. They presented the memorandum to the Deputy Governor in El Fasher city on Thursday. The signatories said ‘there is no humanity at all’ seeing the acts against civilians in Darfur. One of the signatories of the memorandum, Alsadiq Gadi Malit, told Radio Dabanga that they hold the central government, the state, and the armed movements responsible for the violence. They also hold Unamid and other international organisations responsible for the deterioration of the security and humanitarian situations. He added that the civil society organisations demanded in the memorandum the immediate cessation of hostilities as well as the immediate treatment of the humanitarian situation in North Darfur. Another demand was to halt all the looting, abductions, and burning carried out by militias. ‘All parties must sit down at the negotiating table to reach a peaceful solution.’” (Radio Dabanga, 28 March 2014)

The US Department of State (USDOS) annual report on human rights in 2013, published February 2014, indicates that “[s]ecurity deteriorated in North Darfur, and violence, including indiscriminate SAF [Sudanese Armed Forces] aerial bombardments, continued in the Jebel Marra area in Darfur” (USDOS, 27 February 2014, section 1g).

The Satellite Sentinel Project (SSP), a partnership between the Enough Project and commercial satellite imagery provider DigitalGlobe, which conducts monitoring of the Sudan-South Sudan border and other hot spots within Sudan to assess the human rights situation and identify potential threats to civilians, notes in a report published in March 2014 that new satellite imagery “provides independent confirmation of Sudan Air Force (SAF) bombardments in the mountainous Jebel Marra area of North Darfur” in the preceding two weeks. As further stated in the report, images also show evidence of ground attacks led by Janjaweed fighters, some in the same location as the air strikes. (SSP, March 2014, pp. 1 and 9)

The full text version of the report can be accessed via the following link:

- SSP - Satellite Sentinel Project: Bombed & Burned: Darfuri Civilians Flee East Jebel Marra En Masse, March 2014  
[http://satsentinel.org/sites/default/files/reports/BombedandBurned\\_DarfuriCiviliansFleeEastJebelMarraEnMasse.pdf](http://satsentinel.org/sites/default/files/reports/BombedandBurned_DarfuriCiviliansFleeEastJebelMarraEnMasse.pdf)

In a press release issued in March 2014, Human Rights Watch (HRW) refers to clashes between militias, including militia troops led by Musa Hilal, which led to the displacement of about 65,000 people in North Darfur:

"[...] clashes between militias, including a rebel force led by Musa Hilal, who recently defected from the government, have displaced an estimated 65,000 people in North Darfur. Hilal is one of four people subject to UN sanctions for his role commanding pro-government militia, or 'Janjaweed,' in attacks on civilians in past years." (HRW, 21 March 2014)

A more detailed account of fighting involving militia troops led by Musa Hilal is given in the above-cited April 2014 report by the UN Secretary-General:

"In North Darfur, political rivalries between Musa Hilal, one of the main Arab militia leaders during the early years of the Darfur crisis, and Osman Kibir, the Governor of North Darfur, led to serious conflict during the reporting period. Tensions spread when Musa Hilal accused Kibir of using his government position to benefit non-Arab tribes, including Tama, Berti and Gimir, to consolidate his personal influence in the State.

[...] Fighting broke out in February and March, pitting communities allied to Musa Hilal and Osman Kibir against each other. On 28 February supporters of Musa Hilal ambushed a military convoy deployed by the Governor in the Karama area. Fifteen soldiers were reportedly killed, and a number of vehicles of the Sudanese Armed Forces were destroyed. Prior to the attack, commissioners appointed by the Governor of North Darfur were chased out of the area of Saraf Umra, Kabkabiya and Jebel Amir at the instigation of Musa Hilal. Sporadic and intense clashes between Hilal's supporters among the Northern Rizeigat militia and other tribes, particularly Tama and Gimir, in Saraf Umra and surrounding villages between 3 and 8 March, resulted in the displacement of an estimated 50,000 people and an unspecified number of casualties. An additional 10,000 people were reported to have fled to various locations in North, Central and West Darfur. The fighting is reported to have led to the destruction and looting of more than 2,000 houses in Saraf Umra and adjacent towns. An agreement on cessation of hostilities, facilitated by a local peace committee and the Government of the Sudan, was signed between the Northern Rizeigat and Gimir on 12 March, allowing for the safe return of displaced persons to their homes." (UNSC, 15 April 2014, p. 2)

A March 2014 article by Radio Tamazuj, a radio station which focuses primarily on Sudan/South Sudan border issues and is run by journalists from both countries, provides the following summary observations with regard to recent fighting in North Darfur state:



"Fighting has broken out across parts of North Darfur in recent days involving government troops, SLA rebel factions, and the formerly government-backed Musa Hilal militia, which has announced independent control of several areas.

A military convoy clashed with rebels in Kutum Locality, North Darfur, on Sunday, according to Adam Saleh Abakar, the spokesman for the Sudan Liberation Army led by Minni Minawi. He claims more than 60 government militia troops ('Rapid Support Forces') were killed in the clash, and 84 wounded. SLA claims also to have captured nine vehicles and destroyed eight.

There was also a clash reported in East Jebel Marra and looting in Sarafaya near the North Darfur capital on Sunday. Saleh Abdel Rahman Omar, a member of the North Darfur State parliament representing rural areas around El Fasher, told Radio Dabanga that militiamen overran Sarafaya, looting and burning several houses. He said the population of Sarafaya fled in panic to the neighbouring villages. A number of them reached the area of Shagra, west of El Fasher.

In the mountainous Jebel Marra region, the SLA faction led by Abdel Wahid Al Nur clashed with 'Rapid Support Janjaweed' in the area between Fanga and El Aradeib El Ashara on Sunday afternoon, according to another SLA military spokesman. The rebels claim to have seized six Land Cruisers loaded with cannons, and destroyed another ten vehicles belonging to the government militia. Sudan's air force bombed the area on Monday following the clashes, burning Fanga market, according to the same source. No casualties were reported in the bombing.

Elsewhere in North Darfur, militia commander Musa Hilal has established a committee of 100 people from various tribes in Saraf Umra locality, North Darfur. The committee will choose the commissioner and executive directors in the locality, which is controlled by Hilal's militias. Hilal's troops announced last Thursday control of Saraf Umra town, Kutum town, Kabkabiya town, and El Waha area, and the establishment of administrations. The militia leader was part of the Sudanese government but has since distanced himself from Khartoum and called his movement the 'Awakening Revolutionary Council'. Fighting in Saraf Umra locality caused massive displacement earlier this month. An estimated 65,000 fled their homes, but most of those have since returned." (Radio Tamazuj, 25 March 2014)

Reuters news agency states in an article of October 2013 that since January of the same year, more than 800 people have been killed in tribal clashes over the Jebel Amir gold mine, with the government described by UN officials and diplomats as "complicit in the violence":

"Fighting between rival tribes over the Jebel Amer gold mine that stretches for about six miles beneath the sandy hills of North Darfur has killed more than 800 people and displaced some 150,000 others since January. Arab tribes, once heavily armed by the government to suppress insurgents, have turned their guns on each other to get their hands on the mines. Rebel groups that oppose the government also want the metal.

The gold mine death toll is more than double the number of all people killed by fighting between the army, rebels and rival tribes in Darfur in 2012, according to U.N. Secretary General Ban Ki-moon's quarterly reports to the Security Council.

U.N. officials and diplomats said the government has been complicit in the violence by encouraging at least one militia group to seize control of mines, a charge the government denies." (Reuters, 8 October 2013)

The USDOS annual report on human rights in 2013 reports of clashes between the Rizeigat tribe and another Arab tribe, the Beni Hussein, over gold mines in Jebel Amir:

"In January and February, two Arab tribes, the Rizeigat and Beni Hussein, clashed over gold mines in Jebel Amir, North Darfur, which resulted in an estimated 200 deaths, more than 100,000 displaced, and 25 villages burnt." (USDOS, 27 February 2014, section 1g)

A joint report by the Enough Project and the Satellite Sentinel Project (SSP), published in May 2013, also addresses the issue of tribal fighting over control of the Jebel Amir gold mining region and examines the role played by the Sudanese government in the violence:

- Enough Project / Satellite Sentinel Project (SSP): Darfur's Gold Rush: State-Sponsored Atrocities 10 Years After the Genocide, May 2013  
[http://www.enoughproject.org/files/Darfur\\_Gold\\_Rush.pdf](http://www.enoughproject.org/files/Darfur_Gold_Rush.pdf)

### 3.3 East Darfur

In an article dated March 2014, Radio Dabanga mentions an attack by militiamen on a group of Sudanese soldiers in an oil field area of East Darfur:

"An army soldier was killed and another wounded in an attack by militiamen on an oil field in East Darfur. 'Janjaweed on camels and horses opened fire on a group of Sudanese soldiers who had approached Um Haraz oil field in East Darfur, 48km south of Adila town. The soldiers were coming from the Belila oil field in West Kordofan. One soldier died, and another was injured,' a witness told Radio Dabanga." (Radio Dabanga, 23 March 2014b)

An April 2014 article by Radio Tamazuj cites the Chairman of the parliamentary Committee of Economic Affairs, Salem El Safi Hijeir, as stating that oil explorations at Zurga Um Hadeeda oil field in the Northern part of East Darfur have been suspended because of conflicts over land rights in the area involving the two nomadic Arab tribes of Hamar and Ma'aliya:

"The chairman of the parliamentary Committee of Economic Affairs, Salem El Safi Hijeir, told the press on Thursday that the oil explorations in the field of Zurga Um Hadeeda, located in the northern part of East Darfur have been stopped by the company because of security reasons. 'The Hamar and Ma'aliya tribes are contesting the ownership of the area,' he said, referring to two nomadic Arab tribes. 'The production of oil in Hadeeda field is continuing despite tribal conflicts over the ownership of the field,' Hijeir explained. He announced that a reconciliation conference between the Hamar and Ma'aliya tribes will be convened 'in the coming days' on the ownership of the lands in which the Zurga Um Hadeeda field is located. A source on the Ma'aliya side told Radio Tamazuj today that five people were killed and others wounded in fighting between the two tribes, which started

on Thursday. He said that the sheikh of Basham village was among those killed, in Adila Locality." (Radio Tamazuj, 6 April 2014)

Tensions between Ma'aliya and Hamar tribes in East Darfur are also reported in a February 2014 article by Radio Dabanga:

"Tension has risen between Ma'aliya and Hamar tribes as a result of a murder, an abduction, and looting in the area of Sharif in Adila locality, East Darfur, on Tuesday. A witness told Radio Dabanga that one of the Ma'aliya was killed in Sharif, 18km east of Adila town, on the border between East Darfur and West Kordofan. 'A Ma'aliya rescue team tracked down his traces and found out he had entered one of the villages of the Hamar tribe,' the witness explained. They denied knowing of any person entering into their area, and that the murderer of reportedly one of the Ma'alia's sons resided with them. 'Then the Ma'aliya team seized three men, 80 camels, and 600 sheep, and returned to Sharif area.' The witness added that a mediator from the Misseriya tribe intervened to resolve the problem. However, the Ma'aliya insisted to neither release the three kidnapped, nor the camels and sheep, until after the Hamar hand over the offender." (Radio Dabanga, 7 February 2014)

In its Sudan Humanitarian Bulletin of 10 April 2014 (covering the period from 31 March to 6 April 2014), the UN Office for the Coordination of Humanitarian Affairs (OCHA) reports as follows on fighting between the Hamar and Ma'aliya tribes in East Darfur and West Kordofan states:

"The UN has received reports that a number of people were killed and injured following fighting between the Hamar and Ma'aliya tribes in Shag Hiraf (58km northeast of Adila locality, East Darfur) on 4 April and later in Khamsat (Al Odaiya locality), West Kordofan, on 5 April. According to media reports, the Commissioner of Al Odaiya locality reported that 18 people were killed and 20 seriously injured following these violent clashes. According to the reports, the Commissioner called on the leaders of both groups to stop fighting. The Government is organizing a reconciliation conference next week. No reports of civilian displacement have been received. This is not the first time these two groups have clashed. In December 2013, some 35 people were killed, and about 2,100 Ma'aliya tribesmen were displaced to Adilla and Abu Karinka, East Darfur, following fighting over land ownership and cattle theft." (OCHA, 10 April 2014, p. 3)

The Sudan Tribune reports in May 2014 that "[m]ilitary troops in West Kordofan and East Darfur states have been deployed to secure the dividing line between areas of Hamar and Ma'alia tribes following renewed fighting between the two ethnic groups", which resulted in the deaths of at least 29 tribesmen and left 23 others injured (Sudan Tribune, 25 May 2014).

Radio Dabanga notes in an article of February 2014 that an army soldier was killed and four others injured in clashes between the Sudanese army and a group named the "Arab Spring Forces" in the area of Badi, near Abu Karinka in East Darfur:

"A soldier has died and others reported wounded following clashes on Saturday between the Sudanese army and a group calling themselves the 'Arab Spring Forces'. The clashes

were reported in the area of Badi, 20km northwest of Abu Karinka in East Darfur. A witness told Radio Dabanga that the clash took place in the morning. One army soldier was killed, four wounded, and others reported 'missing'. The witness said that the Arab Spring forces surrounded the army garrison of Abu Karinka on Sunday morning and gave the army 72 hours to deliver a vehicle which they claimed was stolen by the army. The army then gave the Arab Spring 24 hours to hand-in their arms and ammunition. The Secretary General of the Government of East Darfur, Mohamed Ahmed El Dud confirmed the incident, the death of one soldier and injury of four others, as well as wounding two citizens in a clash between the army and the movement called the Arab Spring, led by Gido Jadada. El Dud said that the clash came against the backdrop of an armed robbery by elements of the Arab Spring on two commercial vehicles in the area of Badi on the road between Ed Daein and En Nahud. They injured the driver of one of the two vehicles and a passenger, a boy of 15 years. This led to the army and Central Reserve Forces (Abu Tira) in four vehicles from Abu Karinka clashing with Arab Spring forces. El Dud said that the wounded and vehicles were transferred to Ed Daein on Sunday." (Radio Dabanga, 9 February 2014)

The same source reports in August 2013 that fighting erupted between the Rizeigat and Ma'aliya in East Darfur, leaving an estimated 209 persons dead and 305 others injured and prompting a state of emergency to be declared:

"The Governor of East Darfur state, Abdel Hamid Musa Kasha, has declared a State of Emergency in East Darfur, and extended the brief of the Sudanese Armed Forces (SAF) in the area. In a statement on Saturday, Governor Kasha said he has authorised regular SAF forces 'to deter criminals and militiamen.' Tensions between the Rizeigat and Ma'alia were triggered in the state earlier this month by unresolved disputes concerning access to land resources. An estimated total of 209 people were killed and 305 were wounded in clashes. Unamid airlifted representatives of the tribes to El Taweisha, North Darfur, to participate in the signing of an agreement to cease hostilities in East Darfur. The Governor said that he had documentary evidence, in the form of minutes of meetings, that 'elements of the tribes' leaderships conspired to ensure the current situation'. He announced the formation of a committee under the chairmanship of Nazir Musa Jalis, cheiftain of the Birgit Tribe and head of the legislative council of East Darfur. Five senior members of each tribe will serve on the committee which will be charged to follow-up on the implementation of the cessation of hostilities resolution, to disperse the gatherings of combatants in the area, and to ensure the return to Ed Daein of those Ma'alia civil servants and executives who were dismissed from Ed Daein and Abu Karinka during the fighting." (Radio Dabanga, 25 August 2013)

The UN Security Council (UNSC) indicates in September 2013 that despite the signing of a peace agreement between the Rizeigat and Ma'aliya communities on 22 August 2013, "sporadic" fighting between the sides continued:

"The security situation in Darfur has remained volatile since the briefing. Heavy fighting broke out between the Rizeigat and Ma'aliya communities on 9 August over land and cattle in East Darfur. By mid-August, media reports indicated that 209 had died and 305

had been injured as a result of the violence. Although the two groups signed a peace agreement on 22 August, sporadic outbreaks of violence between them continued in September. In early September, OCHA reported that approximately 134,000 people had been displaced by the clashes in the Abu Karinka and Adila areas of East Darfur." (UNSC, 30 September 2013)

An October 2013 article by Radio Tamazuj describes the situation between the Rizeigat and Ma'aliya tribes as follows:

"Despite a period of relative calm following deadly tribal clashes in East Darfur, leaders of the two warring parties are accusing each other of violating their peace agreement signed in August. Ma'alia leader Mohamed Ahmed Al Safi confirmed the situation in the state is currently calm, but accused the Rizeigat tribe of breaching the cessation of hostilities treaty. He specifically accused the Rizeigat Deputy (Nazir) Mahmoud Musa Ibrahim of inciting hostilities between the two tribes. Ibrahim vehemently dismissed the allegations and reaffirmed his tribe's commitment to adhere to the terms of the agreement, signed in El Taweisha, North Darfur. Instead, he accused the Ma'alia of not respecting its terms: 'The agreement was violated by the Ma'alia when they raided our cattle and killed five Rizeigat tribesmen.' Speaking to Radio Tamazuj from east Darfur capital Ed Daein, Ibrahim disclosed that a national ad hoc investigation committee has completed its task with the civil administration and other stakeholders and departed to Khartoum. Unamid says that 'tensions between the Rizeigat and Ma'alia were reportedly triggered by unresolved disputes concerning access to land resources.'" (Radio Tamazuj, 3 October 2013)

The same source notes in an article of April 2014 that the Rizeigat tribe has set out conditions for reconciliation with the Ma'alia, adding that fighting between the two tribes killed more than 100 people in 2013:

"The Rizeigat Arab tribe, the largest in East Darfur, has announced terms of reconciliation that need to be met by the Ma'alia tribe in order to end their feud.

More than 100 people were killed in fighting between the two tribes last year, with 23 more reported killed in renewed clashes in late March. Fighting spread in early April to involve also the Hamar, a tribe from Kordofan, which clashed with the Ma'alia in an oil-producing area.

In a press statement, the Chairman of the Shura Council of the Rizeigat Ali Majok announced that conditions for peace talks with the Ma'alia would be not granting hakura (exclusive land rights) or a nazirate (a high-level chieftancy) to the Ma'alia, nor allowing them to have a local tribal militia in Kulaykili Locality.

These are apparently points on which the tribe does not wish to compromise. In a press statement, Majok pointed out that grievances between the two tribes dated back more than 40 years, emphasizing that any peace conference had to be followed up with commitment to the terms of agreement.

The tribal disputes in East Darfur have drawn high-level attention in Khartoum in part because tensions threaten the stability of oil-producing fields in the region along the West Kordofan-East Darfur border." (Radio Tamazuj, 13 April 2014)

In its Sudan Humanitarian Bulletin of 23 January 2014 (covering the period from 13 to 19 January 2014), the UN OCHA mentions that more than 1,300 people, mainly from the Dinka tribe, fled from Abu Karinka town to escape tensions with Ma'aliya tribesmen:

"According to humanitarian actors on the ground, some 1,325 people, primarily from the Dinka tribe, fled from Abu Karinka town to Khor Omer camp for internally displaced persons (IDPs) in East Darfur due to increased tensions with the Ma'aliya tribesmen. The Ma'aliya tribesmen arrived in the area following inter-tribal fighting between the Ma'aliya and the Rizeigat in August/September 2013 and between the Ma'aliya and Hamar tribe in December 2013." (OCHA, 23 January 2014, p. 3)

The US Department of State (USDOS) mentions in its annual report on human rights in 2013, published February 2014, that "[o]n October 20, SAF [Sudanese Armed Forces] launched an airstrike on a Rezeigat tribal settlement in Hajr Dabak village, East Darfur" that "resulted in 10 deaths and several injuries" (USDOS, 27 February 2014, section 1g).

In an article dated April 2013, the Integrated Regional Information Network (IRIN), the UN's humanitarian news service, reports the following:

"In early April, fighting between the Sudanese Armed Forces (SAF) and the Sudan Liberation Army-Minni Minawi (SLA-MM) in East Darfur State displaced several thousand people; SLA-MM managed to capture [...] two towns - Muhajiriya and Labado - for ten days, but the SAF has since retaken them." (IRIN, 19 April 2013)

A January 2014 article by Radio Dabanga reports as follows on displacement caused by clashes between the Sudan Armed Forces (SAF) and the Sudan Liberation Army-Minni Minawi (SLA-MM):

"On 12 January, community leaders from Muhajeriya town and Abu Dungal village in Sheiria locality, East Darfur, told humanitarian organisations that an estimated 16,500 people affected by the armed conflict between the Sudan Armed Forces (SAF) and the Sudan Liberation Army, led by Minni Minawi (SLA-MM) in March and April 2013, are still in need of assistance. This includes 7,000 people in Muhajeriya and 9,500 in Abu Dungal village. [...]

Between April and May 2013, fighting between the SAF and the SLA-MM displaced an estimated 61,000 people from their homes in Muhajeriya and Labado in East Darfur. In the beginning, people sheltered near the Unamid team sites in Muhajeriya and Labado and were provided assistance by Unamid. Thereafter, humanitarian organisations reported that a number of them moved to El Neem camp near Ed Daein, the capital of East Darfur, while others had arrived in various camps for the displaced in North and South Darfur. The majority remain displaced." (Radio Dabanga, 21 January 2014)

### 3.4 South Darfur

A June 2014 article by Radio Dabanga quotes the Minister for Urban Planning of South Darfur as saying that the security situation in the state and the capital city of Nyala in particular “seems to be beyond the control of the central and state governments, particularly abductions, hijacking of vehicles, armed robbery, and intimidation of civilians”. According to the article, the Minister “particularly mentioned an incident in Nyala last week where members of the Rapid Support Forces (RSF) militia stole the payroll destined for the salaries of judges and judicial personnel”. (Radio Dabanga, 5 June 2014)

In an April 2014 report published by the UN Security Council (UNSC), the UN Secretary-General points to a deterioration of the security situation in South Darfur due to the deployment to the state of government-aligned Rapid Support Forces:

“[...] the deployment to the region of Government aligned militia, known as Rapid Support Forces, has seriously undermined the security of civilians, their property and livelihoods, particularly in South Darfur and increasingly in North Darfur.” (UNSC, 15 April 2014, p. 1)

“The arrival of 5,000 to 6,000 militia, known as the Rapid Support Force, in South Darfur from North Kordofan via East Darfur on 19 February intensified the already volatile security situation. The Rapid Support Force, whose members were reportedly recruited by the Government from tribes in Darfur and trained in Khartoum, were initially deployed to South Kordofan and Blue Nile States to fight the Sudanese People’s Liberation Movement-North (SPLM-North). The redeployment followed alleged criminal acts against the local population in those States.

[...] The deployment of the Rapid Support Force coincided with a series of large-scale attacks on armed groups and villages in South then in North Darfur. Attacks attributed to the Rapid Support Force included the targeting of civilians, the destruction and burning of villages, looting of property and theft of livestock. On 19 and 27 February, operations led by the Rapid Support Force in support of the Sudanese Armed Forces in Um Gunya village in South Darfur resulted in the displacement of approximately 30,000 people from Um Gunya and Hijaar to camps for internally displaced persons in El Salaam, Kalma and Labado. Violence continued in the area south of Nyala on 27 and 28 February, when elements of the Rapid Support Force attacked and burned the villages of Higer, Tunjo, Um Gunya, Tami Telebe and Himeida.” (UNSC, 15 April 2014, pp. 2-3)

A March 2014 press release by Human Rights Watch (HRW) gives the following account of attacks perpetrated by the Rapid Support Forces together with Sudanese army troops:

“In late February and early March, a mixed government force of Sudanese military and militia known as the Rapid Support Forces, which had previously been deployed against Sudan Revolutionary Force rebels in North Kordofan, attacked dozens of ethnic Fur and Zaghawa villages in South Darfur. Community leaders from Hijier and Um Gunia villages gave Human Rights Watch a list of 38 civilians who were killed, and 10 others who are missing. They said many of the dead bodies were left unburied as people fled.

The attacks, coming after rebel forces fled the area, appeared to target civilians with devastating results. Witnesses told Human Rights Watch that government aircrafts bombed the area, followed by attacks by large numbers of ground forces traveling in land cruisers and on horses and camels. The government forces destroyed boreholes used for water, stole animals, and burned homes, witnesses said.

The Rapid Support Forces have since moved toward eastern Jebel Mara and to North Darfur, attacking villages in both locations, according to media reports. The attacks in South Darfur alone caused more than 45,000 people to flee, according to the UN. As of mid-March 2014, families continued to arrive at South Darfur camps for displaced people.” (HRW, 21 March 2014)

As noted in an April 2014 article by Radio Dabanga, the General of UNAMID in South Darfur has announced that an additional 6,000 peacekeeping troops will be sent to the area as reinforcement to achieve better protection of displaced people:

“The General Commander of Unamid in South Darfur has announced that Unamid’s military strength in the area will be substantially reinforced to provide better protection for the displaced. The move reportedly comes in response to information received of possible attacks planned by the government’s Rapid Support Forces (RSF). The Secretary-General of Kalma camp for the displaced near Nyala, Capital of South Darfur, Dr Saleh Eisa told Radio Dabanga that Brig. Gen. Ijioma visited the camp with a Unamid delegation on Thursday and met with Sheiks, Omdas, and women representatives of the displaced. ‘General Ijioma said that he has received intelligence of possible attacks on the displaced by elements of the government RSF. He therefore intends to establish three new Unamid centres within Kalma camp, and to deploy 6,000 more peacekeeping troops to the Mission’s base in Nyala.’” (Radio Dabanga, 20 April 2014)

The same source reports in March 2014 that the Khor Abeche IDP camp was raided and “entirely” destroyed by troops of the paramilitary Rapid Support Forces. An eyewitness to the attack said the assailants burned to death a sheikh, kidnapped four people and injured several others:

“The paramilitary Rapid Support Forces (RSF) attacked the Khor Abeche camp for the displaced in South Darfur on Saturday, and destroyed it entirely.

Speaking to Radio Dabanga, a resident of the camp recounted that ‘militiamen of the RSF’ attacked the camp, 80km northeast of state capital Nyala. ‘They came in about 50 vehicles loaded with various weapons, others on motorcycles, camels and horses. The camp was attacked from two sides: the first attack came from the south, and the second from the northwest.’

The RSF troops looted all belongings and livestock from the displaced, as well as shops, schools, and other facilities. They destroyed all the water wells, and set the houses and buildings on fire, including a hospital managed by the World Vision organisation.



During the attack sheikh Hassan Ibrahim Digeila (70) was burned to death. Others were injured, one of the sources said. 'The Janjaweed also abducted the son of the sheikh of the area, Eisa Abdallah Hileilo; the deputy omda of the Zaghawa, Hussein Abakar Mohamed; Osman Adam Ahmed, a guard working for World Vision, and Sileik Jarelnabi.' [...]

'The Unamid team site is located about ten metres from the camp,' the source noted. 'We all fled to the site for protection. On Sunday afternoon they were still besieging us. Everyone leaving the site is killed or abducted. 'A number of militiamen returned on Sunday morning with lorries, and took what was left from the day before. They took the water pumps and the grinding mills. They emptied the granaries and plundered the hospital of all the refrigerators, medicines, furniture, and generators.'

The more than 2,000 camp residents at the Unamid site are living in the open, without food, water, medicine, or covers. The source called upon humanitarian organisations to provide these basic needs. He also demanded from the UN Security Council and the international community to intervene, and protect them, and bring those involved to justice." (Radio Dabanga, 23 March 2014c)

On the same attacks, the Satellite Sentinel Project (SSP) states with reference to satellite images of the area and information provided by a UNAMID spokesperson:

"Confirming reports that first emerged from local sources and Radio Dabanga, new Satellite Sentinel Project (SSP) imagery from March 26, 2014 shows more than 400 huts, tents, and temporary shelters burned by Sudanese government-backed Janjaweed forces in Khor Abeche, at a South Darfur camp for internally displaced people (IDPs) located near a peacekeeping base. DigitalGlobe Intelligence Solutions (DGIS) image analysis finds that most of the destruction affected the structures adjacent to the African Union - United Nations Mission in Darfur (UNAMID) peacekeeping compound, which itself was not damaged. [...]

A UNAMID spokesman tells SSP that peacekeepers and IDPs at Khor Abeche were first alerted of a possible attack to the camp on March 21. The population of the camp, about 3,000 people, took refuge at the UNAMID's base. The following day, while the peacekeepers protected those within the compound, about 300 heavily armed men set fire to the nearby IDP camp." (SSP, 28 March 2014)

A January 2014 article by Radio Dabanga indicates that a Sudanese military aircraft conducted air strikes against villages and areas south of South Darfur's capital city Nyala:

"A Sudanese Air Force aircraft launched several air raids on a number of villages and areas south of Nyala, the capital city of South Darfur, on Tuesday afternoon. Witnesses fleeing the bombardments told Radio Dabanga that the Antonov bombed areas from 1pm until 2pm, and said that the three villages most affected are El Fula, Halit Masaliit, and Halit Abu Asha. Sheik Mahjoub Adam Tabaldiya of El Salam camp told that one of the escapees from the village El Fula, named Ibrahim Mursal, arrived at the camp suffering from a serious injury. His horse and his dog were killed in the government air strikes on his village. Tabaldiya said they had heard loud explosions and see the smoke plumes rising

from the affected areas. Last week, on January 6, a Sudanese Air Force aircraft dropped bombs at Adam Kambal village, 15km south of El Salam camp, injuring two children. Listeners told Radio Dabanga the aircraft also attacked Tabaldiyat and Ghireiga village that day." (Radio Dabanga, 14 January 2014)

The US Department of State (USDOS) February 2014 annual report on human rights points to the following security incident that occurred in the year 2013:

"On July 14, armed militias attacked a UNAMID patrol between Khor Apache and Manwashei in South Darfur. The attackers killed seven UNAMID peacekeepers from Tanzania and injured 17 others." (USDOS, 27 February 2014, section 1g)

A May 2013 article by Radio Tamazuj reports on renewed tribal clashes between the Salamat and the Ta'isha communities in South Darfur's Rahad El Berdi locality:

"Renewed clashes between Salamat and Ta'isha tribesmen in South Darfur left a total of 36 people killed and dozens reportedly injured on Sunday. Rahad El Berdi, where many battles have been occurring, is the stronghold of the Ta'isha tribe. Apparently they have been carrying out strikes against Salamat tribesmen in a spill-over conflict that began more than a month ago in Central Darfur. On Sunday, Ta'isha elements driving five vehicles and 25 motorcycles attacked Salamat tribesmen in Wadi Azerek, northwest of Rahad El Berdi city, according to a tribal source. The Salamat source said that 14 of his fellow tribesmen were killed in the attack and nine were injured. He added that 22 Ta'isha were also killed in a fire exchange during the assault, but could not confirm how many Ta'isha fighters had been injured. He stressed that fighting ceased on Monday, and the region is currently experiencing an uneasy calm. The warring parties signed a peace treaty on 15 April in South Darfur. A few days later, it is alleged that 500 Salamat families were deported from Rahad El Berdi city to Nyala in a move jointly coordinated by state and local authorities. Reports state that many of the attacks against the Salamat have been led by Ali Kushayb, a Ta'isha tribesman and suspected war criminal indicted by the International Criminal Court (ICC). He is the commander of the Central Reserve Forces (known as Abu Tira) in Rahad El Berdi." (Radio Tamazuj, 7 May 2013)

In his above-cited report, published by the UN Security Council (UNSC) in mid-April 2014 and covering the preceding 90 days, the UN Secretary-General reports on displacement of civilians caused by inter-communal violence involving the Salamat and Misseriya tribes in Central Darfur and adds that "[m]any civilians from other tribes, mainly Masalit, Zaghawa and Fur, were affected as the clashes spread to Rihad El Berdi in South Darfur". According to the UN Secretary-General, "[i]n South Darfur, the Ta'aisha, another Arab tribe, attacked the Salamat in support of the Misseriya" (UNSC, 15 April 2014, p. 2). The report however adds that "[o]n 10 March, the Salamat and Ta'aisha tribes in Rehad El Berdi, South Darfur commenced the reconciliation process in line with the agreement on cessation of hostilities signed in April 2013" (UNSC, 15 April 2014, p. 13).

In another report, dated July 2013 and covering the preceding 90 days, the UN-Secretary General provides the following observations on clashes between the Beni Halba and Gimir tribes in South Darfur's Ed Al Fursan and Katila localities:

"In Ed Al Fursan locality, Southern Darfur, clashes between the Beni Halba and Gimir tribes over land ownership, which had begun in Batikha village (95 km south-west of Ed Al Fursan) in February, continued sporadically throughout the months of April and May. Attempts by Southern Darfur State authorities to resolve the dispute, including through a 25 April decree demarcating the administrative borders between the Beni Halba and Gimir tribes in Katilla and Ed Al Fursan localities, proved ineffective. According to local authorities, on 22 May, Beni Halba militias attacked Katilla (38 km south of Ed Al Fursan), a town predominantly inhabited by the Gimir tribe, resulting in an unspecified number of houses and Government buildings destroyed; 31 civilians reportedly killed and 21 injured; and an estimated 13,000 people displaced. Government security forces were deployed to the area to quell the fighting. Clashes continued on 27 and 28 May in Intakana (50 km south of Katilla), resulting in what community sources reported as approximately 90 casualties incurred by both sides. On 23 and 24 June, local authorities reported renewed attacks by Beni Halba militia on several Gimir villages in Katilla. Gimir leaders have since stated their unwillingness to participate in any reconciliation initiatives. Influential tribal leaders engaged by UNAMID to discuss the stalled reconciliation process observed that the Gimir lacked confidence in the neutrality of State authorities to mediate the dispute, while the Beni Halba were refusing to accept the proposed demarcation of land between the tribes." (UNSC, 12 July 2013, pp. 6-7)

A BBC News article of May 2013 also refers to clashes between the Beni Halba and Gimir tribes in South Darfur and notes that the dispute between the two parties is one about pasture and gum arabic trees:

"More than 60 people have been killed in ethnic clashes in Sudan's arid Darfur region, over land producing gum arabic, the police have said. The gum is a food additive, used in soft drinks, and an adhesive. The deaths are the result of an ongoing dispute between two ethnic groups in South Darfur, over pasture and acacia trees, from which the gum is cut. The Gimir group accuses the Beni-Halba community of trying to take away land it has owned for more than 300 years. State police said there were 64 deaths and scores of wounded in fighting in Katilla, on Tuesday, involving four-wheel drives, horses and guns. Gum arabic is one of Sudan's most important export products." (BBC News, 31 May 2013)

According to Radio Dabanga, leaders of the Beni Halba and Gimir tribes signed a reconciliation agreement in Nyala in March 2014:

"After nearly a year of negotiations between leaders of the Beni Halba and Gimir tribes a final reconciliation agreement was signed in the presence of the Sudanese second Vice-President in Nyala on Monday. The delegations of both sides affirmed their full commitment to the implementation of agreement's terms on the ground." (Radio Dabanga, 18 March 2014)

The same source writes in an article of February 2014 that between June 2013 and January 2014, 148 of the displaced of Kalma camp near Nyala were killed and 150 raped. As explained by the Secretary-General of the camp, "most of the crimes occurred while the victims were collecting firewood, timber, and straw". (Radio Dabanga, 5 February 2014)

In a report dating from April 2014, Human Rights Watch (HRW) states that in September 2013, at least seven people were shot dead as police confronted demonstrators in Nyala:

“On September 19, just days before the fuel subsidy protests, security forces fired at protesters in Nyala, South Darfur, who were demonstrating against a rise in attacks on merchants by pro-government militia. The security forces killed at least seven protesters including two children.” (HRW, April 2014, p. 8)

### 3.5 West Darfur

A Radio Dabanga article notes that on 28 April 2014, “two groups of militiamen in more than 60 armoured Land Cruisers, mounted with various weapons”, entered the West Darfur state capital El Geneina, but left when warned by an infantry commander. Sources estimated the number of militiamen at more than 2,000, with all of them belonging to Arab tribes. (Radio Dabanga, 30 April 2014a)

In an article dated March 2014, Radio Dabanga reports on attacks by militiamen in West Darfur’s Kereinik locality resulting in the displacement of around 250 families:

“About 250 families - 750 people - have been displaced from several towns in Kereinik locality, West Darfur, by militiamen who attacked their villages. One of the escapees from Kaira village told Radio Dabanga that the inhabitants of Kaira village, as well as Kammoun and other surrounding villages, ‘fled from the attacks by a militia wearing military uniforms’. He confirmed they had lost their belongings and livestock in the attacks. ‘We now live in the open without water, food, or cover. The authorities and humanitarian organisations have yet to provide us with assistance.’” (Radio Dabanga, 20 March 2014)

Another March 2014 article by Radio Dabanga mentions a sexual assault perpetrated by militiamen on two displaced girls from Kendebe camp in West Darfur’s Sirba locality:

“Militiamen gang-raped two girls from the Kendebe camp for the displaced, Sirba locality, in West Darfur. A Kendebe camp resident told Radio Dabanga that four girls went out on Sunday morning to collect firewood at the area of Kido, at a distance of 4km from the camp. Three ‘government-backed militiamen’, wearing uniforms of the Central Reserve Forces (Abu Tira) on camels and horses seized two of the girls, aged 12 and 15. They raped them alternately for more than ten hours. The assault was reported to the police of Kendebe.” (Radio Dabanga, 11 March 2014)

The UN Office for the Coordination of Humanitarian Affairs (OCHA) notes in its Sudan Humanitarian Bulletin of 4 December 2013 (covering the period from 25 November to 1 December 2013) that unidentified gunmen killed two health workers in West Darfur’s Habila locality who were participating in a measles vaccination campaign:

“On 25 November, two staff from the State Ministry of Health (SMoH) and a driver were stopped and shot dead by four unknown armed men in Gokar village in Habila locality (approximately 25km south of the state capital El Geneina) in West Darfur State. The SMoH staff were on a mission in the locality as part of the vaccination campaign against measles. The perpetrators fled with the car, a hired Toyota Land Cruiser. Preliminary

reports received by the UN suggest that the motive was criminal, with the main target of the attackers being the 4x4 vehicle. The attack is not thought to be related to the vaccination campaign." (OCHA, 4 December 2013, p. 2)

The African Union/United Nations Hybrid operation in Darfur (UNAMID) states in a press release of October 2013 that three of its Senegalese peacekeepers were killed in an ambush by an unidentified armed group in West Darfur:

"In the morning of 13 October 2013 a UNAMID Formed Police Unit detail escorting a water convoy from El Geneina town to the UNAMID regional headquarters in West Darfur was ambushed by an unidentified armed group. Three Senegalese peacekeepers were killed and one injured. The assailants hijacked one vehicle, which was later recovered 7 kilometers from the scene. This incident occurred on the same road where a UNAMID patrol was ambushed in October last year. [...] Calling on the Government of Sudan to do its best to bring the perpetrators of all such crimes against Mission personnel to justice, the JSR [UNAMID Joint Special Representative] commended the Sudanese uniformed services for actively pursuing the assailants and engaging them in a fire-fight, which reportedly led to casualties on both sides." (UNAMID, 13 October 2013)

## 4 Main political developments (since January 2013)

### 4.1 Darfur's peace process

Summary information on the Darfur peace process and the position of rebel groups towards it is provided in a June 2013 article by the Thomson Reuters Foundation's humanitarian news service:

"In July 2011, the government signed a peace deal – the Doha Document for Peace in Darfur – with the Liberation and Justice Movement (LJM), an umbrella organisation of small rebel groups. JEM [Justice and Equality Movement], SLA-MM [Sudan Liberation Army-Minni Minnawi] and SLA-W [Sudan Liberation Army-Abdel Wahed Mohammed al-Nur] refused to join. The LJM now has ministers in the federal government and a strong presence in the Darfur Regional Authority, tasked with implementing the peace deal.

Darfur rebels are divided over the peace talks, and over whether to fight for changes in Darfur or for a broader national agenda. Former members of the LJM have joined JEM. And in 2011, the former deputy chair and lead negotiator for JEM, Mohamed Bahr Ali Hamdeen, formed a breakaway faction willing to negotiate with the government. But he has since become impatient with a lack of progress and talked of joining the SRF alliance, the Small Arms Survey said. A splinter group of JEM led by Mohamed Basher (JEM-MB), signed the Doha peace agreement in April 2013.

In November 2011, JEM, SLA-MM and SLA-W joined with Sudan People's Liberation Movement-North, which is active in Sudan's states bordering South Sudan, to form the Sudanese Revolutionary Front (SRF), a coalition of rebel groups with the stated aim of overthrowing the national government by all possible means." (Thomson Reuters Foundation, 13 June 2013)

A July 2013 report by the Human Security Baseline Assessment for Sudan and South Sudan (HSBA), which is part of the Small Arms Survey, also refers to the LJM and the JEM-Mohamed Basher as signatories to the Doha Document for Peace in Darfur (DDPD) and mentions that Basher was killed only six weeks after his signing of the agreement in April 2013:

"Current hopes are invested in the Doha Document for Peace in Darfur (DDPD), signed by the Liberation and Justice Movement (LJM) and the Government of Sudan in July 2011, in talks hosted by the State of Qatar. Like the 2006 Darfur Peace Agreement (DPA) before it, the DDPD has only a minority of the rebel movements as signatories – the LJM and a splinter group from the Justice and Equality Movement (JEM), JEM-Mohamed Basher, which signed on to the DDPD in April 2013. JEM-Basher's accession to the agreement has not appreciably added to the DDPD's legitimacy. In a further violent setback, its leader, Mohammed Basher, was assassinated on his return to Sudan, only six weeks after he signed the DDPD." (HSBA, 24 July 2013)

The same report identifies three current challenges facing the peace process in Darfur:

"The Darfur peace process now faces three ongoing challenges. The first is the non-inclusion of the parties aligned in the Sudan Revolutionary Front (SRF) since late 2011. The

SRF has stated its objective as the overthrow of the regime in Khartoum. Along with the SPLM-North (SPLM-N), the Darfur movements in the SRF include the Sudan Liberation Army-Minni Minawi (SLA-MM), which signed the 2006 DPA, the Sudan Liberation Army-Abdul Wahid (SLA-AW), as well as the mainstream JEM. Despite repeated attempts by the United Nations and other international actors to encourage these parties to engage in peace talks, their rejection of the Doha process continues.

The second challenge concerns poor implementation of the DDPD and a lack of inclusivity. Promised funds from both the Government of Sudan and donors have been slow to arrive, which has further delayed the activities of the Darfur Regional Authority (DRA), established in December 2011 as the lead actor for the implementation of the agreement. [...] In April 2013, Doha hosted a donor conference for reconstruction in Darfur, which raised only a fraction of the nearly USD 5 billion sought from the international community. [...]

The third challenge to the formal peace process is the significant deterioration in security across Darfur in 2013, as local peace mechanisms struggle to contain inter-communal violence, exacerbated by government actions." (HSBA, 24 July 2013)

With respect to the DDPD, the Permanent Mission of Togo to the United Nations in New York notes in a press release of April 2013 that it "focuses on seven areas: human rights; power-sharing; wealth-sharing; justice and reconciliation; compensation of refugees and internally displaced persons; ceasefire and security arrangements; and internal dialogue and consultation", and is "overseen by a follow-up committee that includes Mohamed Ibn Chambas – the head of the joint African Union-UN Mission in Darfur (UNAMID) and Joint Chief Mediator for the AU and UN – and representatives of the AU, the Sudanese Government, armed movements, the Qatari Government mediation and other organizations and governments". As further noted in the press release, "[t]he committee meets regularly to review the progress made so far in implementing the DDPD". (Permanent Mission of Togo to the United Nations in New York, 10 April 2013)

The full text version of the DDPD is available on the UNAMID website:

- DDPD - Doha Document for Peace in Darfur, 2011  
<http://www.unamid.unmissions.org/Portals/UNAMID/DDPD%20English.pdf>

A January 2014 report by the International Crisis Group (ICG), which offers in-depth information on Darfur's peace process, contains the following statements regarding the status of implementation of the DDPD:

"The government signed the DDPD with the Liberation and Justice Movement (LJM), an umbrella group of rebel splinter factions, but follow-through was only partial, mainly by giving government positions to LJM members and supporters. With the country in economic crisis since South Sudan's separation, Khartoum's ability and willingness to fulfil its financial pledges to Darfur have been limited. Security arrangements, particularly disarmament and integration, have stalled over LJM's highly inflated troop numbers, as

well as government reluctance and incapacity to disarm militias that are increasingly beyond its authority and fighting among themselves." (ICG, 27 January 2014, p. i)

"The Doha Document for Peace in Darfur (DDPD) signed in Qatar in 2011 is largely unimplemented, notably because it was endorsed by factions with limited political and military influence, blocked by the government and suffered fading international support. The main insurgent groups remain active, have formed an alliance that goes beyond the region and increasingly assert a national agenda." (ICG, 27 January 2014, p. i)

"The DDPD reached its mid-term in mid-2013 with implementation far below initial hopes. Even if acceleration of the most easily implementable key provisions is still possible, few believe this can have substantial effect on the ground before 2015, the year of the next scheduled general elections." (ICG, 27 January 2014, p. 16)

"On 6 April 2013 in Doha, JEM-Bashar endorsed the DDPD and signed an additional protocol. The negotiations were largely limited to political appointments. Although it could claim more forces, JEM-Bashar obtained fewer positions than LJM: a minister and state minister at federal level, but no governor or national assembly seats. It also repeated LJM's mistake of leaving troop integration for later. With JEM-Bashar claiming to have 30,000 fighters and the government not willing to integrate more than 1,300, another deadlock is likely." (ICG, 27 January 2014, p. 26)

As stated in an article by Radio Dabanga, the JEM-Sudan (also known as JEM-Bashar) decided to stop implementing the DPDD on 23 January 2014. Few days later, however, it announced it would resume doing so as all the unresolved issues hindering the implementation had been sorted out:

"The Justice and Equality Movement-Sudan (JEM-Sudan) will resume the implementation of the Doha Document for Peace in Darfur (DDPD). JEM-Sudan (also known as JEM-Bashar, referring to its late leader, Mohamed Bashar) last Thursday froze the implementation of the DDPD protocol signed on 6 April 2013 with the Sudanese government. The former rebel movement blamed the Chairman of the Office for the Follow-up of Peace in Darfur, Dr Amin Hassan Omar, for the slowness of the DDPD implementation. But the latter said that JEM-Sudan demanded issues not included in the protocol. After a meeting with President Omar Al Bashir on Sunday, JEM-Sudan's vice-president El Tom Suleiman said they will resume implementation of the agreement on Monday. 'The meeting between President Al Bashir and JEM-Sudan leader, Bakhit Abdallah Abdel Karim (known as Dabjo), resolved all the outstanding issues hampering the implementation of the DDPD,' Suleiman explained. Dabjo will soon travel to Darfur to continue the implementation of the security arrangements agreement, Abdel Karim added. JEM-Sudan demands full implementation of the power sharing agreement that stipulates the movement's representation at the Sudanese presidency, the federal government, the Darfur Regional Authority, and the governments of the five Darfur states." (Radio Dabanga, 28 January 2014)

The status of implementation of the DDPD is addressed as follows in the April 2014 report of the UN Secretary-General, published by the UN Security Council (UNSC):



"Progress in the implementation of the Doha Document for Peace in Darfur by the Government of the Sudan, the Liberation and Justice Movement (LJM) and the Justice and Equality Movement-Sudan (JEM-Sudan) remains limited. Following the agreement on final security arrangements, signed on 20 November 2013, the Government of the Sudan and LJM agreed, at a meeting of the Joint Commission held on 25 February, to integrate three LJM battalions into the Sudan Armed Forces and Police. The remaining 12,570 of the 15,000 combatants declared by LJM are to undergo a disarmament, demobilization and reintegration process. The other signatory, JEM-Sudan, has commenced preparations for the verification of its combatants with the support of the Doha Document for Peace in Darfur Ceasefire Commission with a view to entering a similar agreement with the Government. [...]

[...] The Darfur Regional Authority has now been fully established with the completion of the construction of its offices and recruitment of its personnel. However, insecurity, lack of financial resources, and limited technical capacity continued to undermine the ability of the Darfur Regional Authority to effectively implement the Doha Document for Peace in Darfur." (UNSC, 15 April 2014, p. 8)

The same report notes that in March 2014, the second Um Jaras forum on peace and security in Darfur was convened at the initiative of Chadian President Idriss Déby, bringing together a number of Darfuri tribal leaders and Sudanese government officials:

"Further to his engagement to facilitate the peace process in Darfur, the President of Chad, Idriss Déby Itno, initiated a second mediation forum in Um Jaras from 26 to 29 March. The forum was attended by, among others, Zaghawa leaders, Sudanese Vice-President Hassabo Mohamed Abdul Rahman, the Joint Chief Mediator, and traditional and tribal leaders from the Rizeigat, Massalit, Ma'alia, Salamat and Ta'isha tribes. President Bashir joined the forum on 29 March. The forum ended with the participants' announcement of their full support for peace and peaceful coexistence in Darfur. The participants praised the role of Chad and Qatar in achieving comprehensive peace through sponsoring and supporting the Doha Document for Peace in Darfur, noting the financial contribution of Qatar to development projects and voluntary return to villages in Darfur." (UNSC, 15 April 2014, pp. 7-8)

A March 2014 article by Radio Dabanga gives the following detailed account of the second Um Jaras forum, which the article says was denounced by the Darfur rebel movements:

"The participants of the second Um Jaras Forum, convened in eastern Chad from 26-30 March, have recommended 'the disarmament of everyone' in Darfur. During the closing session of the Second Um Jaras Forum for Peace, Security and Peaceful Co-Existence on Sunday, the participants in their recommendations affirmed the urgent need to impose the rule of law in Darfur, the Sudan News Agency (Suna) reported on Sunday.

The Sudan Armed Forces (SAF) only should be allowed to carry weapons. The irregular forces, in particular the Rapid Support Forces (RSF), operating under the command of the Sudanese security apparatus, have to be dissolved or integrated into the SAF. The Forum urged all 'arms holders to respond to the call for peace and uphold the values of dialogue,

tolerance, forgiveness, rejection of war and violence, and tribal fanaticism'. 'All Darfur tribes are to enhance their reconciliation procedures.'

The participants also pointed to the need to complete the security arrangements with the armed movements' signatories to the Doha Document for Peace in Darfur, and the importance to prepare the ground for a voluntary return of the displaced and refugees by realising safety and security in the region. The role of the native administration should be activated, as well as the duties of the joint Sudanese-Chadian forces in 'securing the border and deterring outlaws'.

President Omar Al Bashir, who addressed the closing session on Sunday, pledged to implement the recommendations, starting as of Monday. Forum host President Idris Debi stressed his support and called upon the participants to propose mechanisms for an effective implementation of the Forum's recommendations and decisions on the ground.

The closing session of the five-day Um Jaras Forum was also attended by Dr Hassan Al Turabi, head of the Popular Congress Party, General Fadlallah Burma of the National Umma Party, Ahmed Saad Omar of the Democratic Unionist Party, representatives of other political forces. The Forum's participants issued 23 recommendations, stressing their willingness to contribute to stop the violence and destruction in the region. [...]

During the opening session, President Deby explained that the Forum was established with the aim to find effective solutions to the problem of Darfur, to build consensus in convincing the rebel movements to join the peace process, and to promote peaceful coexistence between the various tribes in Darfur, and the Sudanese-Chadian border tribes. 'More than 56 tribes are currently participating in the activities of the second Um Jaras Forum.'

The Darfur rebel movements denounced the forum. 'The Chadian government and the Sudanese President are required to play a bigger role in relation to the rights of the people of Darfur as whole, rather than standing by the side of a particular group,' the spokesman for the Justice and Equality Movement (JEM) told Radio Dabanga. The Sudan Liberation Movement, led by Minni Minawi (SLM-MM), considered the Forum 'an extension of the attempts to dismantle the issue of Darfur, which began by the expulsion of humanitarian organisations, setting difficulties to the remaining ones, and emptying the camps.' The SLM-MM spokesman explained that they see the Forum as a 'convergence of interests between Sudan and Chad for the consolidation of tribalism in both countries.'" (Radio Dabanga, 31 March 2014c)

The above-cited April 2014 report of the UN Secretary-General informs that in January of the same year, Sudanese President Omar al-Bashir has announced plans to launch a "national dialogue" to settle the political, economic and security issues facing the country:

"On 27 January, President Omer Al-Bashir, in a speech to the National Assembly, announced that his Government planned to initiate an all-inclusive national dialogue which would focus on peace and security; political reforms and democratization; economic reforms; and national identity. The announcement was welcomed by the international

community and many Sudanese, including some opposition political parties that have committed to participating in the national dialogue. The positions of some members of the National Consensus Forces, a loose alliance of opposition parties that signed the New Dawn Charter with the Sudanese Revolutionary Front in January 2013, have changed, with some calling for a transitional government to precede the national dialogue and an independent body to oversee the process. The Government has announced security guarantees for the participation of the armed movements, including freedoms of association, assembly and press. However the modalities remain vague, and several political opposition parties have expressed scepticism about the Government's commitment to a genuine process.

[...] Following that announcement, on 10 and 11 February in Kampala, the Joint Chief Mediator [for United Nations and African Union] met the leaders of the three armed movements, including Minni Minawi, Gibril Ibrahim and, for the first time, Abdul Wahid. During the meeting, the Joint Chief Mediator encouraged the three leaders to participate in the national dialogue. The movements' leaders, who had advocated a holistic approach, welcomed the idea of a national dialogue as a positive step, but fell short of committing to participate and announced their intention to unveil their own proposals for a national dialogue." (UNSC, 15 April 2014, p. 7)

In reporting on President al-Bashir's speech of 27 January 2014, the Africa Review states:

"Sudanese President Omar al-Bashir Monday appealed for a national 'renaissance' in a speech billed by loyalists as key but which critics said fell short of expectations. Mr Bashir urged wide political, constitutional and economic reform for the country which has been beset by war, political and social unrest, and war. [...] Opposition members were also in attendance during the national address delivered from a conference hall along the Blue Nile, including notably Islamist leader Hassan Alturabi, and the former prime minister who was overthrown by President Bashir. The Sudanese leader has in recent months called for broad dialogue, but it was the first time he was reaching out to the opposition and insurgents. [...] The country's opposition alliance however rejected the speech, describing it as vague. [...] Speaking to Africa Review, opposition alliance spokesperson Kamal Omer termed the address as frustrating and provocative. 'Bashir purposefully did not speak directly about the ceasefire in the war areas of Darfur, South Kordofan and Blue Nile,' Mr Omer said." (Africa Review, 28 January 2014)

A March 2014 article by the Sudan Tribune states that "Sudan's opposition umbrella organization National Consensus Forces (NCF) has called on the ruling National Congress Party (NCP) to accept conditions set by the opposition for engaging in national dialogue". According to the article, the NCF wants the government to declare "a comprehensive one-month ceasefire" in Darfur, South Kordofan and Blue Nile, to issue a general amnesty, to allow public freedoms and to release all political detainees. (Sudan Tribune, 26 March 2014)

As noted in an April 2014 article by Radio Dabanga, "Sudanese civil society organisations have urged that the start of a national dialogue requires security and basic rights for all citizens, as

well as a lift of the state of emergency and a cessation of hostilities” and that “the dialogue process should not be limited to political parties” (Radio Dabanga, 4 April 2014a).

The same source indicates in another article of April 2014 that the Sudan Revolutionary Front (SRF) has set out a new road map it says will lead towards the peaceful settlement of conflicts in the country and facilitate progress towards a national dialogue:

“The Sudan Revolutionary Front (SRF) stated that its new road map will lead towards an end to the conflicts in Sudan, and creation of the necessary conditions for the National Dialogue. The SRF, an umbrella organisation of Sudanese rebel movements, published its road map on Friday. It stated that the SRF remains committed to solving the conflicts in Darfur, South Kordofan, Blue Nile, and other Sudanese areas, in a peaceful way. However, it reiterated its negative stance towards the National Dialogue: ‘This new initiative may be merely a tactic to carry the National Congress Party to elections.’ The umbrella organisation proposed several steps to reach ‘a peaceful settlement in Sudan’. It mentioned that the government should stop the killing of civilians in war affected regions, disarm the militias, and halt the bombardments. Also, it called for unimpeded humanitarian access to all war zones, a lift of the state of emergency, the immediate release of all political detainees, the halt of propaganda and lift of media censorship, and the right of political parties to communicate with its followers in public places. In return, the rebel SRF stated it will enhance its cooperation with the UN-AU Mission in Darfur (Unamid), immediately release government prisoners it has taken, and approach other armed movements to join the National Dialogue.” (Radio Dabanga, 25 April 2014)

The Sudan Tribune notes with regard to the SRF’s proposed road map and the non-rebel opposition forces’ position towards it:

“The rebel alliance of the Sudanese Revolutionary Front (SRF) proposed a roadmap to achieve a comprehensive solution to end war in the southern and western parts of the country and ensure democratic transition in Sudan. But the non-rebel opposition forces in Sudan cautiously welcomed the three-phase peace plan with some saying they need to review it before taking a position while others voiced their objection to a peace process held outside the country.” (Sudan Tribune, 26 April 2014)

The text of the SRF road map is available at:

- SRF - Sudan Revolutionary Front: TEXT: SRF road map to comprehensive political settlement in Sudan, April 2014 (available on the website of the Sudan Tribune)  
<http://www.sudantribune.com/spip.php?article50786>

Previously, in January 2013, the SRF had signed a document called the New Dawn Charter, along with representatives of the opposition National Consensus Forces (NCF) and a number of women’s and youth groups. According to the Integrated Regional Information Network (IRIN), the signatories to the charter “agreed to overthrow the government of President Omar al-Bashir and institute a federal system of government based on democracy, pluralism and the separation of religion and state”. As further noted by IRIN, “[t]he charter [...] calls on parties to

work together to topple the regime through either 'democratic civil peaceful means' or 'revolutionary armed struggle'". (IRIN, 15 January 2013)

A February 2013 press release by Human Rights Watch (HRW) lists the following information with regard to the New Dawn charter:

"At the Kampala negotiations, from January 2 to 5, some political opposition groups and rebel groups signed the New Dawn Charter, stating a common goal of changing the government through both armed and peaceful means. Sudan's ruling National Congress Party leaders in Khartoum have heavily criticized the New Dawn Charter agreement and its signatories, with president Omar al-Bashir on January 10 publicly threatening to ban all the political parties that signed the document. Several of the parties that attended the Kampala negotiations did not sign the agreement or later retracted their signatures." (HRW, 26 February 2013)

A Sudan Tribune article of July 2013 names the National Umma Party (NUP), the Sudanese Communist Party (SCP) and the Popular Congress Party (PCP), all members of the opposition National Consensus Forces (NCF), as having backtracked on the agreement. The article continues:

"The controversial charter included the decision to overthrow the regime of the ruling National Congress Party (NCP), using both armed and peaceful means and replacing it with a broad-based transitional government for a four-year term. The main opposition forces said hostile to the use of arms, also said the charter intends to establish a secular state they cannot endorse. They also objected additional points in the political declaration and vowed to keep discussions with the rebels over it." (Sudan Tribune, 16 July 2013)

## **4.2 African Union/United Nations Hybrid operation in Darfur (UNAMID)**

A July 2013 article by Inter Press Service (IPS), a global news agency with a focus on issues such as development, environment, human rights and civil society, reports that the UN Security Council unanimously adopted a resolution renewing the mandate of UNAMID in Darfur until August 2014:

"The 15-member U.N. Security Council voted unanimously in favour of renewing the mandate of the joint African Union – U.N. Mission in Darfur (UNAMID) for 13 additional months. The decision to keep the 14,800 Blue Helmets comes as a direct result of Secretary-General Ban Ki-moon's report on the progress of the UNAMID's mandate issued on Jul. 12 and several rounds of negotiations at the U.N. in July. The main tasks of the peacekeeping forces in the past seven years have been to assist political reconciliation and protect civilians. [...]

In his July 12 report, the Secretary-General notes that clashes between government and rebel forces since January 2013 'resulted in an estimated 300,000 people being displaced, more than the combined total displaced in Darfur within the past two years.' Seven blue helmets were also killed on Jul. 13 in Western Sudan in one of the deadliest attacks since UNAMID was deployed in the country. The new resolution therefore emphasizes the need

for better training and equipments as well as more flexibility in deployment of the forces.”  
(IPS, 30 July 2013)

Radio Dabanga states in April 2014 that Mohamed Ibn Chambas, head of UNAMID and Joint Special Representative (JSR) for Darfur, announced the mission would have to be “more effective with less resources”, possibly indicating a reduction in UNAMID troop strength after August 2014:

“The United Nations-African Union peacekeeping mission in Darfur (Unamid) will have to become more effective with less resources, the Joint Special Representative stated. It is the first indication that the mission might have to scale down in August, after reports indicating lack of results.

Dr Mohamed Ibn Chambas added in an interview with UN Radio on 4 April that the mission needs to be more effective ‘in ensuring that we are there when civilians are in danger’. On 22 March, the peacekeepers in Khor Abeche camp in South Darfur’s Niteaga locality, watched from their base at how the paramilitary Rapid Support Forces across the road destroyed a camp for displaced civilians without trying to interfere. Satellite photos have confirmed the attacks on the camp, showing over 400 burned shelters, and a large group of people gathered at the centre of the Unamid base.” (Radio Dabanga, 11 April 2014a)

An October 2013 article by Reuters news agency comprises the following observations with regard to the UNAMID, which critics say should be “more aggressive” in implementing its mandate to protect civilians:

“UNAMID has an annual budget of \$1.35 billion and almost 20,000 troops mainly from Africa, Asia and the Middle East. But it has struggled to protect civilians since it set out in 2008. [...] UNAMID has a mandate to use force to ‘protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers.’ But it is penned in by both rebel fighters and the government, which has armed Arab militias, according to the U.N. resolutions setting out UNAMID’s mission. Around 50 UNAMID peacekeepers have been killed. ‘It’s kind of open season on UNAMID,’ said Dane Smith, former U.S. special adviser for Darfur. Sudanese authorities make no effort to arrest culprits, he said. Khartoum denies this.

Critics say UNAMID should be more aggressive. UNAMID officials respond that they need to work with the government or risk getting kicked out. Even if it wanted to be more aggressive, the force lacks transport, equipment and experienced soldiers. Sudan has rejected the deployment of more robust troops from NATO. UNAMID has a unified command but in practice all troops report to their individual governments. This makes it a nightmare to respond to emergencies.

When diplomats ask UNAMID commanders why its patrols can’t better protect women, they are told that the mission’s shift system does not fit in with that of the women searching for wood. One patrol goes in the afternoon, a rather unproductive time, soldiers say, because people stay indoors to escape the heat. The women like looking for wood

late at night when it's cooler. But the patrols don't venture too far at night for security reasons." (Reuters, 8 October 2013)

Radio Dabanga mentions in an article of April 2014 that the Association of Displaced People and Refugees in Darfur has called upon the UN to investigate the former UNAMID heads and dismiss the current head immediately. The spokesman for the Association is quoted as saying that "Unamid has indirectly supported the government and its militiamen to commit crimes against the people since the mission became active in Darfur", adding that "[t]herefore [...], the [UN] Security Council should take responsibility of the mistakes and shortcomings of Unamid". (Radio Dabanga, 11 April 2014b)

According to a Reuters news agency article, the UN Security Council demanded in early April 2014 that its peacekeeping mission with the African Union improve its protection of civilians in Darfur and urged the Sudanese government to enhance cooperation with UNAMID:

"The U.N. Security Council on Thursday demanded improvements in the international peacekeeping force in Sudan's western Darfur region and called on Khartoum to improve cooperation with the mission in the remote, conflict-torn territory. The 15-nation council's appeal came after U.N. and African Union officials sounded an alarm last week over the worsening violence in Darfur, which has led to the displacement of hundreds of thousands of people this year. In a unanimously approved resolution, the council urged the U.N.-African Union mission in Darfur, known as UNAMID, 'to move to a more preventive and pre-emptive posture in pursuit of its priorities and in active defence of its mandate.' U.N. diplomats said that meant being more aggressive in countering threats to Darfuri civilians. But the resolution voiced concern about 'the strategic gap in mobility for the mission, and the continuing critical need for aviation capacity and other mobility assets, including military utility helicopters for UNAMID.' The resolution urged U.N. member states 'to redouble their efforts to provide aviation units to the mission, and on the Government of Sudan to facilitate the deployment of those assets already pledged.' Diplomats and U.N. officials say Khartoum has rejected some countries' offers of military assets for UNAMID. The council also endorsed UNAMID's plan to prioritize the protection of civilians, facilitating the delivery of humanitarian aid, and mediating between the government and armed groups to help boost the stalled peace process." (Reuters, 3 April 2014)

### **4.3 International Criminal Court (ICC) arrest warrants**

As stated in an April 2014 article by Agence France-Presse (AFP) news agency, International Criminal Court (ICC) judges have postponed the 5 May opening of the trial of Darfur rebel leader Abdallah Banda due to "logistic difficulties". Banda stands accused of leading an attack on African Union peacekeepers in 2007, resulting in twelve deaths:

"The International Criminal Court on Wednesday postponed until further notice the war crimes trial of Darfur rebel leader Abdallah Banda, blaming 'logistic difficulties' for the hold-up. 'Today the trial chamber decided to vacate the date of May 5, initially scheduled for the opening of the trial... of Abdallah Banda,' the Hague-based court said in a statement. 'The chamber will decide in due course on the further steps to take, after receiving additional submissions from the prosecution and registry,' it added.

Banda, around 51, faces three war crimes charges for allegedly leading an attack on African Union peacekeepers in war-ravaged northern Darfur in September 2007, killing 12. About 1,000 assailants took part in the massive attack targeting peacekeepers from the African Union Mission in Sudan (AMIS). Armed with rocket launchers and anti-aircraft guns the attackers opened fire on the AU's military base at Haskanita in southern Sudan, before looting it. Banda's co-accused, Saleh Jerbo, 36, who was supposed to accompany him in the dock, has since been killed in fighting, Jerbo's lawyers told the court last year. Banda, who is not in custody, appeared voluntarily before the court in June 2010 where he urged other war crimes suspects to surrender. The court's judges confirmed in March 2011 there was enough evidence to put him on trial for 'violence to life, intentionally directing attacks against peacekeepers and pillaging'.

Four others are wanted for war crimes in Darfur: Sudanese Defence Minister Abdelrahim Mohamed Hussein, former Sudanese government minister Ahmad Harun, pro-government Janjaweed militia leader Ali Kushayb and Sudan's President Omar al-Bashir, whom prosecutors accuse of genocide, crimes against humanity and war crimes in Darfur. Bashir continues to defy an ICC arrest warrant as he travels around the continent, including visiting the Democratic Republic of Congo in February for a summit." (AFP, 16 April 2014)

A September 2013 press release issued by Amnesty International (AI) provides the following general observations with respect to ICC arrest warrants in Sudan:

"In 2009, the International Criminal Court issued an arrest warrant for President Omar al-Bashir accusing him of committing crimes against humanity and war crimes in Darfur. A second arrest warrant accusing him of genocide was issued in 2010. Arrest warrants have also been issued against two other high-ranking government officials: Ahmed Haroun, former governor of the conflict-affected state of Southern Kordofan, and Abdelrahim Mohammed Hussein, now Minister of Defence. Ali Kushayb, an alleged Janjaweed leader, has also been charged. The government has refused to cooperate with the ICC in all these cases. [...] Despite the severity of the charges, the Sudanese government continues to refuse to cooperate with the ICC. President al-Bashir has also sought to defy the ICC arrest warrant by conducting official visits to some countries which have not arrested him, including China, Chad, Egypt, Kenya and Nigeria." (AI, 20 September 2013)

The US Department of State (USDOS) annual report on human rights in 2013 also points to a lack of willingness of the Sudanese government to cooperate with the ICC:

"The government remained uncooperative with UN Security Council Resolution 1593 and failed to comply with the International Criminal Court (ICC) arrest warrants for President Bashir; Ahmad Muhammad Haroun, former minister for humanitarian affairs and current governor of Northern Kordofan; and Ali Muhammad Abd al-Rahman, former senior Jingaweit commander supporting the Sudanese government against Darfur rebel groups. In March 2012 the ICC issued an arrest warrant for Defense Minister Abd Al-Rahim Hussein on charges of war crimes and crimes against humanity for his actions while serving as the president's special representative in Darfur. The government did not comply with this arrest warrant by year's end." (USDOS, 27 February 2014, section 5)



As Human Rights Watch (HRW) indicates in April 2013, "Chad is the only ICC member country that has allowed al-Bashir to visit multiple times since the arrest warrant was issued in 2009", with its government saying that "in welcoming al-Bashir, it is abiding by a decision of the African Union (AU) calling for African governments not to cooperate in his arrest" (HRW, 9 April 2013).

A Radio Dabanga article of December 2013 cites ICC Prosecutor Fatou Bensouda as stating that "Al Bashir and others have shown 'blatant disregard' for the [UN Security] Council's resolutions as they have travelled to various countries without fear of arrest". The article gives the following examples of al-Bashir travelling abroad:

"President Al Bashir attended a summit in Kuwait on 18 and 19 November for example, but could return unharmed to Sudan. Kuwait did not execute the ICC's request for his arrest. The President was also able to travel back and forth to Chad, his last visit dating from May 2013." (Radio Dabanga, 12 December 2013)

## 5 Rule of law and the administration of justice

### 5.1 Special court for Darfur

Article 59 (paragraphs 322-328) of the “Justice and Reconciliation” chapter of the Doha Document for Peace in Darfur (DDPD) contains the following provisions relating to the establishment and functions of the Special Court for Darfur:

“322. The Parties agree to call upon the Sudanese Judiciary to establish a Special Court for Darfur, which shall have jurisdiction over gross violations of human rights and serious violations of international humanitarian law committed in Darfur, since February 2003.

323. The GoS [Government of Sudan] shall appoint the Prosecutor of the Special Court, and shall enable him/her to assume his/her role in bringing perpetrators to justice. The Prosecutor may refer cases to the national courts.

324. The Special Court shall apply the Sudanese criminal law, international criminal law and international humanitarian and human rights laws.

325. The GoS shall create conducive conditions to enable the Special Court to undertake its functions in conducting investigations and trials and shall provide the Court with the necessary resources to this end.

326. A team of specialised experts from the UN and the AU, selected in consultation with the GoS, shall observe the courts proceedings to ensure their proper conduct, in accordance with justice and equity rules, enshrined in International Law.

327. The Parties shall take all necessary measures to guarantee the protection and assistance of victims and witnesses, and ensure their full access to and participation in the justice process. The Parties shall abstain from any act that might discourage witnesses from testifying freely and without fear.

328. The GoS, with the support of the international community, shall establish a fund for legal aid and other related activities of the Special Court during investigations and trials.” (DDPD, 2011, Article 59, paragraphs 322-328)

The US Department of State (USDOS) notes in its annual report on human rights in 2012, published in April 2013:

“In 2011 the Doha Document for Peace in Darfur (DDPD) called upon the judiciary to establish a Special Court for Darfur focused on human rights. The Special Court for Darfur has jurisdiction over gross violations of human rights and serious violations of international humanitarian law committed in Darfur since February 2003. The DDPD dictates that the Special Court apply the country’s criminal law, international criminal law, and international humanitarian and human rights law. By year’s end the Office of the Special Prosecutor for Darfur Crimes issued arrest warrants in relation to only one case from 2010 (an attack by militia members in Tabarat that killed 37 villagers).” (USDOS, 19 April 2013, section 1e)

The subsequent annual human rights report of the US Department of State (USDOS) for the year 2013, published in February 2014, indicates:

"The government took few actions to implement any meaningful provisions of the chapter on justice and reconciliation in the Doha Document for Peace in Darfur (DDPD). During the year, however, cases filed by the special prosecutor reached the sentencing phase. On March 28, seven JEM [Justice and Equality Movement] members were sentenced to death in El Fasher for their involvement in the attack on the village of Khor Bascaweet in 2010, which resulted in the deaths of 53 CRP officers. While there was little evidence that the Special Court was operating or that the special prosecutor was filing cases, sources reported the government requested the appointment of one African Union (AU) and one UN observer for the Special Court in accordance with the DDPD. At year's end the AU and UN had yet to name observers for the Special Court." (USDOS, 27 February 2014, section 1g)

The UN Independent Expert on the situation of human rights in the Sudan states in a September 2013 report to the UN Human Rights Council (HRC):

"In order to fight impunity and also fulfil the Sudan's obligations under the Doha Document for Peace in Darfur (DDPD), in January 2012, the Government appointed a new Special Prosecutor for Darfur crimes (the fifth Special Prosecutor to be appointed since 2003) to investigate and bring to justice those responsible for serious crimes and human rights violations related to the Darfur conflict. During his mission to the Sudan in February 2013, the Independent Expert raised concerns about the slow pace of prosecution of the Darfur conflict-related crimes. Furthermore, he noted that Darfur conflict-related cases were being tried in the ordinary courts instead of the Special Court created specifically for these crimes. The Special Prosecutor has, however, confirmed that prosecution of crimes in the Special Court has now commenced. The Independent Expert also noted that the Justice, Truth and Reconciliation Commission established under the DDPD has not been able to function owing to lack of funding. In a meeting with the Independent Expert in February 2013, the Darfur Regional Authority (DRA) indicated that the Government had approved the release of funds to support the operation of the Commission." (HRC, 18 September 2013, p. 11)

"The Special Prosecutor for Darfur crimes recently commenced the prosecution of Darfur conflict-related crimes in the Darfur Special Court. The Office of the Special Prosecutor is currently dealing with some 54 cases, 8 of which have already been decided by the courts. In order to ensure transparency, and following the Independent Expert's results-oriented approach, the Special Prosecutor should publish periodic reports on tangible results achieved so that the public could evaluate its work. The Office of the Special Prosecutor for Darfur crimes has requested technical assistance and capacity-building from the international partners, including training for staff to build expertise to enable them to discharge their responsibilities effectively. In view of the Special Prosecutor's very important role of ensuring justice in Darfur, the Independent Expert urges international partners to provide the Office with the necessary technical assistance and capacity-

building, including training for staff, especially prosecutors.” (HRC, 18 September 2013, p. 17)

As noted by the International Crisis Group (ICG) in a January 2014 report, the prosecutor of the Special Court for Darfur has “tried to work on some recent cases of inter-ethnic violence but is unable to arrest some members of government forces”. The same source indicates that the international observers mentioned in paragraph 326 of the DDPD “have not been appointed”. (ICG, 27 January 2014, p. 7)

The UK Foreign and Commonwealth Office (FCO) states in its April 2014 annual report on human rights and democracy:

“Although there have been some attempts to hold criminals to account, armed groups continue to act with impunity in Darfur and other conflict areas. The deteriorating security situation has led to judges and prosecutors being threatened with violence for trying to do their jobs. The majority of the Justice and Reconciliation chapter of the 2011 Doha Document for Peace in Darfur (DDPD) remains unimplemented, and there is no evidence of any serious attempt by the government of Sudan to punish those who have committed serious crimes in the region. Certain laws in Sudan provide significant immunities to security services leading to impunity. These have been further expanded in 2013.” (FCO, 10 April 2014)

## **5.2 Local dispute resolution mechanisms**

A November 2012 report of the US Institute for Peace (USIP), a US government-funded research institution that provides analysis on conflicts worldwide, states that “[a]lthough few quantitative data are available, Darfurians seem to generally agree that traditional justice is more important to them than the statutory system”. The report says that traditional justice not only includes the customary courts but also “various, variably formal justice and reconciliation mechanisms that Darfurians use in addressing conflict, and in particular judiya”. (USIP, 8 November 2012, p. 52)

The USIP report provides the following overview of customary courts:

“The current legal foundation for customary courts is the Town and Rural Courts Act of 2004, which mirrors the Local Government Act. North Darfur currently has seventy-two of these town and rural courts, South Darfur ninety-four, and West Darfur forty-one. At the end of 2011, thirty-two were functioning in North Darfur, sixty-nine in South Darfur, and twenty in West Darfur – the others are ‘stopped’ (mutawaggifa). [...] Today, as noted, the rural and town courts – the customary courts – are legally part of the formal court system, the lowest tier. [...]

Judges of local statutory courts (the district judges) supervise the work of the rural and town courts. Although these customary court decisions have to be endorsed by the statutory judges, their records, in return, are maintained for possible examination by representatives of the justice system. Thus the formal justice system, from local courts up

to the Supreme Court in Khartoum, has 'powers to check' all customary court proceedings. Parties in traditional court cases can appeal these cases in the formal courts.

Those local courts are customary in that they use custom, but only if those customs do not contradict either statutory law or sharia. The customary courts also use statutory law, as well as sharia. The courts adjudicate everyday disputes, personal matters, and petty criminal cases.

The courts have the power to issue summons and arrest warrants, including when someone fails to reply to a court summons. They can sentence convicted parties provided the sentences contradict neither formal statutes nor sharia. Punishments include fines that can go to a maximum of 400,000 dinars (SDG 4,000), corporal punishment (with a maximum of twenty-five lashes, forty for the consumption of alcohol), and imprisonment (in government prisons) for up to seven years." (USIP, 8 November 2012, pp. 35-39)

The types and hierarchical structure of the customary courts are detailed as follows:

"The mahkama ahliya is a traditional, customary, or native court that operates under customary rather than statutory law. It typically handles disputes over land, damage to farms and livestock, minor violence, family problems such as inheritance and divorce, and small commercial matters. It is presided over by traditional leaders who deal with individual cases. The term ahliya comes from ahal, or family, and denotes something local, customary, or tribal. It can also refer to a settlement that does not involve an official court or the presence of a government official (ittifagiya ahliya)

Traditional courts have a variety of names, which causes confusion, even among local users of these courts. Under the Nimeiri regime, the traditional courts were given a new name, mahkama sha'biya, or popular court, in deference to leftist leanings of the regime's early years. Under the present Islamist regime, the 2004 Town and Rural Courts Act describes a traditional court as being either a rural (mahkama rifiya) or a town (mahkamat al-madina) court, according to its location. The term mahkama ahliya is the most commonly used, though mahkama sha'biya remains used, even officially (the adjective sha'bi now carries the connotation of popular, as in nongovernmental, rather than of the people in the political sense). Some higher courts carry the name of the presiding authority: mahkmat al-malik, the king's court, or mahkamat as-sultan, the sultan's court.

The lowest court is that of a shartay or, in Dar Masalit, of a fursha, as well as of some omdas in charge of large territories. In conversation, people may also refer to the court of a lower level leader — mahkamat al-omda or mahkamat ash-sheikh — not referring to a place, but rather to a traditional leader's authority, and by extension, the action of adjudication: 'the omda's court decided that.' In other words, the omda, acting in his capacity as a holder of judicial authority on minor disputes, rendered a decision.

The court structure in Darfur is hierarchical. The customary courts normally defer to the court of the most senior paramount chief in the state: the court of malik Rahamtallah Mahmoud Ali ad-Dadingawi in El Fasher, the court of the sultan in Geneina, and the court

of the magdum in Nyala. The recent creation of the new states of East and Central Darfur will likely result in the courts of nazir Madibbo of the Rizeigat in ed-Da'ein and that of the dimangawi in Zalingei being de facto elevated or re-elevated. Those paramount courts have been labeled by the 2004 Act 'central rural courts,' which give them powers of appeal, though their older names are often more commonly used.

The mahkama wusta (middle court) acts as a sort of appeals court for first-tier customary courts and is convened by higher level Native Administration leaders on an ad hoc basis whenever a complex case arises that requires attention based on customary law, something that neither the customary court nor the statutory court can resolve. The cases concerned relate especially to complex land disputes (such as on land straddling territories) for which the statutory judge is not trained, or intertribal cases that are outside the jurisdiction of the statutory judge. Also, litigants who refuse a ruling by the customary court and whose appeal to the statutory judge cannot be resolved go to the middle court." (USIP, 8 November 2012, pp. 36-37)

The same report notes the following interrelationships between customary courts and the formal justice system:

"Customary courts do not work in isolation from the formal justice system, however. The process in fact often starts with the formal system. The plaintiff goes first to the police or to the prosecutor, which may trigger a police investigation. If so, the case is taken up by the formal court, which will then decide whether to take the case on itself, to refer it to the customary court, or to recommend another mechanism. The customary court may also ask the formal court to take on a case if it deems that the better path of action. The formal and customary courts both complement one another and compete to some degree. In the towns, even before the war, people increasingly tended to favor the modern court. The popularity of the customary courts in Darfur was largely due to presence: they were more numerous generally and more present in rural areas. However, the choice of which path to follow does not depend primarily on users, but rather on the nature of the case. This, too, has been affected by the conflict. Previously, only big cases — armed robbery, especially livestock rustling, murders, tribal conflicts — went to the statutory courts. Now, although civil cases and minor criminal cases still go to the mahkama ahliya, and more significant crimes continue to go to the formal court, even some small ones — including those related to sharia, such as divorces, and those involving mental problems." (USIP, 8 November 2012, p. 52)

The key features and role of judiya, the "main reconciliation and justice mechanism", are described by the USIP as follows:

"Judiya is the main reconciliation and justice mechanism, at all levels — from domestic strife, to disputes over access to land and water, to violent conflicts involving injuries or deaths, to large intertribal conflicts. The process of judiya — and the name — are a hallmark of western Sudan (Kordofan and Darfur) but are especially popular in Darfur. Judiya is not a court or judicial proceeding, but rather an arbitration and mediation process. Unlike a court, it aims to achieve compromise rather than mete punishment. Either party has the right to reject a judiya offer from the opposing party, from traditional

or modern authorities, or from a third party. But once the offer is accepted, the rulings of the judiya are binding. The basic principle is that all sides agree to abide by the recommendations of the ajawid, or mediators, before hearing them. However, if one party is dissatisfied by the findings, the ajawid may decide to sit again and review their decisions, for instance, by decreasing or increasing the diya." (USIP, 8 November 2012, p. 53)

As indicated in the USIP report, the ajawid are traditionally "chosen among elders and notables known for both their neutrality and their competence in traditional matters" and that the position of ajawid is neither permanent nor formal. The report states that "[i]ncreasingly, ajawid are professionals who have prestige and money, and individuals with knowledge of statutory law and even sharia" and that "[a] legal background is important as judiya settlements are increasingly registered with the formal court". The report also mentions that it is "not uncommon for a mediation committee to include a sheikh or an omda". (USIP, 8 November 2012, p. 57)

The mechanisms of dispute settling by traditional leaders and ajawid are explained as follows:

"A dispute is usually first reported to the local sheikh, whether in the village, damra, town neighborhood, or camp. [...] If he or his mediator are unsuccessful, or the problem is clearly beyond their ability to solve, the sheikh will refer the case to the omda above him. The omda will do the same thing: try to address it locally or refer it to the paramount leader (shartay, malik, nazir) above him. At each step of the way, the traditional leaders will contact the parties as quickly as possible to ease tensions. If it is a sizeable problem, mid- or high-ranking traditional leaders will select one or several ajawid and call on them to form an ad hoc ajawid council. Ajawid may also be requested by nontraditional authorities, such as the government or the judiciary. [...]

The ajawid normally question the aggrieved party first, then the accused. Those with greater casualties are the aggrieved, even if they initiated the conflict. [...]

Judiya processes increasingly appear to be adopting court procedures such as calling witnesses or visiting incident scenes." (USIP, 8 November 2012, pp. 53-55)

"The foundational component of customary justice and reconciliation is material compensation: the offending party must compensate the aggrieved party for the offense. If there was loss of limb or life, the compensation comes in lieu of blood. Compensation is also, and implicitly, the recognition of responsibility, and can therefore lead to reconciliation. Compensation can be ordered by the court, recommended by ajawid or other mediators, or agreed by consensus by the parties. It comes in three forms: diya (blood money), ta'wid (compensation for nonhuman losses), and khasarat (costs). Diya is paid only in compensation for human injuries or death. It is based on sharia (Islamic) law, but as is the case in most traditional Muslim societies, it has in practice merged with local customs." (USIP, 8 November 2012, p. 37)

"Ajawid generally do not impose punitive sanction, and may recommend arrangements of coexistence, such as sharing water resources or agreeing on migration routes and on

when to activate them. But in intertribal disputes, and especially when the government is involved, they may impose punishments. Moreover, it seems that historically their power was largely moral, allowing them to order social punishment, especially on someone who refuses the decisions of the judiya. He will be labeled *kassar al-khawatir* (breaker of feelings) and ostracized by his own community, to the point he might have to leave the area." (USIP, 8 November 2012, pp. 55-56)

A January 2014 report of the United Nations Environment Programme (UNEP) describes *ajawid* and *judiya* settlements as follows:

"Judiya is the main mechanism for traditional mediation, reconciliation and justice (and this is now used as a generic term for mediation). It is not a court or judicial proceeding but rather a process of consensual arbitration and mediation designed to achieve compromise rather than based on the notion of punishment. *Ajawiid* – respected members of the community and traditional leaders – play a central role as the mediators in the *judiya*, ultimately making recommendations for settlement. Where two ethnic groups or tribes are involved, the *ajawiid* may be drawn from a third tribe (or from several other tribes) that acts as an informed but impartial facilitator: The choice of *ajawiid* has to be acceptable to the parties to conflict involved in the *judiya*, although the role of the *ajawiid* is not entirely neutral and they may exert pressure on the conflict parties to accept the recommendations the *ajawiid* have made. The *judiya* offer can be rejected by either party, but once accepted the rulings of the *judiya* are binding. The final agreement may include the payment of blood money, *diya*, in compensation for human injuries or death; *ta'wid*, which is compensation for material or livestock losses; and *khasarat*, to cover the costs related to the offence, provided by the aggressor to the families of the victims. A successful *judiya* may lead to a *rakuba* being established between the parties in the conflict. This is an agreement or customary precedent that will dictate subsequent agreements between the conflicting parties, often keeping compensation payments to a minimum. As has been well-documented, the native administration in Darfur was severely weakened in the latter part of the twentieth century. In the early 1970s it was abolished, only to be reinstated some years later. Over subsequent decades it has become increasingly politicized (Morton, 2011). The *judiya* process has also become increasingly politicised, with much greater involvement of government." (UNEP, January 2014, p. 8)

An academic article by Isam Mohamed Ibrahim published in the *Mediterranean Journal of Social Sciences* in October 2013 also provides an overview of the *ajawid* (*ajaweed*) and the *judiya* (*joudia*):

"It is one of the most important social institutions in Darfur which is used to resolve conflicts. It is the *ajaweed* who resolve problems within the village, area and the towns. They are always the elderly people who have good reputation of wisdom and experience. [...] The traditional *joudia* is held either immediately or spontaneously after the disagreement takes place or after the *ajaweed* are invited by the parties of conflict. The council can be formed from a group of 3 to 9 members provided that they are accepted by both parties as neutral and credible. But generally, people make use of what is known as village angles (the sheikh or *dimlij*, the imam) in addition to the *ajaweed* of the village



and sometimes the ajaweed of the neighboring villages. When it is in session, it can tackle cases like; injuries, killings, theft or robbery, land aggression, confrontations between nomads and sedentary, tribal conflicts, family troubles. Since the entire population of Darfur is Muslim confession, the rules are driven from the Islamic jurisprudence but some pre-Islamic rites interfere from time to another.” (Ibrahim, October 2013, pp. 134-135)

The USIP report of November 2012 goes on to describe the evolving relationship between traditional conflict resolution mechanisms and the formal justice system in the light of the present conflict in Darfur:

“The first priority of the ajawid is to stop ongoing violence. Today, the first step is often to call the police, at least in government-held areas, where most of the population lives. [...] [S]tate institutions such as the police and other security forces, the judiciary, and local authorities have increasingly intervened with traditional reconciliation mechanisms. In many cases, intervention came at the request of the idara ahliya, the ajawid or the community, to help in implementing judiya decisions. [...]

Examples of collaboration between the traditional and modern justice sectors on the outcome of cases are numerous. The formal justice system usually accepts the outcome of a judiya.” (USIP, 8 November 2012, p. 61)

“Although Darfurian people still favor judiya as the best way to solve conflicts, the war has made it harder for ajawid to solve disputes that cross tribal lines. Many cases that would usually have been solved by judiya now go to courts, considered as less archaic. The independence of the courts themselves, however, has weakened. When a dispute involves a group that is clearly stronger, has more weaponry, and enjoys the support of the government, that group has a feeling of impunity. It becomes very difficult for ajawid to reach a balanced settlement and for that settlement to be enforced.” (USIP, 8 November 2012, p. 63)

“Indeed, the present conflict raises mixed feelings about collective responsibility. On one hand, the breadth and scope of the crimes committed, and that whole groups and their traditional leaders were involved, makes collective responsibility a natural path for addressing major issues like responsibility and compensation. On the other hand, the very scope and breath of the crimes also makes compensation and diya – the bedrock of forgiveness under judiya – unthinkable. [...] Moreover, the nontraditional nature of the violence, and the involvement of the government, has many Darfurians thirsting for nontraditional justice, specifically, individual acknowledgment of personal responsibility and personal punishment. [...]

The government has also increasingly interfered in the main mechanism for resolving conflict – the payment of diya. Throughout the 1980s, conflicts became more and more murderous, not least because of the proliferation of automatic weapons. Diya amounts increased until they sometimes were too great for the parties to afford. Parties started invoking the responsibility of the government in failing to ensure law and order and in distributing weapons. To tamp down conflict and show good faith, the government promised to pay the diya instead of the parties. The problem is that the government was

not fully committed, especially when it came to paying diya to groups it considered hostile, such as the Zaghawa. On the other hand, groups that no longer had to pay diya did not feel punished. Diya payments were missed, and conflicts often resumed soon after peace conferences. [...] The government has taken stock of these problems, and seems to be pulling back on the payment of diya since the 2010 elections. [...] The government had also started to appoint specific ajawid for intertribal conferences. The judiya process has been incorporated into government-sponsored reconciliation, though nongovernment-sponsored judiya has continued. Darfurians consider independent judiya processes to be more genuine because they are free of governmental interference. [...]

Broad tribal reconciliation conferences and agreements take place on an ongoing basis, mostly under governmental patronage and supervision, though in recent years a number have also resulted from grassroots initiatives. These agreements are quite wide ranging: they ostensibly address problems between larger groups (often entire tribes) and therefore involve senior-level traditional leaders. Many have taken place between warring Arab communities, mostly in South Darfur, where Arab-Arab violence has been rampant. The government, although it has sides in intra-Arab conflicts, has also been keen to contain them because they have been very bloody and have involved tribes who had been allied with the government during the height of the Darfur war in 2003 and 2004. At the same time, the government and its appointed traditional leaders have also actively undermined broader tribal processes that did not concern Arab groups. [...] In the past, judiya was the main mechanism in musalaha (reconciliation). Today, Darfurians contrast the two. They see judiya as genuine and free of government interference, and large reconciliation conferences as failures. Darfurians, including those close to the NCP, concur that if reconciliation processes are to work, the government must not be part of them. At the same time, and this is something that foreign actors sometimes fail to fully grasp, Darfurians also want to see the government play a role in assisting and following up on the reconciliation process. The government is welcome and even expected to provide security during the conference and in the area in question, guarantee (but not vet) the agreement, contribute to diya and compensation payments, and provide development (water, education), always a key demand in genuine suluh conferences." (USIP, 8 November 2012, pp. 69-71)

A February 2014 special report of the UN Secretary-General to the UN Security Council (UNSC) mentions the "weakness of local dispute resolution mechanisms" as one of the underlying causes for the ongoing conflict in Darfur. The report further states that "15 local cessation of hostilities agreements" were concluded during 2013, several of which "subsequently broke down":

"The conflict in Darfur continues to take place within the context of pre-existing root causes that include the loss or severe disruption of traditional livelihoods, weakened traditional dispute resolution mechanisms, impunity and weak rule of law, weak or absent State administrations in rural areas, the prevalence of arms and armed militias, a lack of trust between and within communities, the manipulation of social divisions and cycles of retaliatory violence." (UNSC, 25 February 2014, pp. 1-2)

"The weakness of local dispute resolution mechanisms is another major contributor to the intensification of intercommunal conflict. In that connection, UNAMID has stepped up its support to local mediation efforts between communities [...]. In 2013 alone, conflicting parties entered into a total of 15 local cessation of hostilities agreements. While several of the agreements subsequently broke down, owing to a lack of attention by the parties in addressing the resource-related root causes of the conflicts, the accords nevertheless provided lulls in the fighting that allowed for the provision of assistance to civilians and the increased engagement of local mediators." (UNSC, 25 February 2014, p. 5)

An October 2013 report of the UN Secretary-General to the UN Security Council (UNSC) notes the following reconciliation agreements concluded between parties involved in intercommunal fighting:

"Negotiations between the Salamat and Misseriya tribes, who had fought over land and local political appointments in Um Dukhun, Central Darfur, early in April [2013] [...], concluded with the signing of a reconciliation agreement in Zalingei, Central Darfur, on 3 July [2013]. The parties agreed to cease hostilities, facilitate the return of people displaced by the clashes and pay compensation for casualties of the fighting. UNAMID provided technical and logistical support for the negotiations, which were brokered by Government authorities, Darfur Regional Authority officials and traditional community leaders. [...]

On 22 July [2013], however, the fatal shooting of a Salamat member of the Central Reserve Police by a Misseriya man in Garsila (84 km south of Zalingei, Central Darfur) triggered renewed fighting between the groups. [...] Reportedly, an estimated 150 fighters were killed. [...] The reconciliation effort led to the parties signing a cessation of hostilities agreement in Garsila on 31 July [2013], in which they reaffirmed their commitment to the 3 July accord. That agreement was also broken, however, when the groups clashed in Dembow Kabdy, Kubkie and Muraya (18 km east, 34 km south-west and 40 km south of Mukhjar, Central Darfur, respectively) between 20 and 27 September, resulting in at least 45 fatalities (15 Misseriya and 30 Salamat). [...]

Efforts continued to restore peaceful relations between the Aballa and Beni Hussein, who had engaged in heavy fighting over control of an artisanal gold mine and surrounding land in Jebel Amir (40 km north-west of Kabkabiya, Northern Darfur) in January [2013] [...]. On 27 July [2013], a four-day peace conference in El Fasher sponsored by the Governor of Northern Darfur, Osman Mohamed Yousif Kibir, concluded with community leaders of the parties signing a peace and reconciliation agreement in which they committed themselves to ceasing hostilities, facilitating returns and directing a portion of the revenues generated by the gold mine to compensate casualties of the fighting and rehabilitate the affected area. Several key Aballa commanders, however, did not participate in the conference. On 24 July [2013], Musa Hilal, a prominent Aballa leader and envoy for tribal affairs appointed by the President of the Sudan, Omer Al-Bashir, initiated a parallel reconciliation initiative in Saraf Umra, Northern Darfur. That process led to the signing on 10 September [2013] of a separate reconciliation agreement between different representatives of the parties who agreed to cease hostilities, remove roadblocks

from the affected area and refer the dispute over control of the gold mine to the federal Government." (UNSC, 14 October 2013, pp. 5-6)

An earlier report of the UN Secretary-General to the UN Security Council (UNSC) mentions local dispute resolution mechanisms initiated after clashes between tribes in Central Darfur in April 2013:

"An attempted robbery in Um Dukhun locality in Central Darfur in early April triggered a series of clashes involving the Misseriya and Ta'aisha tribes, on the one hand, and the Salamat tribe, on the other, across parts of Central and Southern Darfur between 3 and 6 April [2013]. According to community sources, the fighting led to the killing of over 100 people from both sides, destruction of property and massive displacement. [...] Tensions subsided shortly after local dispute resolution mechanisms were activated and Government security forces deployed to the area." (UNSC, 12 July 2013, p. 5)

### 5.3 Amnesty

Article 60 (paragraphs 329 and 330) of the "Justice and Reconciliation" chapter of the Doha Document for Peace in Darfur (DDPD) states:

"329. In order to create a conducive environment for peace and reconciliation, the GoS shall grant a general amnesty in accordance with the Sudanese Constitution and Laws, to civil and military members, to prisoners of war and those sentenced from the Parties, and on this basis, release the prisoners of war.

330. The Parties agree that war crimes, crimes against humanity, crimes of genocide, crimes of sexual violence, and gross violations of human rights and humanitarian law shall not be included in the scope of application of the amnesty." (DDPD, 2011, Article 60, paragraphs 329-330)

The Draft Implementation Timetable of the DDPD provides that the general amnesty should be granted by presidential decree within 30 days from the date of signing of the DDPD (DDPD, 2011, Draft Implementation Timetable).

As noted by the International Crisis Group (ICG), the amnesty provision in the DDPD "has allowed the LJM [Liberation and Justice Movement] to obtain the release of 101 prisoners, not only ten of its members, but also 80 Darfur civilians and eleven members of another armed movement who were to have been executed". However, the government rejected calls to release imprisoned members of the Justice and Equality Movement (JEM) under the amnesty. (ICG, 27 January 2014, p. 7)

The January 2014 report of the UN Secretary-General to the UN Security Council (UNSC) states:

"In accordance with the provisions of the Doha Document on justice, on 22 October [2013] the Government issued a presidential decree granting amnesty to JEM-Bashar combatants. The amnesty applies to felonies other than war crimes, crimes against

humanity, crimes of genocide, crimes of sexual violence or gross violations of human rights or humanitarian law.” (UNSC, 15 January 2014, p. 1)

As reported by Xinhua news agency, China’s official press agency, in February 2012, President Omar al-Bashir granted “an amnesty for members of Darfur Liberation and Justice Movement (LJM), which signed with Khartoum the Doha Document for Peace in Darfur (DDPD)” (Xinhua, 8 February 2012).

The Sudan Tribune reports in April 2013:

“Bashir extended the general amnesty during a speech at the opening session of parliament, in which he also called for dialogue with opposition groups, including those that have taken up arms against his regime. However, it remains unclear who will be covered by the president’s declaration and how authorities will determine who is to be released. The ongoing detention of the Garsila group comes as seven political prisoners were released overnight on Monday following the president’s announcement, including six prominent members of opposition political parties that participated in signing the ‘New Dawn’ charter. Those freed included leader of the Islamic Wasat Party Yousif al-Koda, Brigadier Abdel-Aziz Khalid from the National Sudanese Alliance, Hisham al-Mufti from the United Democratic Unionist Party, Intisar al-Aqli from the Socialist Unionist Nasserite Party, as well as Mohamed Zein al-Abdeen and Abdel-Rahim Abdullah from the Democratic Unionist Party. Youth activist Hatim Ali Abdalla, who had been detained incommunicado since his arrest on 24 March after taking part in a peaceful demonstration at the Khartoum Bahri Teaching Hospital, was also among the group released.” (Sudan Tribune, 4 April 2013)

Freedom House states in its Freedom in the World 2014 report published in January 2014:

“In April, al-Bashir announced the release of all political prisoners. Those who were set free in the following weeks included senior military officers accused of a coup plot against the government in late 2012 and political leaders associated with the New Dawn Charter.” (Freedom House, 23 January 2014)

The German daily Frankfurter Allgemeine Zeitung (FAZ) reports that on 1 April 2013, President Omar al-Bashir announced an instant amnesty in Parliament, leading to the release of several political prisoners the following day. Among those released were two opposition activists who had been imprisoned for taking part in a meeting in Kampala (Uganda) held in January 2013 between Sudan’s political opposition and three rebel groups from the Darfur region and Blue Nile and South Kordofan. (FAZ, 2 April 2013)

A September 2013 report of the UN Independent Expert on the situation of human rights in the Sudan states:

“In April 2013, the Government announced that all political prisoners would be released. While it has been reported that some political prisoners have since been released, it is not clear whether all have been released.” (HRC, 18 September 2013, p. 8)

## 5.4 Arbitrary arrest and detention

The US Department of State (USDOS) notes that while “arbitrary arrest and detention without charge” are prohibited under the Sudan’s Interim Constitution, “the government continued to arrest and detain persons arbitrarily, often under the National Security Act” (USDOS, 27 February 2014, section 1d).

Freedom House reports in its Freedom in the World 2014 of January 2014:

“[A] wave of fresh arrests took place in the wake of the September [2013] street protests. According to the African Centre for Justice and Peace Studies, at least 800 people were detained, including some who were arrested as they sought medical treatment. Many of those arrested were held under the 2010 National Security Act, which gives the NISS [National Intelligence and Security Services] sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or their relatives. Human rights groups accuse the NISS of systematically detaining and torturing opponents of the government, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now.” (Freedom House, 23 January 2014)

Amnesty International (AI) notes in a March 2013 report that “[s]ecurity services maintain a climate of fear through harassment, detention and torture and other ill-treatment of peaceful civil society activists (AI, 28 March 2013b, p. 6).

A February 2013 report of the Panel of Experts on the Sudan addressing the UN Security Council (UNSC) states:

“Arbitrary arrests and detentions remain widespread in Darfur, mainly perpetrated by NISS. The Panel was informed of cases of such arrests by the Military Intelligence but was unable to gain access to any victims or reliable sources. From August to December 2012, the Panel documented 35 cases of arbitrary arrest and detention in Southern Darfur alone, 52 where civilians, lawyers, humanitarian workers and political activists appear to suffer largely from NISS intimidation and control. [...]

Limitations on freedom of assembly and association and freedom of expression are often at the core of violations of the right to freedom from arbitrary arrest and detention in Darfur. Students continue to be arrested on the basis of their political activities or participation in demonstrations. The Panel documented numerous cases of lawyers, members of political parties and students who were either arbitrarily arrested, or summoned daily to NISS, in relation to their suspected political activities and beliefs. [...] Information collected by the Panel suggests that detainees are often categorized, and subsequently treated, according to their belief or affiliation: secular, members of armed opposition groups, members of certain political parties, etc.” (UNSC, 12 February 2013, p. 36)

The April 2014 report of the UN Secretary-General to the UN Security Council (UNSC) on the situation in Darfur states that seven cases of arbitrary arrest and detention involving nine victims were reported during the first three months of 2014 (UNSC, 15 April 2014, p. 20).

The previous report of the UN Secretary-General on Darfur, published in January 2014, notes that there have been ten victims of arbitrary arrest and detention during the reporting period from 1 October to 31 December 2013 (UNSC, 15 January 2014, p. 10).

The UN Secretary-General report of October 2013 on Darfur, which covers the period from 1 July to 30 September 2013, indicates that "4 incidents of detention without charge involving 16 victims" were documented by UNAMID during the reporting period. The report goes on to state:

"In one incident, Government security authorities reportedly arrested and detained 12 youths for disrupting the work of oil field staff at the Zarqa Hadida oil field (35 km east of El Daein, Eastern Darfur), on 27 July. The youths were among a group who staged a peaceful demonstration over their lack of access to employment opportunities in the oil industry. As at 30 September, UNAMID remained unable, owing to insecurity and impassable roads, to ascertain the status of the detainees or their conditions of detention. On 1 July, a man detained in Nyala, Southern Darfur, for nine months and allegedly tortured by the National Intelligence and Security Service for sympathizing with the armed opposition was released after a family member persuaded the authorities in Khartoum of his innocence. Fear of reprisal has contributed to the underreporting of such incidents by victims." (UNSC, 14 October 2013, pp. 10-11)

The July 2013 report of the UN Secretary-General on the situation in Darfur states that eight persons became victims of arbitrary arrest and detention during the reporting period from 1 April to 30 June 2013 (UNSC, 12 July 2013, p. 10).

The April 2013 report of the UN Secretary-General on Darfur notes that "6 incidents of arbitrary arrest and detention involving 8 victims" were documented by UNAMID during the reporting period between 1 January and 31 March 2013 (UNSC, 10 April 2013, p. 10).

In March 2014, Amnesty International (AI) reports on the arrests and detentions of eleven men. The detained were "students, activists and lawyers mainly from Darfur but living in Khartoum". The arrests came after a protest held at the University of Khartoum against increasing violence in Darfur. The source notes that the men were "detained in an undisclosed location". (AI, 21 March 2014)

As reported by Radio Dabanga in April 2014, at least seven students were arrested following demonstrations at the University of Nyala (South Darfur) against the recent arrests of four other students (Radio Dabanga, 4 April 2014b).

Radio Dabanga reports on 21 March 2014 that more than 15 Darfuri students and human rights activists were arrested "since security forces shot at peaceful protesters at the University of Khartoum on 11 March [2014]" (Radio Dabanga, 21 March 2014).

The Sudan Tribune reports that four employees of Central Darfur's Garsila locality administration were arrested by the NISS in late March 2013 in connection with the "New Dawn" charter, an agreement signed by a number of opposition and civil society groups in Kampala in January 2013. They were held in "custody without access to their families or lawyers". (Sudan Tribune, 4 April 2013)

Radio Dabanga reports on the arrests of four university graduates in El Fasher (North Darfur) (Radio Dabanga, 4 May 2014a).

As reported by Radio Dabanga in April 2014, "[s]ecurity forces arrested two people from inside the market of Zalingei, the capital of Central Darfur and took them to an unknown destination" (Radio Dabanga, 27 April 2014).

Radio Dabanga reports in February 2014 that four civilians were arrested in Nyala for unknown motives (Radio Dabanga, 15 February 2014).

Amnesty International (AI) states that a student blogger from North Darfur critical of President Bashir was arrested in Khartoum in December 2013 and is held in incommunicado detention (AI, 14 January 2014).

As reported by AI, Adam Sharief, a lawyer, was arrested by the National Intelligence and Security Service (NISS) in South Darfur in late September 2013 and was being held without charges at the time of reporting (AI, 2 October 2013).

Radio Dabanga reports in September 2013 that "a number of leaders of political parties" were arrested in West Darfur (Radio Dabanga, 27 September 2013).

As reported by Radio Dabanga, two sheikhs of the Ronga Tas camp for the internally displaced (Central Darfur) were arrested in March 2014 (Radio Dabanga, 5 March 2014). In February 2014, five sheikhs of the Murnei camp in West Darfur were detained, with one of them tortured while in detention (Radio Dabanga, 14 February 2014).

Referring to reports from Sudanese lawyers, the December 2013 country update of the UK Foreign and Commonwealth Office (FCO) notes "continued harassment of Darfuri students by the police and security forces, including beatings, arbitrary arrest, and mistreatment while in detention" (FCO, 31 December 2013).

The April 2014 annual Human Rights and Democracy Report of the FCO states that in October 2013, the "final number" of arrests reported in the aftermath of the September 2013 protests "exceeded 800". This figure "included activists, journalists and members of opposition parties". Many of them "were held incommunicado without access to their families or legal representation". The report states that by November 2013, "over 600 of these detainees were reported to have been released". (FCO, 10 April 2014)



## 5.5 Unlawful or disproportionate punishment for crimes

The annual report on human rights in 2013 of the US Department of State (USDOS) notes in its chapter on "Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment":

"The interim national constitution prohibits such practices, but government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict, government forces, rebel groups, and tribal factions committed torture and abuse.

In accordance with sharia (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and the public display of a body after execution. Traditional customary law was commonly applied to convicted defendants; however, with the exception of flogging, such physical punishment was not frequently used. Courts routinely imposed flogging, especially as punishment for the production of alcohol.

According to nongovernmental organization (NGO) and civil society activists in Khartoum, government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. Often these persons subsequently were released without charge." (USDOS, 27 February 2014 section 1c)

Freedom House writes in its report *Freedom in the World 2014*:

"Sudanese criminal law is based on Sharia (Islamic law) and allows punishments such as flogging and cross-amputation (removal of the right hand and left foot)." (Freedom House, 23 January 2014)

An April 2013 report of the African Centre for Justice and Peace Studies (ACJPS), a non-profit, non-governmental organisation with offices in New York, London and Africa working to monitor and promote human rights and the rule of law in Sudan, outlines the legal framework for the imposition of amputations:

"Article 171 (a) of the Penal Code sets out that, '[w]hoever commits the offence of capital theft shall be punished with amputation of the right hand, from the wrist joint'. Article 135 (3) of the 1991 Sudanese Criminal Procedure Code requires the Sudanese Ministry of Justice to appoint a defence lawyer for any person accused of an offence that carries a punishment of 10 years or more imprisonment, amputation or death. Amputation as a form of corporal punishment was incorporated into Sudanese law in 1983 when then-President Gaffar Nimeiry introduced Islamic reforms known as the 'September laws.' Although amputation sentences have been handed down under these laws, until recently human rights campaigners had hoped that a de facto moratorium on the implementation of such sentences operated, as there had been no reported cases since 2001. However, on 11 March Sudan's Deputy Chief Justice Abdul Rahman Sharfi held a press conference boasting that 16 cases of amputation had been carried out by the authorities since 2001." (ACJPS, 5 April 2013)

In an article published on his homepage in July 2012, Eric Reeves, a professor of English at Smith College in Massachusetts (USA) as well as a Sudan researcher and analyst states that most cases of cross-amputations “go unreported” (Reeves, 17 July 2012).

Reeves further states that women are “regularly” sentenced to flogging under the hudud penal provisions “for crimes ranging from brewing beer to support a family to wearing insufficiently ‘modest’ clothing”. Reeves refers to flogging as “a punishment that can be fatal”. (Reeves, 17 July 2012)

The annual FCO report of April 2014 states:

“In February, there were reports of a case of amputation as punishment for theft. While permitted in Sudan’s Penal Code, there had been a de facto moratorium since 2001. At the time, the press reported a statement by the Deputy Chief Justice that judges could be trained to perform the amputations should medical professionals refuse to carry them out. There have been no further reports.” (FCO, 10 April 2014)

As reported by the African Centre for Justice and Peace Studies (ACJPS) in April 2013, the El Fasher Criminal Court (North Darfur) “sentenced three men to amputation of the right hand from the wrist”. The men were “found guilty of Capital Theft under Article 170 of the 1991 Sudanese Penal Code and sentenced to the amputations in the absence of a defence lawyer”. The source states that the judge “handed down the sentence in contravention of Sudanese law, which requires the accused in amputation cases to be represented by a defence lawyer”. (ACJPS, 5 April 2013)

The El Fasher amputation verdicts against the three men verdicts, which were passed on 31 March 2013, are also reported by Radio Dabanga and the Sudan Tribune (Radio Dabanga, 7 April 2013; Sudan Tribune, 6 April 2013).

The Sudan Tribune further reports:

“The latest sentence follows the case of 30-year old Adam al-Muthna, who had his right hand and left foot amputated on 14 February after being found guilty of theft, sparking international and domestic outcry. The al-Sudani daily newspaper reported that Muthna was convicted of firing on a car with an assault rifle between North Kordofan and East Darfur in March 2006 and stealing SDG 1,000 (\$228) from its passengers. The Sudanese Penal Code provides cross amputation as a penalty for armed robbery when it results in grievous injury or involves theft of property with a value exceeding SDG 1,500 or about \$340. Doctors at a state-owned hospital in Khartoum reportedly carried out the court-ordered sentence.” (Sudan Tribune, 6 April 2013)

The UK Foreign and Commonwealth Office (FCO) notes that in August 2013, “[a] police officer from Darfur who wrote a report on corruption was sentenced to four years in prison [...] on charges of discrediting the police and creating false information” (FCO, 31 December 2013).

The UK Foreign and Commonwealth Office (FCO) annual report on human rights and democracy notes that “[i]n July 2013, parliament passed an amendment to the Sudan Armed Forces Act of 2007 allowing civilians to be tried in military courts” (FCO, 10 April 2014).

## 5.6 Death penalty

The UK Foreign and Commonwealth Office (FCO) annual human rights and democracy report of April 2014 notes with regard to the death penalty in Sudan:

“Sudan is the country in Africa that makes the most use of the death penalty, which is applicable to a number of offences, including adultery, sodomy, and alleged crimes of a religious or political nature. The number of offences punishable by the death penalty is rising: in July the Anti-Trafficking Bill was introduced to Parliament carrying a range of punishments, including the death penalty for the ‘most serious’ offences. Amnesty International’s latest figures (for 2012) reported that at least 19 executions were carried out, and at least 199 death sentences were handed down by the courts. Civil society leaders claim that these figures are in fact much higher, in part due to application of the death penalty through informal justice mechanisms.” (FCO, 10 April 2014)

Sudan researcher and analyst Eric Reeves mentions the following forms of capital punishment that can be imposed under hudud:

“[W]omen – and girls – are sentenced to be stoned to death under Sudanese hudud for adultery. Although sentences are typically commuted in the judicial proceedings, commutation is entirely arbitrary and seems to depend upon the degree of international attention that is focused on a given case.” (Reeves, 17 July 2012)

“Crucifixion is also a punishment under Sudanese hudud. It is the punishment for apostasy (leaving the faith of Islam), but other crimes as well.” (Reeves, 17 July 2012)

A May 2013 article of the Sudan Tribune reports on the following death sentences handed down in East Darfur:

“A special court in Sudan’s Darfur region has sentenced to death three men who are likely to be hanged, their bodies later crucified and publicly displayed, if the court’s decision is implemented. The verdict was delivered on 6 May [2013] by Judge Sif Eldien Abdulrhman Ishag of the Special Criminal Court on the Events in Darfur (SCCED) in Al-Daien, East Darfur, ending the five-day trial with four court sessions. The three convicted men include, Ibrahim Abidein, 30, Edriss Khubub and Al-Sidig Mohamed, 29, all members of the Reizegat tribe from East Darfur state. The trio men were reportedly convicted of the murder of Ahmed Salim, a prominent community leader and mayor of the Al-Maalia, an Arab ethnic group in East Darfur, on 27 April 2013. Under Sudanese law, however, the defendants reportedly have the right to two appeals before the SCCED. At least 13 witnesses were reportedly interviewed during the three sessions of the trial, while the last trial was reserved for defence lawyers of the accused to submit their arguments before the judge. The three were charged with various crimes, ranging from murder, kidnapping, armed robbery and possession of a weapon without a license, among others. They are accused of violating the Sudanese Penal Code, Weapons and Ammunition Act and Sharia

laws. Article 168 of the Sudanese Penal Code, prescribed capital punishment for armed robbery, or capital punishment followed by crucifixion, if the act results in murder." (Sudan Tribune, 26 May 2013)

A March 2013 article by Radio Dabanga reports on the following death sentences:

"Seven people were sentenced to death by the Special Criminal Court for Darfur Crimes for their involvement in an attack on a trade convoy in 2010 that left 59 Central Reserve Forces (Abu Tira) dead. All victims were guarding the convoy, which was moving from Khartoum to Nyala, and were killed in an ambush. The assault took place in the South Darfur area of Khor Baskawit. After Darfur was divided into five states about one year ago, the area fell under the jurisdiction of East Darfur. According to Wednesday's ruling, the offenders belonged to an 'armed movement', which is believed to be the Darfur rebel group Justice and Equality Movement (JEM). In an unusual development, the Court did not publish the names of the seven convicts." (Radio Dabanga, 28 March 2013)

In February 2013, Amnesty International (AI) reports on the case of Bakri Moussa Mohammed, a former activist in South Darfur:

"On 11 January 2010 Bakri Moussa Mohammed was sentenced to 10 years in prison by the South Darfur appeal court for his alleged participation in a murder. He had previously been involved in protests against the repression of displaced people by the security services in South Darfur. His family believe he was arrested and sentenced in retaliation for his activism. He is currently detained in the Kober prison in Khartoum. On 31 December [2012], a police officer within the prison informed Bakri Moussa Mohammed that his prison sentence had been revised to a death sentence. On the same day, he was transferred to death row and reportedly brought to the gallows on three occasions. Following this, he was informed that the execution would be postponed for 35 days. The deadline has passed and Bakri Moussa Mohammed is at imminent risk of execution." (AI, 13 February 2013)

The case of Bakri Moussa Mohammed is also reported by the Sudan Tribune (Sudan Tribune, 14 February 2013).

Radio Dabanga states in a June 2012 article:

"The former commissioner of Al Sunta in South Darfur, Bashar Al Jazam Bushara Nawiya, has been sentenced to death by the Criminal Court of Nyala. Judge Sid Abdulkadir ordered this week the capital punishment by hanging. He found the former commissioner guilty of murdering his assistant, Ibrahim Sinin Altalib. Other cases against him are pending. [...] The convicted commissioner belonged to an armed militia that was integrated into the regular army. He signed a peace agreement with the government in 2011 and was appointed Al Sunta's commissioner." (Radio Dabanga, 21 June 2012)

Reuters news agency reports in March 2012:

"A Sudanese court sentenced to death six members of a major Darfur rebel group on Tuesday, including a top commander, the group's lawyer said. The ruling is another blow

to the Justice and Equality Movement (JEM), considered to be the most militarily potent of the western region's various rebel factions. Government forces killed the group's leader in December. 'The judge ruled to execute six of the accused and sentenced the seventh to 10 years in prison because he is elderly, 73 years old,' said Tohany Abdelrahim, a lawyer for the group. The charges included terrorism, illegally carrying arms and murder, she said. Ibrahim al-Maz, a senior member of the rebel group, was among those sentenced to death. JEM spokesman Gibreel Adam Bilal called the decision an 'injustice', and accused Sudan's security agencies of pressuring the court to issue the sentence. 'The decision had already been made by the Sudan government and the Sudan security agencies,' he said." (Reuters, 20 March 2012)

Amnesty International (AI) reports on the following November 2011 case:

"Seven prisoners in North Darfur, Sudan, had their death sentences upheld on 29 November. Two of them were under 18 years old at the time of the alleged crime. The seven prisoners are part of a group of ten people tried by the South Darfur Special Criminal Court in October 2010 for a carjacking in May 2010. A total of eleven individuals allegedly affiliated with the Darfurian armed opposition group, the Justice and Equality Movement, were tried in relation to the attack. One of the eleven was acquitted and three minors received prison sentences. The Supreme Court in Khartoum ordered a retrial due to the inclusion of minors in that trial. However, on 29 November, the Special Criminal Court in North Darfur upheld death sentences against the seven defendants under the 2005 Terrorism Act and the Sudanese Criminal Act. A lawyer from North Darfur's state capital, El Fasher, submitted an appeal to the Supreme Court on 4 December." (AI, 6 December 2011)

## 6 Ethnic groups

A map of the distribution of ethnic groups in Sudan, published by the BBC, shows that ethnic groups in the Darfur region include Arabs, Zaghawa, Fur and Nubians (BBC News, 19 December 2013).

An undated online exhibition, presented by the University of South Florida (USF) Libraries, explains that “[a]pproximately 80 tribes” live in the Darfur region, “with about 27 of these classified as Arabs, and the rest non-Arabs” (USF, undated).

As stated by the Darfur Development Advisory Group (DDAG), a Darfurian-led development NGO based in Sudan, Darfur’s ethnic groups could be broadly categorized into two groups: indigenous “Negroid” groups and Arabs (or those who claim Arabic descent) (DDAG, undated).

As mentioned on the undated website of the Embassy of the Republic of the Sudan in Washington, D.C., “Darfur is home to over 100 African and Arab tribes”, with the “majority of the local populace” being “either pastoralist or farmers” (Embassy of the Republic of the Sudan in Washington, D.C., undated).

A 2013 report of the German Institute of Global Area Studies (GIGA) notes that both Arab and non-Arab groups were mobilised by government at different stages to fight different enemies (GIGA, 2013, p. 4).

As explained by German social anthropologist Maïke Böcker in her 2009 book on the Darfur conflict with reference to a number of academic sources, the northern part of Darfur is populated by camel herders who are referred to as “Abbala”, which is a collective term that can be translated as “camel people”. The Abbala comprise the Arabic-speaking groups of the northern Rizeigat, the ‘Irayqat, Mahamid, Nur’ayba, Mahriya, the Arabic-speaking Zayadiya as well as parts of the Meidob and Zaghawa. Apart from these, there are also mobile groups of breeders of camels and small domestic animals among the ethnic groups living further to the south, such as the Fur. Central Darfur is mainly settled by farming ethnic groups such as the Berti, Birged, Fur, Masalit, Tama, Gimr,-Erenga, Mileri, Mararit, Daju and Beigo. Southern Darfur is the zone of the cattle breeders and home to the “Baggara”, which is a collective term that can be translated as “cattle people” and refers to a multitude of agro-pastoralist ethnic groups who practice agriculture and mobile cattle herding. This southern zone is part of the so-called “Baggara Belt”, a wide stretch of savanna between the White Nile and Lake Chad. However, parts of the Beni Hussein and the Fur are also referred to as Baggara. The Baggara Belt of Darfur, which the German social anthropologist Ulrich Braukämper identified as the zone between 10 and 12 degrees latitude, comprises the settlements and transhumance areas of the southern Rizeigat, Habbaniya, Beni Halba, Ta<sup>ˆ</sup>aisha and the arabized Fellata of Fulbe descent. The Baggara claim descent from Arabic immigrants and see themselves as Arabs. Southern Darfur also includes enclaves of agriculturalist ethnic groups who are originally from northern Darfur (Qimr, Baygo, Masalit and Mararit) and other parts of Darfur. (Böcker, 2009, pp. 40-43)

The "Sudan Handbook", published in 2011 by the Rift Valley Institute (RVI), a charity registered in the United Kingdom that provides research on a number of Central and West African countries, states that parts of Darfur belong to the "territory of nomadic Arab camel and cattle pastoralists". The book notes that many Arabs in Darfur "trace their ancestry, nominally at least, to a second wave of migration sometime after the seventeenth century, which entered Sudan from the east" and points to the presence of a large number of "camel-keeping tribes" (Abbala) in northern Darfur. The book then goes on to provide a description of the cattle-herding tribal groups of southern Darfur:

"Further south, in southern Darfur and southern Kordofan – in the northern part of the north-south borderlands – where greater rainfall expands the possibilities of livestock husbandry, is a broad belt of cattle-keeping Arab peoples, known collectively as Baggara (their name derived from the Arabic term for cow). Baggara groups include the Hawazma, Misseriya, Rizeigat, Taisha and Habbaniya. To a still greater extent than other Arab incomers, these cattle nomads of the west have politically and economically assimilated indigenous populations, while themselves being physically assimilated, an ancestry visible in skin tones that are darker than those of most other Arab Sudanese, as dark as many southerners." (RVI, 2011, pp. 77-78)

## 6.1 Arab ethnic groups

As outlined by anthropologist Maike Böcker in her 2009 book (with reference made to a number of other academic sources), Darfur's Arabic-speaking groups include the northern Rizeigat (comprising the <sup>Ḡ</sup>Irayqat, Mahamid, Nur'ayba and Mahriya groups) and the Zayadiya, who also inhabit northern Darfur. Other Arabic-speaking groups include the Beni Hussein, Beni Mansur, Djawama'a, Hotiya, Ma'aliya, Missiriya, Terdjam and Tundjur of central Darfur, as well as the Baggara groups of south Darfur which include the Beni Halba, Habbaniya, the southern Rizeigat and the Ta'aisha. (Böcker, 2009, p. 37)

The undated online exhibition of the University of South Florida (USF) Libraries states:

"Some of the tribes that consider themselves Arabic include: Rizeyqat, Beni Halba, Ta'aisha, Habbaniya, Ziyaddiya, Fulbe, Ja'aliyin, Misseriya, Djawama, Beni Helba, Meidob Habania, Beni Hussein, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Batahin, Mahameed, Ma'aliyah among others." (USF, undated)

In their 2008 book entitled "Darfur: a new history of a long war", journalist Julie Flint and social anthropologist Alex de Waal give a historical overview of nomadic "Abbala" Arabs and cattle-herding "Baggara" Arab groups in Darfur:

"The Arab presence in Darfur dates from the fourteenth century. [...] South of Jebel Marra, the Arabs took to herding cattle – becoming known as Baggara, or cattle-people – while those in the north remained as Abbala, or camelmen. In the sparsely settled south, the Fur sultans recognized the authority of each of the four main Baggara chiefs – Ta'aisha, Beni Halba, Habbaniya and Rizeigat – and in time their administrative jurisdiction became recognized as a hakura or dar (tribal homeland). Their Abbala cousins, moving as nomads in the northern provinces, where all land was already allocated to others, occasionally received small estates, but had no jurisdiction over any sizeable territories. To

his day, many Abbala Arabs explain their involvement in the current conflict in terms of this 250-year-old search for land, granted to the Baggara but denied to them." (Flint/ de Waal, 2008, pp. 7-8)

A May 2010 country of origin report of the Netherlands Ministry of Foreign Affairs (BZ) refers to the Baggara (also known as Shuwa-Arabs) as one of the main Arab tribes in Darfur. Baggara groups are the Rizeigat (including Shattiyya, Huttiya, Mohameed, Etefat, Nawaiba Umm Jalul and Mahriya), Mohameed (including Etefat and Ma'aliyah) Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ta'aisha, Khuzam, Khawabeer, Beni Jarrar and Djawama. Other Arab tribes besides the Baggara are the Hawazma, Misseriya and Humur. (BZ, 11 May 2010, pp. 4-5)

The website of Orville Boyd Jenkins, an independent US linguist, provides an overview of Baggara groups which was last updated in May 2006:

"The name comes from the Arabic Baqqara, from the Arabic word meaning cattle. They are cattle herding Arabs. Some live in agricultural settlements or towns. Primary sub-groups of the Baggara are the Beni Selim, the Oulad Hamayd, the Habbaniya, the Hawazma, the Messiriya, the Beni Husayn, the Humr, the Bahr al-Arab, the Reizegat, the Ta'aisha, the Beni Helba, the Beni Khuzam and the Salamat. Several sources report the Habbaniya group separately with populations in Sudan varying from 215,000 to 1,000,000. The Baggara claim origin from Arabs in the Hijaz, the Red Sea coast area of the Arabaian Peninsula, perhaps around 1100-1200 CE. Historians believe some tribes later joined the original 'Baggara,' such as the Beni Khuzam and Beni Helba, in the 15th to 18th centuries. Another name used in some sources is Shuweihat, related to the name Shuwa. Various sources or databases account for the variety of tribal, cultural or linguistic affinities in various ways. Some use the term Chadian Arabs, while some have separate categories for Shuwa, Chadian Arabs and Baggara. Some will list all Shuwa-speaking peoples as one group. Some sources break down smaller groups identified by the term Baggara, or various sub-groups of Shuwa speakers into smaller groups." (Jenkins, 11 May 2006)

The undated website of the Embassy of the Republic of the Sudan in Washington, D.C. lists the following Arab tribes:

"As for Arab tribes, they are headed by Rizeighat which is spread over central and southern Darfur. [...] Other Arab tribes include Beni Halbeh, Habbaniya, Taisha, Salamat, Mahamis and Ma'alia who trace their ancestry back to the legendary north African knight 'Abu Zaid Al-Hilali'." (Embassy of the Republic of the Sudan in Washington, D.C., undated)

An Amnesty International (AI) report of March 2014 notes that many Arab tribes maintain links to the Sudanese paramilitary forces and thus have access to government vehicles and heavy weaponry:

"Many Arab tribes have members who are active within the Sudanese paramilitary forces, and therefore have access to government vehicles and heavy weapons. Some of these tribes have relied on paramilitary forces to fight over land, resources and administrative authority. Amnesty International found that most attacks between the Misseriya and the



Salamat, were carried out by members of the Popular Defence Forces, the Central Reserve Police or the Border Guards. Amnesty International has previously documented the involvement of the Border Guards in several large-scale attacks against civilians in Jebel Amer, in January 2013.” (AI, 14 March 2014, p. 10)

As reported by the Enough Project in August 2013, Janjaweed are not only carrying out attacks against Masalit, Fur and other non-Arab tribes but have recently also targeted “Arab groups who have fallen out of government favor” including “the Salamat of Central Darfur [who] were part of Janjaweed militias in earlier years” (Enough Project, August 2013, p. 6).

### *Rizeigat*

A number of sources refer to the Rizeigat (also: Reizegat, Rizaygat, Rezeighat, Rezeigat) as an Arab tribe in Darfur (BZ, 11 May 2010, pp. 5-6; Böcker, 2009, p. 37; Flint/de Waal, 2008, p. 8; Jenkins, 11 May 2006; USF, undated).

The 2008 book by Julie Flint and Alex de Waal includes an overview of the Rizeigat in which they are described as being “the largest and most powerful of the Arab tribes in Darfur”:

“The Rizeigat are the largest and most powerful of the Arab tribes in Darfur. Most live in south-east Darfur, under the tribal authority of the Madibu family. The Rizeigat in northern Darfur and Chad trace the same lineage but have no enduring political connections. They have three sections – Mahariya, Mahamid and Eteifat – and close political connections with two other Arab tribes, Awlad Rashid and Ereigat. Their camels made them rich and influential: the northern Rizeigat were among Darfur’s specialist export hauliers across the desert.” (Flint/de Waal, 2008, p. 8)

A February 2013 article of the New York Times (NYT) similarly refers to the Rizeigat as “a powerful tribe known for its camel herding” (NYT, 1 February 2013).

According to the undated website of the Embassy of the Republic of Sudan in Washington, D.C., Darfur’s Arab tribes are “headed” by the Rizeigat who are “spread over central and southern Darfur” and are considered as pastoralists. The same source also notes that “[s]mall branches of the tribe live on farming around the town of Dhain”. (Embassy of the Republic of the Sudan in Washington, D.C., undated)

An October 2010 report of the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) distinguishes between the Northern Rizeigat (mainly camel herders) primarily based in North Darfur and the Southern Rizeigat (mainly cattle herders) who can be mostly found in south-east Darfur:

“The Rizeigat are the largest and most powerful of the Arab tribes of Darfur, composed of two groups – the predominantly camel-herding Northern Rizeigat, based mainly in North Darfur state but with branches in West and South Darfur, and the mainly cattle-herding Southern Rizeigat, most of whom live in south-east Darfur under the authority of their nazir, Saeed Mahmoud Ibrahim Musa Madibo. The Southern Rizeigat did not respond to

the government's mobilization call to fight the insurgency in 2003. Three branches of the Rizeigat tribe – the Mahamid, Mahariya, and Nuwaiba – are common to both groups and reportedly fought together against the Baggara." (HSBA, October 2010, p. 14)

The United States Institute of Peace (USIP) provides the following overview of the southern and northern Rizeigat:

"Traditionally, all the southern Rizeigat, who are baggara (cattle herders), came under the rule of the old and powerful Madibbo family. The Madibbo, from the Mahariya Um Da - hiya clan and based in ed-Da'ain east of Nyala, have presided over the baggara Rizeigat since the nineteenth century. In 1928, the British attempted to carve out a single nazirate in an unsuccessful attempt to unite the southern and northern (abbala) Rizeigat in one political unit under the leadership of nazir Ibrahim Musa Madibbo of the southern Rizeigat. The abbala (camel-herding) Rizeigat groups remained in northern Darfur under their sheikhs, and their unresolved claims to control over land have been one of the single most powerful driving factors in the current conflict. [...] In 2003, Khartoum gave an independent nazir to longtime rivals of the Rizeigat, the Ma'aliya of Adila, who until then had only one of the three wukala' (sing. wakil, representatives) under the Rizeigat nazir." (USIP, 2012, pp. 18-19)

A January 2009 report of the Feinstein International Center of Tufts University in Boston (USA) elaborates on the traditionally camel-herding (abbala) Northern Rizeigat who are differentiated from the Southern Rizeigat cattle-herders (baggara) with whom they share some tribal links:

"The Northern and Southern Rizaygat form a loose 'confederation' of Rizaygat tribes in Darfur. The Northern Rizaygat are traditionally camel herders (abbala), while the Southern Rizaygat are cattle herders (baggara). The Northern and Southern Rizaygat have three branches in common – the Mahriyya, Nu'ayba, and Mahamid. They include both abbala and baggara. There are two additional Northern Rizaygat groups who are uniquely abbala – the Iraygat and Itayfat. The Northern Rizaygat are located primarily in the state of North Darfur, although some Mahamid abbala have branches in southern and western Darfur. The Southern Rizaygat groups are found in South Darfur, and are united under one tribal administration with the town of Ed-Dain as the administrative center. In contrast to their cousins in South Darfur, the Northern (camelherding) Rizaygat are found separately under their individual tribal administrations of Mahamid, Mahriyya, Nu'ayba, Iraygat, and Itayfat (Theobald, 1965; Elhassan, 1995; MacMichael, 2005). [...] The Northern Rizaygat are atypical in that they are the only group in Darfur that has continued to practice nomadic camel-based pastoralism, with a seasonal migratory movement from the arid and semi-arid fringes of the Sahara in the far north, to the rich savannah in the southern and southwestern part of the region. Recently, the Awlad Rashid, Shatiya, and Mahadi have joined the 'confederation' of the Northern Rizaygat. This new alliance may be driven by a desire to increase political influence in view of post-1990s tribal polarization. The Northern Rizaygat are one of several abbala tribes in North Darfur." (Feinstein International Center, January 2009, pp. 29-30)

The same report includes the following information pertaining to numbers of Northern Rizeigat:

"Reliable data on the precise numbers of Northern Rizaygat and other pastoralist groups in Darfur are unavailable. Swift and Gray estimate that between 10-15% of the total population of Darfur are nomads (Swift, 1989). A 2003 survey by the Al Massar Charity Organization for Nomads Development and Environment Conservation, quoting the 1993 census, suggests that in 2002 there were 199,000 nomads in Darfur, accounting for 29% of the total pastoral population (MONEC, 2003). [...] During this current study, the administration of the mahaliya (locality—a subdivision of a state) of El Waha, in El Fasher, estimated that there are currently 350,000 Northern Rizaygat (Focus Group, 30 April 2008)." (Feinstein International Center, January 2009, p. 30)

The Joshua Project, a US-based organization that maintains ethnological data to support Christian missions abroad, indicates the size of the Rizeigat population as 334,000 (Joshua Project, undated (a)).

As mentioned in a February 2013 New York Times (NYT) article on clashes between the northern Rizeigat and the Beni Hussein, "[m]embers of the Beni Hussein tribe accused government forces of helping the Rizeigat and giving them powerful weaponry" (NYT, 1 February 2013).

A 2013 report of the German Institute of Global Area Studies (GIGA) recounts that when the first rebel movements were formed in Darfur in 2003, the government called on local elites to take up arms against the rebels. While this was rejected by several non-Arab tribes, the Rizeigat followed the government's call. They spearheaded Darfur's "counterinsurgency" and became known as Janjaweed. The same report also notes that smaller Baggara tribes' growing fear of the superior power of the Abbala and the prospect that they could be marginalized by them – above all by the particularly large Rizeigat tribe – is at the core of the intensification of the conflict in recent years. As Abbala access to traditional pastures in northern Darfur and markets in Egypt and Libya is becoming increasingly restricted by non-Arabic groups, many Rizeigat are looking towards the south. This has resulted in conflicts with local Baggara groups over access to grazing land. Another factor that has propelled Baggara fears of the Abbala and polarization between these two groups is the government's strategy of using Abbala as proxies. Many Rizeigat members of the Popular Defence Forces (PDF) have been linked to the Sudanese Armed Forces (SAF) and thus are much better equipped militarily. There are reports suggesting that the Rizeigat have also enjoyed government support in their incipient conflicts with the Baggara. (GIGA, 2013, pp. 4-5).

### *Beni Hussein*

A February 2013 article refers to the Beni Hussein as a being "largely cattle herders" (NYT, 1 February 2013).

Several sources mention the Beni Hussein as an Arab tribe (BZ, 11 May 2010, pp. 5-6; Böcker, 2009, p. 37; Jenkins, 11 May 2006; USF, undated) belonging to the Baggara group (BZ, 11 May 2010, p. 5; Jenkins, 11 May 2006). As noted by Böcker, the Beni Hussein live in central Darfur (Böcker, 2009, p. 37).

The January 2009 report of the Feinstein International Center of Tufts University (USA) notes that the Beni Hussein are an Arabic-speaking group and that subsections of the Beni Hussein practice "camel nomadism" (Feinstein International Center, January 2009, p. 30).

As reported by Radio Dabanga, hundreds were killed in violent clashes between Beni Hussein and Abbala tribesmen in 2013 over control of the Jebel 'Amer gold mine in El Sareif Beni Hussein locality in North Darfur. The fighting ended with a treaty signed after a reconciliation conference between tribal leaders in late July 2013. (Radio Dabanga, 29 October 2013)

### *Beni Halba*

Several sources list the Beni Halba (also: Beni Helba) among Darfur's Arab tribes (Böcker, 2009, p. 37; BZ, 11 May 2010, pp. 5-6; Flint/de Waal, 2008, p. 8; Jenkins, 11 May 2006; USF, undated) and refer to them as Baggara (Böcker, 2009, p. 37; Flint/de Waal, 2008, p. 8; BZ, 11 May 2010, pp. 5-6; Jenkins, 11 May 2006). As indicated by Böcker, the Beni Halba live in southern Darfur (Böcker, 2009, p. 37).

As reported by Radio Dabanga, several people were killed when the Beni Halba and Gimir tribes clashed over land ownership in February 2013 and resumed fighting in South Darfur in April 2013 (Radio Dabanga, 26 April 2013). The UN Office for the Coordination of Humanitarian Affairs (OCHA) notes fighting between the two tribes in March 2013 (OCHA, 5 January 2014, p. 2).

As reported by Radio Dabanga, the Beni Halba and Gimir tribes concluded a reconciliation agreement in Nyala (South Darfur) in March 2014 (Radio Dabanga, 18 March 2014).

### *Habbaniya*

The size of the Habbaniya (also: "Habbania", "Habania") is indicated by the Joshua Project as being 354,000 (Joshua Project, undated (b)). Several sources mention the Habbaniya as an Arab group (BZ, 11 May 2010, pp. 5-6; Böcker, 2009, p. 37; Flint/de Waal, 2008, p. 8; Jenkins, 11 May 2006; USF, undated) and as Baggara (BZ, 11 May 2010, pp. 5-6; Böcker, 2009, p. 37; Flint/de Waal, 2008, p. 8; Jenkins, 11 May 2006). According to Böcker, the Habbaniya are located in southern Darfur (Böcker, 2009, p. 37).

The International Crisis Group (ICG) states in its January 2014 report:

"Signs of a rift between Darfur Arabs and Khartoum increased after Abuja (2006). In June 2013, some 1,000 Habbaniya Arabs (South Darfur) were said to join SLA-MM." (ICG, 27 January 2014, p. 15, footnote 79)

### *Ta'aisha*

Several sources mention the Ta'aisha as an Arab Baggara tribe (BZ, 11 May 2010, pp. 5-6; Böcker, 2009, p. 37; Jenkins, 11 May 2006).

A February 2014 weekly update of the UN Office for the Coordination of Humanitarian Affairs (OCHA) mentions fighting between the Ta'aisha and Salamat tribes in 2013 (OCHA, 6 February 2014, p. 3).

As reported by the UN Office for the Coordination of Humanitarian Affairs (OCHA), September and October 2013 saw fighting between Salamat and Ta'isha in South Darfur (OCHA, 30 January 2014, p. 3).

Sources indicate that the Ta'aisha are allied with the Misseriya (Sudan Tribune, 21 February 2014; Radio Dabanga, 12 November 2013).

### *Misseriya*

Several sources mention the Misseriya (also: Messiria, Missiriya) as an Arab group (BZ, 11 May 2010, pp. 5-6; Böcker, 2009, p. 37; Jenkins, 11 May 2006; USF, undated).

While Jenkins and the Joshua project refer to the Misseriya as a Baggara group (Jenkins, 11 May 2006; Joshua Project, undated (c)), the Dutch Ministry of Foreign Affairs (BZ) states that they are a non-Baggara Arab tribe (BZ, 11 May 2010, pp. 5-6). The Joshua Project states that the size of the Misseriya is 574,000 (Joshua Project, undated (c)).

The United States Institute of Peace (USIP) notes in its 2012 report:

"The Missiriya Arabs are mostly present in Kordofan and Chad, with only small pockets in Darfur around Niteiga, north of Nyala. The area had been part of the magdumiya, but is now the center of an independent Missiriya nazirate. A number of small Arab groups claim a Missiriya connection, particularly in southern and western Darfur – the Ta'alba (Kas area), the Hotiya (Kas and Zalingei), the Sa'ada (Gardud, north of Nyala), the Nei'mat (Kas), and others. To these must be added the Missiriya Jebel of Jebel Mun, north of Geneina; they speak their own language (Milerinkiya) and are traditionally considered non-Arab, but some of their leaders have of late begun to stress a link with the Missiriya Arabs. Some Missiriya leaders claim that united, the Missiriya would be the most powerful Arab group in Darfur, more numerous even than the Rizeigat." (USIP, 2012, p. 24)

A December 2013 weekly humanitarian bulletin of the UN Office for the Coordination of Humanitarian Affairs (OCHA) on Sudan mentions a "[c]onflict between the Misseriya and Salamat tribes in Central Darfur from April to October 2013" which "displaced an estimated 15,000 people to Um Dukhun town and over 32,000 people into neighbouring Chad and Central African Republic" (OCHA, 29 December 2013, p. 3).

Sources indicate that the Misseriya are allied with the Ta'aisha (Sudan Tribune, 21 February 2014; Radio Dabanga, 12 November 2013).

## *Salamat*

A March 2014 Amnesty International (AI) report gives an overview of the Salamat tribe:

“The Salamat are a Baggara (cattle herder) Arab tribe found in Chad and in West, Central and South Darfur. For decades, the Salamat had been living under the administrative authority of the Ta’aisha, an Arab tribe located in South Darfur. In January 2012, President Omar Al Bashir issued a presidential decree creating two new states, Central and East Darfur in line with the power-sharing agreements set out in the Doha Document for Peace in Darfur (DDPD). Creating Central Darfur State was perceived as a move consolidating the administrative powers of the Salamat tribe. Leaders of the Salamat community told Amnesty International obtaining their own administrative unit strained their relations with the Ta’aisha. Local sources said that other Arab tribes living in the area, such as the Misseriya and the Ta’aisha, were unhappy with the decision and did not attend the ceremony and festivities to celebrate the newly gained administrative powers. These local sources believe that the root cause of the current conflict lies in the feud over traditional land rights that has long existed in Darfur.” (AI, 14 March 2014, p. 11)

Jenkins refers to the Salamat as a sub-group of Arab Baggara (Jenkins, 11 May 2006).

As reported by the UN Office for the Coordination of Humanitarian Affairs (OCHA), fighting between Salamat and Ta’isha in South Darfur took place in September and October 2013 (OCHA, 30 January 2014, p. 3). The same source reports on a conflict between Misseriya and Salamat in Central Darfur that lasted from April to October 2013 (OCHA, 29 December 2013, p. 3).

## *Maaliya*

An August 2013 article by Agence France-Presse (AFP) refers to the Maaliya (alternative spellings: Ma’aliya, Ma’aliyah, Ma’alia) as rivals of the Rizeigat tribe (AFP, 11 August 2013).

In October 2013, OCHA reports on “intertribal fighting between Rizeigat and Ma’aliya tribes in parts of Adila and Abu Karinka localities [of East Darfur] that started in August 2013” (OCHA, 31 October 2013, p. 2). An August 2013 Reuters report says that clashes between the two groups resulted in more than 100 deaths (Reuters, 11 August 2013).

The USIP states that in 2003, the central government granted an independent “nazir” (title of paramount tribal leader) to the Maaliya, who are referred to as “longtime rivals of the Rizeigat” and who until then had been under the Rizeigat nazir (USIP, 2012, p. 19).

OCHA notes “fighting between the Hamaar and Ma’alia tribes in North and East Darfur in March and April” 2014 (OCHA, 18 May 2014, p. 1).

## **6.2 Non-Arab ethnic groups**

The Netherlands Ministry of Foreign Affairs (BZ) identifies the main non-Arab tribes of Darfur as being the Fur (including Keira, Kunjara), the Zaghawa (including Tuer, Galla, Kabja and

Bedeyat), the Meidob, the Massaleit, the Dajo, the Berti, the Kanein, the Birgid, the Beigo, the Erenga, the Fellata (including Housa, Fulani and Um Bororo), the Fertit (including Kara, Binga), the Mima, the Bargo, the Barno, the Gimir, the Tama, the Mararit, the Fellata, the Jebel, the Sambat and the Tunjur (BZ, 11 May 2010, p. 5).

As indicated by anthropologist Maike Böcker, the majority of Darfur's inhabitants speak languages belonging to the Nilo-Saharan language family. The semi-nomadic Meidob of northeast Darfur speak a Nubian language while the Zaghawa and Bideyat of northwest Darfur (these two are also referred to as "Beri") speak a Saharan language. The Berti, who live in the areas east and northeast of El Fasher and the Taabo mountains, were originally speakers of a Saharan language which has by now been largely supplanted by Arabic. The Birged, who spoke a Nubian language before it was superseded by Arabic, inhabit the eastern areas of Jebel Marra. The language of the Fur, who live in the Jebel Marra area and the plains to its west and southwest, is classified as an independent branch of the Nilo-Saharan language family. Western Darfur is home to the Maba-speaking Masalit. The areas to their north are inhabited by the Tama, Qimr, Erenga, Mileri and Mararit who are part of the Tama language family. The Daju live south of the Jebel Marra (especially in the Nyala region) while their linguistic relatives, the Beigo, are located to the south-east of Nyala. South of the Masalit areas, there are several smaller ethnic groups including the Runga (Maba-speakers) and the Sinyar, Fongoro, Kara, Binga and Gula whose languages belong to the Central-Sudanic family. (Böcker, 2009, p. 38)

The undated online exhibition of the University of South Florida (USF) Libraries includes the following list of non-Arab tribes in Darfur:

"Tribes considered non-Arabs include the Fur, Masalit, Zaghawa, Bideyat, Tama, Mima, Berti, Bargo, Kanein, Birgid, Dajo, Tunjur, Berti, Kuraan, Erenga, Kanein, Barno, Mararit, Fellata, Jebel, Sambat, Hadahid, Gimir among others. The major tribes in Darfur are the Zaghawa, Fur and Masalit." (USF, undated)

The undated Embassy of the Republic of the Sudan in Washington, D.C. website mentions the Fur, Zaghawa and Massalit as being among Darfur's "prominent" African tribes:

"Among the prominent in the region's African tribes are the Fur, Zaghawa and Massalit clans. The Fur, after whom the region was named, is the largest of the three and 90% of its members do farming around Jebel Marra mountain in the center of the region and around the big towns. The majority of the two other tribes live on cattle-rearing." (Embassy of the Republic of the Sudan in Washington D.C., undated)

The Society for Threatened Peoples (STP), a German-based international NGO working in the field of minority rights, states that the Fur, Zaghawa and Masalit are among the "most significant" non-Arab groups in Darfur (STP, undated).

Minority Rights Group International (MRG) lists the "Fur, Zaghawa, Massalit and others in Darfur" under the heading "Peoples most under threat – highest rated countries 2012" (MRG, June 2012, p. 213).

The Enough Project states in a report published in August 2013:

“Until recently, the refugee population in Chad was predominantly from the Masalit, Fur, and other non-Arab tribes – traditional targets of the government-sponsored Janjaweed during the earlier phases of the conflict. As a result, it is sadly unsurprising to hear that a whole new wave of people has now been displaced from these communities. These non-Arab tribes have been targets for years. The Janjaweed, however, are also carrying out attacks against Arab groups who have fallen out of government favor. [...]

Enough interviewed dozens of Salamat, Fur, and Zaghawa refugees from Central Darfur whose villages were burned by government-supported Janjaweed militias, principally of the Misseriya tribe. The land in these areas is fertile and supplies a major grain market in the town of Um Dukhun near the Chadian border. [...] The Fur and Masalit communities – non-Arab groups that were the focus of previous ethnic-cleansing campaigns – have also been targeted. A refugee student from Central Darfur told us that, ‘The Misseriya said there were too many non-Arabs living there, and we had to leave.’” (Enough Project, August 2013, pp. 6-8)

The US Department of State (USDOS) notes with regard to Sudan in general:

“Northern Muslims traditionally dominate the government. Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and also between different Arab tribes. The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society.” (USDOS, 27 February 2014, section 6)

### *Masalit*

According to the Ethnologue, a web-based database on languages and dialects worldwide, there are 350,000 Masalit speakers in Sudan. Within Darfur, they are located in West Darfur (Geneina and Habila districts) and South Darfur (“scattered”). (Ethnologue, undated (a))

As indicated by Böcker, the Masalit live in western Darfur and are Maba speakers (Böcker, 2009, p. 38).

The United States Institute of Peace (USIP) writes that “[t]he Masalit are a farming people who live in the fertile lands of western Darfur, traditionally at the fringes of the Darfur sultanate” (USIP, 2012, p. 17).

The Joshua project states in its undated profile of the Masalit:

“The Masalit (and a group of the same people known as the Massalat) are a non-Arab ethnic group. These tribes live in the most remote areas of Sudan and Chad. The Masalit of Sudan are concentrated in the Dar Masalit (‘home of Masalit’) district of the northern Darfur Province. The Masalit of Chad live in the Adre District. Most of the Massalat and some Masalit live near the city of Gereida in southern Darfur, as well as in the Oum



Hadjer-Am Dam area of Chad. It is unclear whether the word Massalat is an Arabic form of 'Masalit,' or if the Massalat are actually an offshoot of the Dar Masalit people. It is certain, however, that the two groups are in close contact with each other and share similar customs and traditions. Both the Masalit and the Massalat speak Maba languages from the Nilo-Saharan language family." (Joshua Project, undated (d))

Cultural Survival, a US-based NGO working in the field of indigenous rights, provides an undated overview of the Masalit tribe:

"There are 145,000 Masalit scattered throughout Sudan, the majority of whom inhabit parts of Northern Sudan, Darfur, Dar Masalit, and the Nyala District. The Masalit language, also called Masalit, is part of the broader Nilo-Saharan group. As agriculturalists, the Masalit grow millet, sorghum, peanuts, okra, and some fruits. They also gather honey and tree gum, and raise cattle, sheep, and goats to supplement their diet. Historically the Masalit have been both self-sufficient and self-contained, yet due to drought and increased pressure on the land, their contact with other groups in the Darfur region has greatly increased. The majority of Masalit live in villages. Like other sedentary African farmers in Darfur, conflict with pastoral Arab groups over land and resources has been ongoing for generations. During the last few decades, severe drought, competition for scarce resources, easy access to firearms, and the lack of a democratic atmosphere in which such disagreements could be settled openly and fairly, have eroded the peace. Many Masalit whose lands were destroyed by the Janjaweed were former soldiers and policemen of the Sudanese government. Knowing that the government works in conjunction with the Arab militias, many of these men have quit their jobs and joined the SLA [Sudan Liberation Army] and the JEM [Justice and Equality Movement]." (Cultural Survival, undated)

T.M. Johnson and B.J. Grim write in their 2013 book "World's Religions in Figures":

"The Masalit people converted to Islam in the seventeenth century, but differ from the more traditional Shi'a and Sunni Muslims in that they retain most of the practices from their former African ethno-religion, save attendance at Friday prayers. These non-Arab people reside in Darfur Province, and have suffered great violence and persecution by other Muslims. There are as many as 145,000 ethnic Masalit in Sudan (pre-partition of Sudan and South Sudan) who exist as a homeless people, surviving in refugee camps. The rest of the Sudanese Masalit (about 60,000) fled to refugee camps in neighboring Chad during the 2003-6 civil war, when all the Masalit villages of Sudan were destroyed." (Johnson/Grim, May 2013, p. 218)

A January 2014 report of the International Crisis Group (ICG) states that Haydar Galukuma, the governor of West Darfur, is "[o]ne of the few coalition leaders from the Masalit" tribe, which the report refers to as "the main West Darfur tribe". The report quotes a Darfur Regional Authority (DRA) official as saying that among Darfur's governors, only Haydar Galukuma accepted the authority of the DRA. He is a member of the Liberation and Justice Movement (LJM) and "Sudan's only non-NCP [National Congress Party] governor". (ICG, 27 January 2014, p. 6)

## *Zaghawa*

As indicated by the Ethnologue, the number of Zaghawa speakers in Sudan is 75,000. They are located in North Darfur State and “scattered in Darfur and Kordofan”. The ethnic subgroups of Zaghawa are mentioned as being the Kobe, Dor, and Anka who have “slight dialect difference”. (Ethnologue, undated (b))

According to the BBC, the Zaghawa comprise one per cent of the country’s population (BBC News, 19 December 2013). The Thomson Reuters Foundation mentions that the Zaghawa account for “about 8 percent of Darfur’s population” (Thomson Reuters Foundation, 13 June 2013).

The January 2009 report of Tufts University’s Feinstein International Center refers to the Zaghawa as “a group speaking a Central Saharan language unrelated to any other in the Sudan” and “whose homeland lies to the northwest of Darfur, extending far into Chad and Libya” (Feinstein International Center, January 2009, p. 30).

The International Crisis Group (ICG) reports in January 2014:

“Since 2010, fighting has broken out between non-Arab tribes, with new, government-backed non-Arab militias targeting Zaghawa communities, the tribe most represented within the rebel groups in eastern Darfur.” (ICG, 27 January 2014, p. 1)

The Joshua Project puts the size of the overall Zaghawa population at 108,000 (Joshua Project, undated (e)).

An undated overview of the Zaghawa is provided by Cultural Survival:

“Scattered throughout Sudan, Chad, and Niger, the roughly 171,000 Zaghawa live primarily along the border between Sudan and Chad in the northern Darfur region. The Zaghawa, who also call themselves Beri, are a semi-nomadic ethnic group who rely on camel and cattle herding. [...] Competition for access to pasture and water often creates conflict either with settled farmers or among themselves. [...] In the 1600s, the majority of Zaghawa converted to Islam. This change greatly reduced the power of ruling chiefs and Zaghawa either completely abandoned their traditional religion or modified their religious practices to comply with Islam. Zaghawa villages in northern Darfur in 2003 were the main targets of aerial bombs. The Zaghawa fled to wadis, or tree-lined riverbeds, where they were able to access hand-dug wells. Air and ground attacks in the recent conflict have followed the Zaghawa to their wadis and have forced many to find refuge in Chad and other lands in Darfur.” (Cultural Survival, undated)

The 2011 “Sudan Handbook” of the Rift Valley Institute (RVI) states:

“Traditionally camel pastoralists, over the last two generations many Zaghawa have metamorphosed into transnational traders. [...] Zaghawa communities, also, have participated in, and suffered from, the effects of civil war. In recent years large numbers of Darfuris – including Zaghawa, Fur, Masalit and other ethnic groups – have been driven

from their villages and forced into displaced camps on the outskirts of towns, contributing to a wider drift towards urbanization." (RVI, 2011, p. 79)

A July 2012 report of the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) provides details on inter-communal conflicts between the Zaghawa and other non-Arab tribes in east Darfur:

"In the 1940s, Zaghawa migrants from northern Darfur began to settle in eastern Darfur. More joined them during the major droughts of the 1970s and 1980s, and the Zaghawa became one of the most important tribes of the area, with sufficient numbers to challenge prior settlers' dominance during elections. Upon its formation in 2003, the SLA recruited among the Zaghawa in particular, notably among those who had settled in eastern Darfur. The Zaghawa component of the SLA had started to fight in their homeland of Dar Zaghawa, which straddles the border with Chad. But confronted with a massive government-backed counterinsurgency campaign, including aerial bombings that even reached remote areas that were inaccessible to SAF's ground forces and proxy militias, the SLA sought to survive by relocating southwards to eastern Darfur, where it could rely on the support of significant Zaghawa communities. This move allowed the rebels to take control of most of eastern Darfur's rural areas in 2004, including important towns such as Muhajirya, Shangal Tobay, and Tabit (Tanner and Tubiana, 2007, p. 23). In this area the mainly non-Arab population, much of which had already been displaced by Arab 'janjaweed' attacks, initially welcomed the rebels' presence. But they were soon victims of violence committed by the rebels of the Zaghawa-dominated SLA-MM, including murders, arrests, and forcible taxation (Tanner and Tubiana, 2007, pp. 41 - 45). [...] The Zaghawa population was clearly given preferential treatment by the SLA-MM. Some Zaghawa native administrators, as well as other civilians, were given particular powers in exchange for their support to the rebellion (USIP, forthcoming). Such unequal treatment continued after Minni Arku Minawi joined the government in May 2006, and SLA-MM troops were left in charge of the areas they held in eastern Darfur, although some (in particular Muhajirya and Gereida in 2009) were gradually lost to rebels who remained outside the DPA. This discriminatory treatment created dormant resentment against the Zaghawa by non-Zaghawa communities across much of eastern Darfur. Non-Zaghawa traditional, political, and military leaders from eastern Darfur have repeatedly stated, particularly since the end of 2010, that there is no distinction between Zaghawa civilians and rebels (AI, 2012, p. 11; Africa Confidential, 2012, p. 10). [...] Since late 2010 this rhetoric has served as the primary political justification for the expulsion of the Zaghawa from the area." (HSBA, July 2012, pp. 17-19)

An article by the Thomson Reuters Foundation of June 2013 states:

"The most powerful active rebel groups are JEM and two Sudan Liberation Army factions, one led by Abdel Wahed Mohammed al-Nur (SLA-AW) and one led by Minni Arcua Minnawi (SLA-MM). [...] Originally, the SLA united supporters from the Fur, Zaghawa and Massaleit tribes but, after the 2006 accord, it split increasingly along tribal lines. [...] Minnawi is a Zaghawa, an ethnic group accounting for about 8 percent of Darfur's population. They took up arms less to oppose the government in Khartoum than to fight

the Janjaweed, their rivals in the lucrative camel trade in North Darfur, the Small Arms Survey says. Al-Nur is a Fur, which is the largest ethnic group in Darfur, comprising 30 percent of the population. JEM is mostly Zaghawa, but it also splintered into many factions." (Thomson Reuters Foundation, 13 June 2013)

Amnesty International (AI) states in a report of March 2013:

"SAF and the Popular Defense Forces (PDF) have carried out ethnically targeted attacks and reprisals. From December 2010 throughout the first half of 2011, displaced ethnic Zaghawas who had found refuge near the Team Site of the Hybrid UN – African Union peacekeeping mission in Shangel Tobaya were subjected to attacks (including killings and sexual violence) by SAF and PDF, apparently in retaliation for renewed attacks on SAF and PDF by the Sudan Liberation Army–Minni Minawi (SLA-MM), an armed opposition group whose membership is largely Zaghawa. [...] More recently, following renewed clashes between government forces and SLA-MM, PDF forces on 2 November 2012 reportedly conducted a retaliatory attack against the town of Sigilli, killing 10 civilians. In December 2012, after clashes between SAF and SLA-Abdelwahid al-Nour (SLA-AW), SAF were seen returning to the SAF-controlled town of Zalingei on 16 February carrying household furniture allegedly looted from people's home in the towns of Golo and Juldo which had been recently re taken from SLA-AW." (AI, 28 March 2013b, pp. 5-6)

### *Fur*

The Ethnologue indicates the number of Fur speakers in Sudan as 500,000, with reference to a 1983 source. They are located in "North, West, and South Darfur states" as well as in "some villages in east Sudan" (Ethnologue, undated (c)).

According to the BBC, the Fur comprise two per cent of the country's population (BBC News, 19 December 2013).

Cultural Survival provides the following undated overview of the Fur:

"With a population of approximately 744,000, the Fur are the largest ethnic group in Darfur (darfur means 'land of the Fur'). Also called Fora, Fordunga, Furawi, Konjara, or Kungara, the Fur speak a Nilo-Saharan language that is used with Sudanese Arabic, which is mostly spoken for trade and commerce. Fur practice their traditional rituals along with Islam. Fur villages are typically composed of four or five households. Most are farmers who cultivate food both for their families and to sell at market. [...] Political power is determined by hereditary position. The village sheik (religious leader) serves for life and is typically elected by the villagers to serve with higher government-appointed officials. In the current conflict, an estimated 2,500 Fur have lost their lives and 400 villages have been burned, causing tens of thousands to flee their land in search for safety." (Cultural Survival, undated)

An overview of the Fur is also included in the "Sudan Handbook" published by the Rift Valley Institute (RVI) in 2011:

"In the heart of Darfur, before the colonial era, the forebears of the non-Arab Fur established the Darfur sultanate on the fertile slopes of the Jebel Marra massif, and ruled there, from the seventeenth to the twentieth century (with an interruption during the Mahdiyya), over an ethnically heterogeneous population that included both nomadic Arab groups and non-Arab farming communities. Today, though, Fur territory and other parts of the Darfur region are in increasingly disputed political space. Due to a significant extent to the government's use of militias drawn from Arab nomadic groups and the ethnic divide-and-rule strategy of which this is a part, tribal identities in Darfur have become militarized; and rights to land brutally contested." (Rift Valley Institute, 2011, pp. 78-79)

### 6.3 Conflicts between tribes since 2012

This section should be read in conjunction with [section 1.4.1](#) of this compilation. Information on inter-tribal fighting is also contained in [section 3](#).

As summarized by the US Department of State (USDOS), "[i]nterethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and also between different Arab tribes" (USDOS, 27 February 2014, section 6).

A November 2012 article by the academics Daniel Rothbart, Johan Brosché and Adeb Yousif provides the following historical overview:

"Violence over access to essential resources has plagued Darfur for a long time. [...] Political action by the Sudanese government intensified the struggles over limited natural resources in both scale and scope. Khartoum openly supported certain Arab communities at the expense of Africans, and when violence erupted, the central government deployed Arab militia groups as proxies for their campaign against certain ethnic-affiliated communities (de Waal 2007 b). In response to the assaults on African communities by Arab militia movements, SLM/A and JEM were formed to protect African communities, most notably the Fur, Massalit, and Zaghawa." (Rothbart/Brosché/Yousif, November 2012)

An April 2014 report by Oxfam, a UK-based international development organisation, states with regard to conflicts between Arab and non-Arab groups:

"[T]here has been a growing struggle over local power tied to tribal autonomy claims, which are often associated with land. This has triggered and intensified ethnic and tribal tensions. Grievances related to land have taken on an ethnic dimension through political leaders' appeals that emphasise tribal affiliations, particularly Fur versus Arab, Fur versus Zaghawa, or Zaghawa versus Arab. It is important to note that there are no readily visible racial or religious differences among the people of Darfur, who are all Black, African, and Muslim. But as political leaders have used rhetoric with a strong emphasis on identity, localized conflicts have easily scaled up into ethnic and tribal polarization." (Oxfam, 22 April 2014, p. 13)

As reported by the Netherlands Ministry of Foreign Affairs (BZ), the year 2013 particularly saw a significant increase in tribal conflicts. In North Darfur, armed conflicts between the Rizeigat and Beni Hussein tribes occurred in early 2013 over the exploitation of gold mines. In

Central Darfur, fighting took place between the Misseriya, Ta'aisha and Salamat tribes while South Darfur experienced clashes over land between the Gimir and Beni Halba tribes. These tribal conflicts have left many hundreds of people killed and hundreds of thousands displaced. In many cases, a tribal conflict began over land use but escalated when tribal militias allied to the government or rebels became involved. Inter-tribal violence primarily occurred between Arab tribes. (BZ, 16 October 2013, p. 18)

As reported by the German Institute of Global Area Studies (GIGA), violence between non-Arab groups has particularly increased since 2010. As with intra-Arab conflicts, smaller groups' fears of domination and marginalization play a central role in these conflicts. Since the 1940s, a growing number of Zaghawa settled along the border between the former states of North and South Darfur. When the civil war erupted in 2003, this area became a central operational base for the Zaghawa-dominated Sudan Liberation Movement (SLM). Violence perpetrated against the local civilian population led to tensions with the smaller local groups. Fears of further attacks by the militarily strong Zaghawa prompted the creation of local militias. The violence escalated in 2010 when Minni Minawi, leader of an SLM faction and a signatory of the Treaty of Abuja, announced the resumption of armed struggle against the government. He moved his troops further to the south. Smaller incidents during this retreat reactivated the conflicts between the SLM and the local population, resulting in a violent spiral of attacks by local militias on the now unprotected Zaghawa population and counter-attacks by the SLM. Much like the previous conflicts between Baggara and Abbala, many hostilities between Zaghawa and smaller groups like Tunjur, Berti or Bergid originated in conflicting claims to land rights and water. Finally, the military tactics employed by the government also played an important role in these conflicts. When many of the Arab groups – particularly the Abbala who had previously formed the backbone of the paramilitary Popular Defence Forces (PDF) in Darfur – turned their backs on the government after the 2006 Abuja and 2011 Doha agreements, the government increasingly enlisted non-Arab militia groups into their campaigns. The government one-sidedly equipped individual groups involved in conflict situations. How much support the militias receive from the government (e.g. training, ammunition, weapons) depends on the degree of their incorporation into the formal PDF system. Militias have leveraged such advantages in their local confrontations with rival groups in order to enforce their claims to land and other resources. For example, local Zaghawa have reported on numerous occasions that they were attacked by PDF units largely composed of smaller non-Arab groups. (GIGA, 2013, pp. 5-6)

The Human Security Baseline Assessment for Sudan and South Sudan (HSBA) states in a July 2012 report:

“The first wave of major fighting, from 2003 to 2005, was dominated by attacks against non-Arab groups accused of supporting the rebellion. [...] In contrast, the ‘new’ war in eastern Darfur, which erupted in late 2010 and early 2011, has pitted non-Arab groups against other non-Arabs; specifically, government-backed militias drawn from small, previously marginalized non-Arab groups – including the Bergid, Berti, and Tunjur – deployed against Zaghawa rebel groups and communities.” (HSBA, July 2012, pp. 7-9)

The same source goes on to report in detail on inter-communal conflict between the Zaghawa and other non-Arab tribes in eastern Darfur:

"A third phase has emerged as Arab groups have become more reluctant to fight on behalf of the government, notably due to the violence they themselves suffered in 2008-10. As a result, the government has shifted to forming and backing non-Arab militias for its counter-insurgency strategy. This approach, which exploits the existing grievances of eastern Darfur's non-Arab tribes (such as the Bergid, Berti, Mima, and Tunjur) against the Zaghawa – who are systematically labelled 'rebels' by local and national authorities – created unsustainable tensions and finally ignited an extended cycle of violence that began in late 2010." (HSBA, July 2012, p. 13)

"The third phase of Darfur's conflict pits the Zaghawa against most of the other small, non-Arab ethnic groups of eastern Darfur. The latter have feared that the Zaghawa would use their predominance in the main rebel movements to occupy land in other tribes' areas. [...] In contrast to inter-Arab conflicts, but much like clashes between Arabs and non-Arabs in 2003–05, the tensions among non-Arab groups today are directly connected to the government practice of forming proxy militias." (HSBA, July 2012, p. 16)

For information on inter-communal conflicts between the Zaghawa and other non-Arab tribes, please see [section 6.2](#) of this compilation.

A March 2014 report of Amnesty International (AI) provides an overview of different inter-tribal hostilities that occurred in Darfur during 2013, which have included those between "the Rizeigat and the Beni Hussein over goldmines discovered in January 2013 in Jebel Amer, North Darfur; the Rizeigat and the Ma'aliya in East Darfur; the Beni Halba and Gimir in South Darfur; and the Salamat against the Misseriya and the Ta'aisha in Um Dukhun locality, Central Darfur" (AI, 14 March 2014, p. 10).

The International Crisis Group (ICG) states in its January 2014 report:

"Intra-Arab conflicts include: the Salamat against the Misseriya and the Ta'aisha in Um Dukhun area, at Chad and Central African Republic (CAR) borders; the abbala Rizeigat and the Beni Husein over the Jebel Amir goldmine in North Darfur; and the baggara (cattle-herding) Rizeigat and the Ma'aliya in East Darfur. A similar conflict erupted between the Beni Halba Arabs and the non-Arab Gimir in Katila, South Darfur. Except for the clashes in Jebel Amir (over gold mines), all conflicts pre-existed the war – the Rizeigat-Ma'aliya feud dates to colonial times – and are about traditional land rights, chieftaincies and administrative units. They pit those with traditional land rights against those seen as newcomers, who are tributaries of landowners. Since the 1980s, the latter have been increasingly seeking their own land rights and chieftaincies. Communities with paramount chiefs and associated land rights often received their own ethnic administrative units from the government." (ICG, 27 January 2014, p. 14, footnote 75)

The Famine Early Warning Systems Network (FEWS Net), a US-based provider of analysis on food security, reports in its October 2013 food security outlook:

"Tribal clashes and banditry in Central Darfur have continued to cause displacements, disrupt trade and humanitarian assistance flows, and significantly reduce area planted. Despite a reconciliation accord between the Messeriya and Salamat tribes in the second week of September [2013], fighting between the two tribes continued through September [2013] in Central Darfur state. Recent fighting between the two tribes in Muraya and Sowarwaga villages (near Um Dokhon town) resulted in dozens of deaths, looting of cattle and other assets, and burning of villages. An estimated 20,000 – 30,000 people from both tribes have been displaced to Um Dokhon town, and 35,000 people crossed the border into Chad. In late October, deadly fighting between the two tribes was reported in Mukjar locality of Central Darfur state. In East Darfur, tribal fighting continued between the Ma'aliya and Rezeighat, and fighting between Sudanese Arm Forces (SAF) and Darfur armed groups." (FEWS Net, 31 October 2013)

The March 2014 Amnesty International (AI) report includes the following coverage of the inter-communal conflict between the Salamat and the Misseriya/Ta'aisha in Central and South Darfur that began in April 2013:

"Fighting between the Misseriya and the Salamat was triggered around 3 April 2013 reportedly after an attempted robbery by Misseriya men against a Salamat man, and continued intermittently over a period of seven months, despite several reconciliation attempts brokered by the authorities. Throughout the duration of the conflict, members of the Misseriya and Ta'aisha tribes on one hand, and the Salamat tribe on the other, launched attacks against each other, including in civilian areas, leading to civilians being killed, injured or displaced and villages being looted and burned. Many civilians from other tribes, including Masalit and Fur, were affected by the fighting. The fighting took place in three different localities of Central Darfur; Um Dukhun, Bindisi and Wadi Salih, as well as in Rehad El Berdi in South Darfur. Over 500 people were killed, at least 100 of them unarmed civilians, and thousands of houses were looted and burned. Some civilians were subjected to torture and assaults, including sexual assault. More than 50,000 people were displaced as a result of the conflict. Amnesty International spoke with civilians from over seven different towns and villages who had fled attacks. Most of them belonged to the Salamat and the Masalit tribes, but Amnesty International also spoke with individuals belonging to the Dajo, Barti, and Fur tribes. Everyone the organisation spoke with described similar patterns of attack from both sides, and most identified the attackers as belonging to the Salamat tribe on one hand, or to the Misseriya and Ta'aisha tribes on the other. Eyewitnesses told Amnesty International that some of the attackers were wearing uniforms of the Popular Defence Forces (PDF), Central Reserve Police (CRP), Border Guards (BG) or as Janjaweed militias." (AI, 14 March 2014, pp. 11-12)



## 7 Civil and political rights

Article 39 of the Interim National Constitution of the Republic of the Sudan of 2005 contains the following provisions with regard to freedom of expression and the media:

"(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.

(2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.

(3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war." (Interim National Constitution of the Republic of the Sudan, 2005, Article 39)

Article 5 of the Press and Publications Act of 2009 defines the "Political Principles of the Freedom of the Press and Journalists":

"(1) The Journalism shall – freely and independently – be practiced without prejudice to the constitution and law while maintaining the public good, individual rights and privacies and without infringement upon public morals.

(2) No restrictions may be applied to the freedom of journalistic publishing save as maintained in this Act with regards to national security protection, public order and health; newspapers shall not be confiscated or shutdown nor shall journalists and publishers be imprisoned on issues pertaining to their practice save under the provisions of this Act." (Press and Publications Act, 2009, Article 5)

Amnesty International (AI), in an older submission to the UN Universal Periodic Review dated November 2010, mentions the following provisions contained in the 2009 Press and Publications Act:

"The 2009 Press and Publications Act maintains the National Press Council (NPC) with broad regulatory powers over newspapers and journalists in Sudan. In a number of cases, the NPC has interrogated opposition journalists when their writing has been critical of the government or the NISS. The Act also provides for special courts for the press authorized to impose unlimited fines. The NPC can also suspend newspapers indefinitely, ban print houses, suspend editors, journalists and publishers and cancel their registration." (AI, November 2010, p. 1)

An overview of legal provisions (including those contained in the Press and Publication Act of 2009) and government agencies relevant to the activities of media workers in Sudan is provided in the Freedom House annual report on press freedom (covering events of 2012) published in May 2013:

"Freedom of the press and expression are nominally protected under Article 39 of the 2005 Interim National Constitution – adopted as part of the 2005 Comprehensive Peace Agreement (CPA) between the Khartoum government and the then insurgent Sudan

People's Liberation Movement (SPLM) – though a permanent constitution is currently being drafted following the independence of South Sudan in 2011. While the CPA created somewhat greater space for journalists to report more freely and initially reduced the common practice of censoring newspapers prior to publication, the legal environment for media has remained largely unfavorable. In 2009, the government replaced the highly restrictive 2004 Press and Printed Press Materials Law with a revised version, which media freedom organizations criticized as falling far short of international standards. The 2009 law allows for restrictions on the press in the interests of national security and public order, contains loosely defined provisions related to bans on the encouragement of ethnic and religious disturbances and the incitement of violence, and holds editors in chief criminally liable for all content published in their newspapers. The law also gives the National Council for Press and Publications (NCPP) the authority to shut down newspapers for three days without a court order. Several other laws are also regularly used against the press, including elements of the 1991 penal code, the 2010 National Security Forces Act, and the emergency law applied in the western region of Darfur.

Defamation is a criminal offense under the penal code, and there is no freedom of information law, making access to public information difficult. The Ministry of Information manages broadcast licensing in a highly politicized manner, allowing progovernment stations to acquire licenses more easily than independent outlets. The NCPP, a large proportion of whose members are appointed by the president, regulates the journalism profession and entry into the field. Journalists are required to pass a test prior to receiving accreditation and a license." (Freedom House, 1 May 2013)

A February 2014 article of Radio Dabanga refers to a draft new press law, which the chairman of the Sudanese Organisation for the Defence of Rights and Freedoms describes as containing "some catastrophic features, including many penalties" (Radio Dabanga, 26 February 2014). The UK Foreign and Commonwealth (FCO) notes in April 2014 that "[t]here are [...] ongoing concerns about the revised draft press law, which has been heavily criticised both by press and civil society" and that "[t]he previous draft was rejected by parliament" (FCO, 10 April 2014). Among the sources consulted within time constraints, no further information on this draft law or its status could be found.

The criminal offense of "defamation" is defined in Article 159 of the Criminal Act of 1991:

"(1) There shall be deemed to commit the offence of defamation, whoever publishes, or narrates, or otherwise communicates, to another, by any means, facts imputed to a specific person, or evaluation of his conduct, intending thereby to injure his reputation.

(2) A person shall not be deemed to intend to injure the reputation of another in any of the following cases:

(a) where he made it in the course of judicial proceedings to the extent required by the same, or a publication of such proceedings;

(b) where he, or another person has a lawful complaint, or interest to be expressed, or protected respectively, which cannot be achieved, without the imputation of such facts or evaluation of the particular conduct;

(c) where it is made about a person elected for a public office, or assumes the same, with intent to evaluate his capacity, or his performance, to the extent that such evaluation is necessary;

(d) where it is made about a person in the course of an advice for the interest of another person intending to deal with, him, or for the public interest;

(e) where the facts are imputed in good-faith to a person, who is reputed of and in the habit of doing them, or who publicly does what is imputed to him;

(f) where it is made in the course of evaluation of a person, who has placed himself, or his work for judgment, by the public opinion, and such evaluation is to the extent necessary for such judgment.

(3) Whoever commits the offence of defamation shall be punished with imprisonment for a term not exceeding six months or with fine or with both." (Criminal Act, 1991, Article 159)

In its annual report on digital media and Internet freedom, Freedom House refers to the Informatic Offences (Combating) Act of 2007 (also known as the IT Crime Act) and briefly reports on provisions contained therein and their implementation:

"In 2007, Sudan enacted the Informatic Offences (Combating) Act (known as the IT Crime Act), which does not guarantee free speech and criminalizes the establishment of websites that criticize the government, in addition to websites that publish defamatory material and content that disturbs public morality or public order. Violations of the IT Crime Act involve fines and prison sentences between two to five years. While only one case of defamation has been filed under the IT Crime Act since its enactment in 2007, the Act inherently contradicts Sudan's constitutional protection of freedom of expression and fundamentally undermines internet freedom in the country." (Freedom House, 3 October 2013, Violations of User Rights)

The US Department of State (USDOS) annual report of February 2014 (covering 2013) notes that "[t]he interim national constitution provides for freedom of thought, expression, and of the press 'as regulated by law'", adding, however, that "the government restricted these rights" (USDOS, 27 February 2014, section 2a).

Human Rights Watch (HRW) mentions that in July 2013, the Sudanese parliament "passed amendments to the Sudan Armed Forces Act of 2007 that subject civilians to the jurisdiction of military courts for a range of broadly defined offences such as undermining the constitutional system, leaking classified information, and the publication of 'false news'" (HRW, 21 January 2014).

The Doha Document for Peace in Darfur (DDPD) of 2011 states in its paragraph 7 (part of Article 1 entitled "Promotion and Protection of Human Rights and Fundamental Freedoms"):

"7. The GoS [Government of Sudan] shall take the necessary legal and administrative measures to ensure freedom of opinion, freedom of conscience and religion, freedom of expression, freedom to peaceful assembly and association, and the equal right to form and register political parties, the equal right to vote and the right to participate in public affairs, the right to form and participate in civil society organisations, private sector bodies and trade unions. The GoS shall guarantee the freedom of the press and other media in accordance with international human rights standards as enshrined in the International Covenant on Civil and Political Rights, Universal Declaration of Human Rights and African Charter on Human and Peoples' Rights." (DDPD, 2011, Article 1, paragraph 7)

In paragraph 8 (also part of Article 1), the DDPD stipulates that "[a]ll Parties shall refrain from threatening citizens for their opinion or preventing them from exercising their equal right to freedom of expression, association and movement and peaceful assembly in Darfur" (DDPD, 2011, Article 1, paragraph 8).

Article 40 of the Interim National Constitution of the Republic of the Sudan of 2005 provides for freedom of peaceful assembly and association and sets conditions for an association to "function as a political party at national, Southern Sudan or state level":

"(1) The right to peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his/her interests.

(2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.

(3) No association shall function as a political party at national, Southern Sudan or state level unless it has:

(a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,

(b) a programme that does not contradict the provisions of this Constitution,

(c) democratically elected leadership and institutions,

(d) disclosed and transparent sources of funding." (Interim National Constitution of the Republic of the Sudan, 2005, Article 40)

The USDOS annual report on human rights in 2013 notes that "[a]lthough the interim national constitution and law provide for freedom of assembly, the government severely restricted this right". The same report points out that "[t]he criminal code considers gatherings of more than five persons without a permit to be illegal" and that "[o]rganizers must notify the government 36 hours prior to assemblies and rallies". (USDOS, 27 February 2014, section 2b)

A Radio Dabanga article refers to a presidential decree issued on 15 April 2014 that provides for the prohibition of meetings of political parties within their party premises without prior permission from the authorities, and whose implementation “is delegated to the security organs of the state, including the state governor, and the police”:

“Political parties are not allowed to organise meetings in their own venues and houses, without approval of the authorities. For public meetings and rallies they have to ask permission 48 hours prior to the event. This is part of a decree No. 158 issued by President Omar Al Bashir, that is effective from Monday evening. Lawyers have been puzzled with the decree that contradicts Al Bashir’s statement of last week announcing that he would grant all political parties complete freedom of gathering, in order to allow for a national dialogue. [...]

Contrary to other media reports, the presidential decree states, according to the official government press agency SUNA: ‘The political parties do not have the right to hold public meetings, rallies, and seminars within their headquarters without obtaining the prior approval of the competent authority’. The decree adds that parties do not have the right to criticize political leaders of the country nor are they allowed to speak out in favour of any of the rebel movements. The authorities have the right to withhold their approval if they assume the political meeting will inflame conflict or stirring up sedition. The decree reinstates the Political Parties Act of 2007, Article 14. Posters are only allowed if they are not ‘affecting the unity of the Sudanese people.’ (Radio Dabanga, 15 April 2014)

The full text of the Political Parties Act of 2007, referred to in the above quotation, is available via the following link:

- Political Parties Act, 2007 (available on the website of Max Planck Institute for Comparative Public Law and International Law, MPIL)  
[http://www.mpil.de/files/pdf1/political\\_parties\\_act\\_2007.pdf](http://www.mpil.de/files/pdf1/political_parties_act_2007.pdf)

The USDOS human rights annual report of February 2014 states that “[t]he interim national constitution and law provide for freedom of association”, adding, however, that “the government severely restricted this right”. As further observed by the USDOS, “[t]he law effectively prohibits political parties linked to armed opposition groups”. (USDOS, 27 February 2014, section 2b)

With respect to freedom of association and the right to collective bargaining, the same source provides the following:

“The law provides for the right of association for economic and trade union purposes. The 2010 Trade Union Act established a single national trade union federation, although it excludes police, military personnel, prison employees, legal advisers in the Justice Ministry, and judges from membership. The law allows workers to join independent international unions, but in some cases their membership was not officially recognized. The Sudan Workers’ Trade Union Federation (SWTUF), a government-controlled federation of unions that consists of 17 state unions and 22 industry unions, is the only legal union; all other unions were banned. The law requires all unions to be under the SWTUF. 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. A government-appointed and -controlled tripartite committee of representatives drawn from the government, employers, and SWTUF sets salaries and wages for workers.

The constitution grants unions the right to strike. Some unions have bylaws that self-restrict their right to strike. The Trade Union Act of 2010 does not specifically prohibit strikes in nonessential sectors, but the law does require all strikes to receive prior approval from the government after satisfying a set of legal requirements. Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Disputes may be referred to arbitration if indicated in the work contract.

The law does not prohibit antiunion discrimination by employers. Labor laws apply to migrant workers with legal contracts and protect all citizens, regardless of regional or tribal identity.

The government did not effectively enforce applicable laws. There are courts that adjudicate labor complaints; however, bureaucratic steps mandated by law to resolve disputes within companies may be lengthy. In addition court sessions may involve significant delays and costs when labor grievances are appealed.

Freedom of association and the right to collective bargaining were not respected. There were credible reports the government routinely intervened to manipulate professional, trade union, and student union elections. The International Trade Union Confederation (ITUC) raised concerns over the following issues: trade union monopoly controlled by the government, denial of trade union rights in the export processing zones, and nearly nonexistent collective bargaining. [...]

The government restricted the right to strike. Police could break up any strike conducted without prior government approval." (USDOS, 27 February 2014, section 7a)

## **7.1 Freedom of expression, association and assembly**

### *7.1.1 Political opposition parties and activists*

Among the sources consulted by ACCORD within time constraints, little information could be found on the situation of political opposition parties and activists in Darfur. This section therefore also includes general information on the situation of political opposition parties and activists in Sudan:

The US Department of State (USDOS) human rights annual report of February 2014 (covering 2013) gives the following brief overview of Sudan's political party landscape:

"There were 52 registered political parties. The Umma Party and Democratic Unionist Party had not registered with the government. The Communist Party formally registered

during the year. The government continued to harass some opposition leaders who spoke with representatives of foreign organizations or embassies. While the NCP [National Congress Party] dominates the political institutions, opposition parties have created an unofficial umbrella organization called the National Consensus Forces (NCF). Despite the NCF's efforts to create a comprehensive political platform and the presence of some opposition members in the National Assembly and other positions, the opposition (forces) remained unorganized and largely unable to affect government policy." (USDOS, 27 February 2014, section 3)

The same report notes that the authorities placed restrictions upon political party activity and in 2011 banned 17 political parties affiliated with South Sudan, including the Sudanese People's Liberation Movement-North (SPLM-N):

"Authorities monitored and impeded political party meetings and activities, restricted political party demonstrations, used excessive force to break them up, and arrested opposition party members. In 2011 the SPLM/N [Sudanese People's Liberation Movement-North] leadership called for the overthrow of the government, and the SPLM/N was outlawed as a political party. Following the suppression of the SPLM/N, the government banned 16 other political parties; South Sudan-affiliated groups did not contest the ban." (USDOS, 27 February 2014, section 3)

The Freedom House report *Freedom in the World 2014* (covering 2013) also mentions the ban of SPLM-N activities and refers to several instances where opposition party members were targeted by the authorities:

"The NCP's dominance of the political system in Sudan was reinforced by the independence of South Sudan, which signaled the end of a power-sharing government with the SPLM and the withdrawal of the South's representatives from parliament. The Khartoum government also launched a crackdown on other political parties. The SPLM-North (SPLM-N), an offshoot of the southern liberation movement, was banned from operating in 2011, following the outbreak of fighting in Blue Nile. Senior members of opposition parties, including the Popular Congress Party, Umma, and the Sudanese Communist Party (SCP), were detained for short periods without charge during student-led protests in June 2012. This pattern was repeated when protests broke out once more in September 2013. Amnesty International catalogued the arrest of at least 17 members of the SCP and noted reports of the arrest of 15 members of the Sudanese Congress Party. Additionally, several opposition leaders associated with the New Dawn Charter had been arrested in January and held until April, when al-Bashir announced that all political prisoners would be released." (Freedom House, 23 January 2014)

Human Rights Watch (HRW) similarly states with reference to developments in 2013 that "Sudanese security forces continued to arrest and detain activists, opposition party members, and people suspected of links to rebel groups" (HRW, 21 January 2014).

The above-cited USDOS report of February 2014 comprises the following observations with regard to political prisoners and detainees in Sudan:

"The government held hundreds of political prisoners and detainees, including political protesters, but does not allow independent monitoring of prisons and detention facilities. Due to a lack of access, the government, political opposition, and international and domestic NGOs put forth different assertions on the number of political prisoners. The government severely restricted international humanitarian organizations' access to political detainees. The government allowed UNAMID extremely limited access to Darfuri political detainees in Khartoum and Darfur.

Some political detainees were held in isolated cells in regular prisons, and many were held without access to family or medical treatment. Human rights organizations asserted the NISS [National Intelligence and Security Services] ran 'ghost houses,' where it detained opposition and human rights figures without acknowledging they were being held. Security forces detained political opponents incommunicado, without charge, and tortured them. Such detentions were prolonged at times.

On April 1 [2013], President Bashir announced all political prisoners would be released. Authorities released 24 persons after the announcement, but reports indicated at least 100 more remained in detention due to their presumed political affiliations.

The government continued to arrest members of the Popular Congress Party, the National Umma Party, SPLM/N, and other opposition groups. In September authorities arrested senior members of the Sudanese Congress Party, including the chair, secretary-general, and the political secretary. Sudanese authorities released all senior members of the Sudanese Congress Party in October. Security officials searched and closed the Sudanese Congress Party's offices in early October following the party's support for protests in September and October." (USDOS, 27 February 2014, section 1e)

The same report further notes the following restrictions on freedom of assembly, including denial of permits for organisations associated with opposition political parties to hold public gatherings:

"The government continued to deny permission to Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), to hold large gatherings in public spaces, but parties regularly held opposition rallies on private property. Government security agents occasionally attended opposition meetings, disrupted opposition rallies, or summoned participants to security headquarters for questioning after meetings. Government security forces prevented the National Consensus Forces from holding a meeting at a private residence in Omdurman in September.

During the September-October protests, the government denied the public the right to assemble, and police forces dispersed crowds with live ammunition and tear gas. The government also denied public meeting permits to civil society organizations associated with political parties." (USDOS, 27 February 2014, section 2b)



Reuters news agency reports in May 2014 that the leader of the opposition Umma Party has been arrested in Khartoum days after the public prosecutor accused him of blaming the security forces for a rise of violence in the Darfur region:

“Sudanese opposition leader Sadiq al-Mahdi was arrested on Saturday on charges that could lead to the death penalty, a government official said, a move that could hurt efforts to ease political tensions before elections due next year. Al-Mahdi, a former prime minister in Sudan’s last elected civilian government, is the head of the Umma Party, the most prominent party opposing President Omar Hassan al-Bashir, who ousted him in 1989. The public prosecutor had in the past days already opened an investigation into accusations that he insulted state security forces over a surge in violence in the troubled Darfur region. ‘I spoke to my grandfather’s lawyer and he said charges of halting the constitutional system and inciting hatred against the state were added and their penalties range from life in prison to death,’ al-Mahdi’s granddaughter Mariam told Reuters.” (Reuters, 17 May 2014)

Agence France-Presse (AFP) news agency reports in an article of March 2014 that police in North Khartoum cracked down on a demonstration by opposition party members demanding “freedom and justice” in the country:

“Sudanese police tear-gassed a demonstration by members of the political opposition on Saturday night, an AFP reporter observed, despite the government’s call for national dialogue. About 200 representatives of opposition parties, including the small Communist and Sudanese Congress Parties, took to the streets in North Khartoum shouting for ‘freedom and justice’, the reporter witnessed. Police used tear gas and batons against the crowd, which scattered with some demonstrators hurling stones back at the police. The opposition members demonstrated after meeting at Sudanese Congress Party headquarters to discuss the situation in the country ravaged by armed insurrection, poverty and political turmoil. The group had to meet inside the party office after police shut down an outdoor gathering they tried to hold earlier Saturday.” (AFP, 15 March 2014)

An April 2014 article by Radio Dabanga quotes an announcement by the Arab Socialist Ba’ath Party saying that two of its members were arrested in Khartoum on 29 April 2014 after they publicly called “for a stoppage of the wars” in Sudan and expressed “the opposition’s refusal of the format of national dialogue as proposed by the Sudanese ruling party”. The article also refers to the release from a police station of two other Ba’ath Party members one day earlier and the arrest of four party leaders in Omdurman on 27 April 2014. As reported in the article, the Ba’ath Party launched “a public campaign against the armed conflicts in the country” and demanding “the abolition of restrictive laws, and the government’s full approval of a transitional period during which the national dialogue can take place”. (Radio Dabanga, 30 April 2014b)

The HRW annual report of January 2014 (covering events of 2013) states with regard to protests that erupted in September 2013 (and that were already briefly mentioned in quotes above by Freedom House and the USDOS):

"In September, protests, some of them violent, swept the country in response to hikes in the price of fuel and other basic commodities. Sudanese forces responded to the protests with live ammunition, and are implicated in the killing of more than 175 protesters. Security officials detained hundreds of protesters and opposition members and activists, many for weeks without charge, and stifled media coverage of the protests." (HRW, 21 January 2014)

A September 2013 HRW press release reporting on the protests notes:

"The recent wave of protests started in Wad Madani on September 23, 2013, the day after President Omar al-Bashir announced an end to fuel and other subsidies, and spread to Khartoum, Omdurman, Port Sudan, El Obeid, and other towns. The resulting price hikes are the latest in a series of measures that have negatively affected living conditions across the country. [...] In anticipation of and in response to the economic protests across Sudan, national security officers arrested a large number of political opposition party members and activists, some as early as September 18. Sources in Khartoum reported to Human Rights Watch that 21 opposition party members, including elderly men and women, remain in NISS custody." (HRW, 27 September 2013)

A press release issued by Amnesty International (AI) in early October 2013 notes that according to reports, at least 800 persons have been arrested in connection with anti-government protests that began on 23 September 2013. Among the arrested were members of the Sudanese Communist Party and other opposition parties:

"At least 17 members of the Sudanese Communist Party have been arrested in and around Sudan's capital Khartoum since the protests began. On 27 September, the NISS arrested Dr Sidgi Kaballo, a member of the Central Committee of Sudan's Communist Party, shortly after he returned from the UK. Family members attempted to visit him on 30 September, but were told to return in 15 days. The NISS would not disclose the detained doctor's whereabouts to his family. The 64-year-old doctor holds dual Sudanese and British nationality. He suffers from Type 1 Diabetes and his family are concerned that he is not receiving adequate care in detention. Amnesty International has received reports that members of other opposition parties, including 15 members of the Sudanese Congress Party, have also been arrested." (AI, 2 October 2013)

HRW states in a press release of March 2014 that "[d]uring protests in September 2013, Human Rights Watch documented particularly harsh treatment of Darfuri detainees" and adds that "[t]he NISS has a long history of subjecting political detainees to ill-treatment and torture, particularly those from Darfur and other conflict zones" (HRW, 21 March 2014).

A September 2013 article by Radio Dabanga mentions that "[a]part from arresting people joining demonstrations, the Sudanese National Intelligence and Security Services (NISS) also arrested scores of lawyers, politicians and student activists outside Khartoum", and cites the following cases from Darfur:

"On Friday in South Darfur the NISS arrested the prominent lawyer, Adam Sharif, who is the coordinator of the Darfur Bar Association as well as the opposition leader of the

National Consensus Forces in South Darfur, Nadir Ahmed Yassin. The reason for their arrest has not been clarified. They were known for having condemned the government using live bullets against demonstrators in Nyala. [...]

The security authorities in El Geneina, West Darfur, reportedly arrested a number of leaders of political parties on Thursday, including the Secretary-General of the Popular Congress Party (PCP). An activist in El Geneina told Radio Dabanga the arrested include Secretary General Saifeldin Ahmed Osman, and the president of the Students Union of the PCP, Adam Digaish. 'The security agency believes that the arrest of leaders of political parties preserves safekeeping. They fear that citizens might start demonstrating in El Geneina and the rest of West Darfur against the increase in prices,' she explained." (Radio Dabanga, 27 September 2013)

In an e-mail reponse dated May 2014, a representative from the African Centre for Justice and Peace Studies (ACJPS) states that the Darfur Bar Association mentioned in the above quote from Radio Dabanga "is an independent NGO and has been quite critical of the government in the past" (Representative from the African Centre for Justice and Peace Studies (ACJPS), 13 May 2014).

The UK-based charity Sudan Social Development Organisation (SUDO UK) reports in an article dated April 2013 that in Central Darfur, four persons were arrested on suspicion of being supporters of the New Dawn Charter, an agreement by various opposition groups, including the National Consensus Forces (NCF), to pursue political change in Khartoum together. According to SUDO UK, at the time of publication of the article, the detainees had not been released despite an amnesty declared by President al-Bashir on 1 April 2013:

"On March 31, 2013 four employees at the Garsila locality administration, Central Darfur, were arrested and accused of being supporters of the New Dawn charter. They are detained at Garsila branch of the National Intelligence and Security Services (NISS), without access to their families and lawyers and they have not been released despite the general amnesty extended by the president Omar al-Bashir on Monday April 1, 2013. [...]

On January 5, 2013 in Kampala, Uganda Sudanese opposition forces including Sudanese Revolutionary Front (SRF), the National Consensus Forces (NCF), civil society, youth, women and student organisations signed what become known as the Charter of the New Dawn. The charter included the decision to change the National Congress Party (NCP) regime using both peaceful and armed means and replacing it with a broad-based Transitional Government to accommodate the entire political spectrum, for a four-year term. [...] Following the signing of the New Dawn charter the NCP leaders in Khartoum heavily attacked the agreement and its signatories, with president Omar al-Bashir threatening to ban all the political parties that signed the charter, after that some of the parties retracted their signatures. Shortly after, members of opposition parties were arrested and detained by the NISS in connection to their participation in the conference in Kampala which resulted in the signing of the New Dawn Charter. The authorities continued its repression of political and civil society, where the NISS continued arresting people due to their political opinion or association." (SUDO UK, 4 April 2013)

For further information on the New Dawn Charter, please refer to [section 4.1](#) of this compilation. Additional information regarding the presidential amnesty of 1 April 2013 can be found in [section 5.3](#).

Mashood A. Baderin, the UN Independent Expert on the situation of human rights in the Sudan, states in a report published by the UN Human Rights Council (HRC) in September 2013 and reviewing the period from October 2012 to July 2013:

"In January 2013, some political opposition figures were arrested and detained without charge by NSS on allegations of holding illegal meetings outside the country. At the end of his mission to the Sudan in February 2013, the Independent Expert called on the Government to either release the detainees or promptly charge them with recognizable offences before a court of law. The Government eventually released the said political detainees in April 2013 without any charges." (HRC, 18 September 2013, p. 8)

The African Centre for Justice and Peace Studies (ACJPS) gives the following information regarding the government crackdown on opposition parties and figures that followed the signing of the New Dawn Charter in Kampala, Uganda, in early January 2013:

"Seven opposition leaders were arbitrarily arrested in Khartoum as they returned from the political negotiations in Uganda. One was released in January, but six remained in detention without charge or access to lawyers as of the end of February, with one detainee, sixty-six year old Professor Mohamed Zain Alabidein, in dire need of medical treatment.

Sudan's track record of using the NISS to intimidate political opponents of the ruling National Congress Party and the lack of information on the whereabouts and welfare of some of the detainees give rise to serious concerns for their safety. The Chairperson of the Central Council of the National Sudanese Alliance Party, Mr. Abdul-Aziz Khalid, has been detained incommunicado since his arrest on 14 January. The NISS have to date refused to provide his family with any information concerning his whereabouts or the charges he faces.

On 1 February, the Sudan Scholars Council, an Islamic council, issued a ruling stating that those who signed and endorsed the 'New Dawn' document had violated Islamic law for its inclusion of the principle of a secular state. The Council is an informal body whose views are not binding; however, they have been accused in the past of issuing opinions that are pro-Government while refusing to address human rights issues and Government repression.

Days later, on 5 February, NISS director Mohamed Atta Abbas al-Moula sent a letter, which was later leaked, to the Political Parties Affairs Council (PPAC) advising that several opposition parties be banned for their cooperation with the SRF on the basis that armed struggle violates the 2005 Interim National Constitution, 1991 Sudanese Penal Code, and the 2007 Political Parties Act. The PPAC sent a letter to four of the main political opposition parties to the National Consensus Forces requesting that they explain their involvement with the armed SRF coalition. The parties reacted with indignation, accusing

the PPAC of being an NCP organ and blasting them for their silence over the arbitrary arrest and detention of opposition signatories.

Prominent opposition leaders have suggested that the government attacks on political opposition party members witnessed in the beginning of 2013 have been motivated by fears that political dialogue between the rebel alliance and political groups will only strengthen with time." (ACJPS, March 2013, pp. 4-5)

A February 2013 report of the Panel of Experts on the Sudan, published by the UN Security Council (UNSC), notes that in the period from August to December 2012, it recorded 35 cases of arbitrary arrest and detention in South Darfur, "where civilians, lawyers, humanitarian workers and political activists appear to suffer largely from NISS intimidation and control" (UNSC, 12 February 2013, p. 36).

### *7.1.2 Darfuri students*

As indicated in the Human Rights Watch (HRW) annual report of January 2014 (reviewing events of 2013), "[g]overnment forces have [...] violently dispersed student protests on several [...] occasions across the country during the year" (HRW, 21 January 2014). The US Department of State (USDOS) annual human rights report for 2013 similarly notes that "[s]ecurity forces used tear gas and other heavy-handed tactics against largely peaceful protests occurring at universities or involving university students" (USDOS, 27 February 2014, section 2a).

The Freedom House report *Freedom in the World 2014* (covering 2013) contains the following observations with regard to the Sudanese authorities' reaction to student protests in the country:

"Authorities responded harshly to protests connected to universities in 2011 and 2012, with security services in 2012 burning dormitories at Omburman University, attacking female students protesting against increased fees at Khartoum University, and raiding campuses across the country, rounding up hundreds of students. Universities were again targeted during the 2013 demonstrations. In September, police fired tear gas into the campus of Ahfad University for Women during protests against the regime. Darfuri students were targeted for arrest on multiple occasions during sporadic university protests throughout the first half of the year." (Freedom House, 23 January 2014)

The quarterly update on the human rights situation published by the UK Foreign and Commonwealth Office (FCO) in September 2013 states that "Sudanese lawyers [...] report continued harassment of Darfuri students by the police and security forces, including beatings, arbitrary arrest, and mistreatment while in detention" (FCO, 31 December 2013).

The above-cited HRW annual report of January 2014 mentions an incident in North Darfur in May 2013 when "security forces shot at students at El Fashir University [...], injuring eight" (HRW, 21 January 2014).

Presumably referring to the same incident, the African Centre for Justice and Peace Studies (ACJPS) states:

"The GoS has traditionally been hostile to Darfuri student associations organising at universities. On 22 May 2013 nine Darfuri students sustained gun-shot wounds at El Fashir University when members of the NISS, the police and a student militia group aligned with the ruling National Congress Party fired live ammunition into a crowd of students on the university campus. The students had attended a public forum to discuss the recent disconnection of water and electricity supplies to the university and student residences." (ACJPS, 12 March 2014)

A July 2013 article by Radio Dabanga refers to the following incident that occurred in Nyala, South Darfur:

"A student has reportedly been shot dead and four others wounded on Saturday after a soldier opened fire on them outside the coordination office for National Service in Nyala, capital of South Darfur. Speaking to Radio Dabanga from Nyala hospital, one of the injured students explained that the shooting was triggered when students became impatient at having to wait in long lines to receive the National Service Seal, necessary for their university applications." (Radio Dabanga, 7 July 2013)

In an article of January 2014, Radio Dabanga notes that students of Zalingei University, Central Darfur, who were distributing leaflets denouncing new "military fees" imposed by the government on traders and shop owners in support of its military campaigns, were beaten by security forces. It could not be confirmed if any arrests were made. (Radio Dabanga, 22 January 2014b)

In a later article dated April 2014, the same source reports that security forces cracked down on a mass demonstration at Nyala University, staged by students protesting against the arrest of four other students a few days earlier. Among the four arrested was Nawal El Khamis Shamseldin, who expressed criticism of the Sudanese government over the human rights situation in Darfur:

"Security forces beat more than 100 students and arrested at least seven at the University of Nyala, South Darfur, on Thursday, following a mass demonstration against the arrests of four students earlier this week. Witnesses told Radio Dabanga that the security elements, riding in vehicles, used tear gas to disperse the demonstrators. They beat and arrested more than 100 male and female students. The students were protesting against the arrest of four students on Monday, including female student Nawal El Khamis Shamseldin. During a speech in the university on Monday, she harshly criticised the Khartoum regime because of the current killing, looting, and burning in the Darfur region. As a result, security forces arrested El Khamis Shamseldin, and three other students, and passed them to the state police, chief Brigadier-General Kasim Jibril said in a press statement. [...] Kasim Jibril denied students were injured during the attempts to disperse the mass demonstration on Thursday." (Radio Dabanga, 4 April 2014b)

A February 2013 report of the Panel of Experts on the Sudan, published by the UN Security Council (UNSC), states that “[t]hroughout the past years, discrimination against Darfurian students in Khartoum has been a source of protest among the Darfurian student movement, which has suffered from numerous human rights violations, even outside Darfur” (UNSC, 12 February 2013).

The following sources report on incidents involving Darfuri students outside the Darfur region:

A May 2014 article by Radio Dabanga mentions clashes that erupted at the University of Khartoum pitting Darfuri students and their supporters against students belonging to the National Congress Party (NCP) backed by security forces and university guards:

“On Sunday clashes broke out at the University of Khartoum between Darfuri students, their supporters, and militant students of the ruling National Congress Party (NCP), backed by security forces and university guards. The violence continued on Monday, as angry students set fire to the offices of university guards at the Shambat compound in Khartoum North. Riot police fired tear gas at dozens of students protesting outside the university’s main campus in Khartoum against the violence, and the policies of President Al Bashir.” (Radio Dabanga, 6 May 2014)

The same article also provides the following information with regard to earlier developments at the University of Khartoum:

“Darfuri students had organised a political meeting at the University of Khartoum on 11 March, condemning the silence of the Sudanese government about the ongoing violence against civilians in Darfur. When they intended to go to the streets in a peaceful march to hand a memorandum against the violence in Darfur to the UN representative in Khartoum, security troops opened fire on them. Ali Abakar Musa, a third year economy student, was shot dead, and a number of other Darfuri students were injured. Dozens of Darfuri students were arrested.

In response, Darfuri students at the University of Khartoum threatened to boycott their studies, if the authorities would not immediately start an investigation into the killing of Musa. On 3 April, the students began an open-ended sit-in, reiterating their demand for a thorough investigation into the killing of Musa, and requesting the removal of security forces stationed in front of the university gates and at the campus. A third demand concerned the resumption of the lectures.” (Radio Dabanga, 6 May 2014)

According to a March 2014 press release by Amnesty International (AI), eleven men, including “students, activists and lawyers mainly from Darfur”, have been arrested and detained without charge in Khartoum between 12 and 20 March 2014. The arrests followed the 11 March 2014 protest at the University of Khartoum against increased violence in Darfur, which was violently dispersed by security forces. During the protest, around 110 students were arrested and one was fatally injured by gunshot wounds. AI notes that there are “credible fears” that the eleven men, “who are detained in an undisclosed location, may be at risk of torture or ill-treatment” and that “[i]t is likely that there have been further detentions in connection with the protest on 11 March that have not been reported”. (AI, 21 March 2014)

On the 11 March 2014 protest at Khartoum University and ensuing arrests, HRW reports:

“On March 11, Sudanese police and national security forces used excessive lethal force at Khartoum University to disperse Darfuri students protesting the recent attacks against civilians in Darfur. The security forces, joined by armed men in civilian clothes, fired tear gas, rubber bullets, and live ammunition at the largely peaceful protesters, witnesses told Human Rights Watch. One student, Ali Abakr Musa Idris, died from a gunshot wound, and several others were injured from rubber bullets and beatings.

Security forces again used excessive force following the funeral for Idris in Omdurman on March 14, beating many students and arresting scores, according to media reports. Sudanese officials have accused the students of links to rebel groups and denied responsibility for the death. [...]

Since the crackdown, the National Intelligence and Security Service (NISS) has detained Darfuri students, lawyers, and human rights defenders without charge. [...] NISS is holding the detained activists in various facilities around Khartoum without apparent access to lawyers or family members, Human Rights Watch said.” (HRW, 21 March 2014)

A November 2013 HRW press release reports on the arrest of at least six Darfuri university students in September and October 2013 for allegedly having links to the pro-rebel student group United Popular Front. According to HRW, at the time of publication of the press release, the arrested students were still being “detained at NISS offices in Bahri, Khartoum”. (HRW, 28 November 2013)

The USDOS annual human rights report for 2013 refers to the following incidents involving five Darfuri students:

“On June 6, five Darfuri students were arrested in Khartoum and remained in custody for over one month without charges. On July 7, the prosecutor charged them with crimes against the state. On August 18, a judge found them not guilty due to insufficient evidence and released them.” (USDOS, 27 February 2014, section 1d)

HRW states in a press release dated July 2013:

[...] Intelligence Service authorities detained at least 12 Darfuri students in June. These arrests occurred after the higher education minister on May 30 banned student groups affiliated with the rebel coalition [called the Sudan Revolutionary Forces, SRF] from conducting political activities. On June 16, intelligence officers arrested five Darfuri student activists at three locations in Khartoum and Omdurman. The five were arrested the day that student supporters of the ruling National Congress Party (NCP) at Omdurman’s Ahlia University clashed with student members of the United Popular Front (UPF), a group linked to the Sudan Liberation Movement/Army faction led by Abdel Wahid Mohammed el-Nur. Seven of the 12 Darfuri students were released after hours or days in detention, but the five arrested on June 16 remain in detention. They have not been allowed access



to lawyers or family visits, in violation of fundamental due process guarantees. Authorities have refused to tell family members where the young men are." (HRW, 10 July 2013)

In an article dated November 2013 and published on openDemocracy.net, a website for debate about international politics and culture, Yosra Akasha, a Sudanese blogger and human rights activist based in Khartoum, reports on the killing of four Gezira (Algazira) University students in December 2012 who demanded that Darfuri students be exempt from the payment of tuition fees:

"In December 2012, four students of Algazira University were found dead in a stream after having participated in a peaceful protest demanding the enforcement of the exemption of Darfuri students from public university tuition fees, as stipulated in the DDPD in 2011. Three out of the four students killed were originally from Darfur and Alsadig, one of them had waited five years until his family as well as residents of the Kalma camp were able to raise enough funds for his ticket to Khartoum and for his tuition at Algazira University." (Akasha, 20 November 2013)

In an article published in the blog section of the website of the Qatar-based TV news network Al Jazeera, Al Jazeera reporter Omar al-Saleh gives the following account of the December 2012 killings and ensuing protests:

"Sudan has been witnessing days of student protests after four students from Darfur were killed on December 5. Those students, from Gezira University, were demanding to be exempted from tuition fees - as stipulated in the July 2011 Darfur peace deal negotiated in Doha. Darfuri students and activists say the government and 'thugs' loyal to the ruling National Congress Party killed the four and threw their bodies in a canal. Government officials deny this charge and say they are carrying out a full investigation. Of course, this was not good enough for the students in the streets. The news of the deaths angered many students in Khartoum, who have been protesting since Sunday. They demand not only the investigation into the deaths, and that those found responsible are held to account - but also the end of President Omar al-Bashir's administration. Students from various universities in Khartoum took to the streets, turning the city centre into a scene of chaos and running battles. Buses were set ablaze and the security forces used tear gas and batons to beat up and disperse protesters. As protests continued on Wednesday, Darfuri students at the Islamic University in Omdurman joined those on the streets. They were attacked by security forces and National Congress Party supporters. More than 100 people were injured and many arrested. Students have since accused the attackers of setting fire to a university dormitory." (Al-Saleh, 14 December 2012)

### *7.1.3 Lawyers as political opposition members and activists*

The US Department of State (USDOS) annual human rights report of February 2014 (covering events of 2013) briefly notes with regard to the situation of lawyers in Sudan:

"Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession it considered political opponents." (USDOS, 27 February 2014, section 1e)

In an e-mail response dated May 2014, a representative from the African Centre for Justice and Peace Studies (ACJPS) answers as follows to the question whether the requirement to maintain membership in the Sudanese Bar Association is also applicable to lawyers wanting to practice in Darfur:

"My colleague informs me that this is a state wide procedure that any lawyer must register with the Sudanese Bar Association. This includes lawyers in Darfur. Lawyers have to renew their registration yearly to practice. However, it sounds as if this body is relatively non-controversial - my colleague was unaware of any lawyers being disbarred for working on cases that were critical of the government." (Representative from the African Centre for Justice and Peace Studies (ACJPS), 23 May 2014)

As indicated in the October 2013 country report on Sudan of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ), lawyers ("rechtsbijstandverleners") in Darfur are working under difficult conditions and are regularly targeted for intimidation, harassment and arrest (BZ, 16 October 2013, p. 44).

In a March 2014 press release already cited in the previous section on Darfuri students, Amnesty International (AI) notes the arrest and detention without charge of eleven men in the nine days that followed a protest on 11 March 2014 at Khartoum University against the worsening security situation in Darfur. As explained in the article, "[t]he eleven detainees are students, activists and lawyers mainly from Darfur". Among the cases presented in the article are those of lawyers Abdelaziz Eltoum Ibrahim and Abdelmoniem Adam Mohamed:

"Abdelaziz Eltoum Ibrahim, a lawyer with the Darfur Bar Association, also went missing on 12 March during the dispersal of the funeral [of Ali Abaker Mussa Idris, a student fatally injured by gunshot wounds during the dispersal of the protest]. His family were contacted on 17 March by the NISS, who confirmed that he was in detention. The following day a series of raids across Khartoum resulted in further detentions, including Abdelmoniem Adam Mohamed, a lawyer who had been visiting police stations to search for any students that had been arrested during the protest. He was arrested at his office in downtown Khartoum on 13 March." (AI, 21 March 2014)

The cases of Abdelaziz Eltoum Ibrahim (also: Abdel Aziz El Tom Ibrahim) and Abdelmoniem Adam Mohamed (also: Abdel Munim Adam Mohamed) are also referred to in a Radio Dabanga article published on 23 March 2014 and using information compiled by the popular resistance movement Girifna:

"Many activists and human rights lawyers have been arrested since the Darfuri student protests at the University of Khartoum on March 11. [...]"

During the funeral procession of the murdered student Ali Abakar Musa on 12 March, human rights lawyer and member of the Darfur Bar Association (DBA) Abdel Aziz El Tom Ibrahim went missing. For five days his family and loved ones were left confused about whether he was arrested or not. The National Intelligence and Security Service (NISS) only informed his family that he was with them on 17 March. It is believed that the DBA lawyer

is amongst at least ten people arrested when riot police attacked the procession with tear gas to disperse it.

On 18 March, four activists were arrested in Soug El Arabi. Three of them are from the Darfur Student Union Coalition. The fourth is a human rights lawyer and a DBA member. The arrest happened after a visit from the Darfur Students' Association to the DBA offices, to discuss the ongoing conflict in Darfur and justice for murdered student Ali Abakar Musa. [...]

Girifna gives a detailed description of lawyer Abdel Munim Adam Mohamed who was arrested from his office in Soug El Arabi in downtown Khartoum on Thursday, 13 March. [...] Two days before his arrest, he spent his day going from one police station to another searching for students who could have been arrested during the 11 March protests. [...] Before his arrest, he was representing an activist who was detained and tortured for months by the NISS." (Radio Dabanga, 23 March 2014d)

The same article quotes Girifna as stating with regard to the legal requirements for the arrest of lawyers:

"According to article 48 of the Advocates Law of 1983 (amended in 2014), before a lawyer gets arrested, unless in the case of NISS cases or caught committing a crime, the arresting body needs to notify the lawyer's syndicate, however, the new amendment states that you need a written agreement from the syndicate to be able to arrest a lawyer. On the other hand, the NISS as stated in the National Security Act (2010), is above the law and can arrest any individual under the pretext of national security." (Radio Dabanga, 23 March 2014d)

A Radio Dabanga article notes the release of several lawyers at the beginning of April 2014, including Abdel Aziz El Tom and Abdel Munim Mohamed Adam (Radio Dabanga, 10 April 2014).

In an earlier article dated September 2013, the same source reports that in South Darfur, the NISS arrested Adam Sharif, a prominent lawyer and coordinator of the Darfur Bar Association, for unspecified reasons. According to the article, he was known for having criticised the government's use of live ammunition against protesters in Nyala. (Radio Dabanga, 27 September 2013)

A press release issued by AI in November 2013 gives the following more detailed account of Adam Sharif's case:

"Adam Sharief was released from detention in Khartoum on 30 October and flew back to his home in Nyala, the capital of South Darfur State, where he was greeted by his colleagues at the airport and then by his family at his house. Adam Sharief, a lawyer and coordinator of the Darfur Bar Association in South Darfur, was arrested on 26 September in Nyala, days after he carried out an interview with an independent radio station criticizing the Governor of South Darfur. In the interview he blamed the Governor for the lack of security in Nyala alleging that the local authorities were employing militias who are

responsible for a number of recent killings in Nyala, including the killing of a prominent local businessman, Ismail Ibrahim Wadi, as well as his son and nephew. He also criticized the use of live ammunition by security forces to disperse demonstrators that gathered together at Ismail Ibrahim Wadi's funeral on 19 September. After being detained for a week in Nyala he was secretly transferred by plane to a prison in Khartoum, where he was detained in Kober prison." (AI, 29 November 2013a)

The UN Secretary-General notes in a report published by the UN Security Council (UNSC) in mid-October 2012 and covering the preceding 90 days that on 17 August 2012, three lawyers were arrested in Nyala after leading a protest against the detentions that followed an earlier demonstration in the city against the lack of public transport (UNSC, 16 October 2012, pp. 10-11).

A July 2012 article by Radio Dabanga reports that five Darfur lawyers, including the head of the Darfur Bar Association, were arrested after a press conference that was held to inform about the release on bail of [human rights activist, remark ACCORD] Bushra Gammar:

"The head of the Darfur Bar Association, Mohammed Abdullah Al Duma, was arrested on Sunday by government security forces. Four other lawyers from Darfur were also arrested: Gibril Hamid Hassabu and two female lawyers Rehab Assadiq Sharif, Rashida Al Ansari. A fourth lawyer his name could not be verified yesterday (Sunday) evening.

The arrests occurred after a press conference was held briefing journalists and human rights activists on the case of Dr. Bushra Gammar who had been imprisoned by security forces for a year. He was released on bail over a week ago. Speakers at the press conference included Al Duma, Bushra Gammar and Farouk Abu Issa, chairman of the National Consensus Forces, the joint opposition. [...]

The relatives of Al Duma said that he is in need of regular medication otherwise his health might be serious at risk due to a chronic disease. Rehab Assadiq Sharif is a mother of a three months old baby and two other young children.

Mohammed Abdullah Al Duma started his career in the judiciary in 1973. After some years he resigned and became deputy governor and a member of parliament for the Umma Party in 1986. Originally he is from the Habila municipality. After the military coup in 1989, Al Duma was arrested at least ten times. Once he was detained for a year for his political opposition." (Radio Dabanga, 1 July 2012)

The UK-based charity Sudan Social Development Organisation also refers to the arrest of the five lawyers, adding that they were released on the same day and "asked to report to National Intelligence and Security Services (NISS) offices in the next morning" (SUDO UK, 2012).

As already mentioned in the section on political opposition parties and activists, the Panel of Experts on the Sudan states in its report of February 2013 with regard to the situation in South Darfur that "civilians, lawyers, humanitarian workers and political activists appear to suffer largely from NISS intimidation and control" (UNSC, 12 February 2013, p. 36).

## 7.2 Freedom of the media

For information on the legal framework regulating the media sector in Sudan, please refer to [section 7.1](#) of this compilation.

In the 2014 Press Freedom Index established by the international media freedom NGO Reporters Without Borders (Reporters Sans Frontières, RSF), Sudan is ranked 172 out of 180 countries (one being the most free and 180 the least) listed in the index (RSF, 11 May 2014, p. 31).

The US-based NGO Committee to Protect Journalists (CPJ), in its report *Attacks on the Press 2014* (covering the year 2013), states with regard to the level of government control over media in Sudan:

“Despite official promises to end the practice of pre-publication censorship, agents of the Sudanese National Intelligence and Security Services continued to intimidate journalists and censor newspapers. Security service officials routinely ordered papers to be suspended and raided printing houses to confiscate certain issues. At least 14 journalists were arrested over the year, many for their coverage of anti-government protests prompted by economic austerity plans that swept the country in September. After the wave of protests, in which more than 700 citizens were arrested, the Sudanese government ordered editors to publish news in line with official statements and to portray protesters as ‘vandals.’ Foreign media outlets were also targeted and told that their licenses would be scrapped, according to reports. The Sudanese government shut down Internet service twice to prevent protesters from using social media.” (CPJ, February 2014)

On the same issue, the Human Rights Watch (HRW) annual report of January 2014 writes:

“Despite a pledge in May to halt prepublication censorship of newspapers, whereby security officials remove articles before a newspaper goes to print, authorities have continuously censored media. They have suspended publication of some papers, confiscated printed editions, suspended individual journalists, blocked websites, and harassed and threatened journalists with prosecution for criticizing the government. In September, authorities tightened restrictions on media to prevent coverage of the protests. Security officials instructed newspaper editors not to publish articles related to the protests, confiscated editions of three newspapers, summoned several journalists for questioning, jammed the reception of international TV stations, and blocked the Internet for one day. Most newspapers and the TV stations have resumed, but remain under tight scrutiny.” (HRW, 21 January 2014)

The US Department of State (USDOS) annual report on the human rights situation in 2013 similarly notes that “authorities prevented newspapers from reporting on issues deemed sensitive” through measures such as “prepublication censorship, confiscation of publications, legal proceedings, and denial of state advertising”. The report further mentions that “[t]he government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors”. (USDOS, 27 February 2014, section 2a)

A March 2014 press release by RSF indicates that since the start of 2014, the Sudanese authorities have tightened their grip on the media, noting that it is impossible to report on military operations against opposition groups in Darfur:

"Since the beginning of the year, the Sudanese authorities seem to have taken a hardened stance against the media, even targeting media traditionally known to be pro-government. According to these groups, the 'red line' issues have multiplied over the past few months, making the journalists' work even more difficult than before. It is impossible namely to talk about the military actions undertaken against dissident groups in Darfur, South Kordofan or the Blue Nile region." (RSF, 10 March 2014)

In its report *Freedom on the Net 2013* (covering May 2012 to April 2013), Freedom House notes with regard to restrictions on Internet freedom in Sudan:

"Increasingly affordable and reliable internet service has enabled Sudanese citizens to use digital media tools to share information, communicate with the international community, document news not covered in the heavily censored traditional media, and organize protest movements against government repression. This online engagement and activism, however, has led the Sudanese government under President Omar al-Bashir to increasingly crackdown against internet freedom through various tactics that include: growing censorship of opposition news outlets and forums online; the deployment of a Cyber Jihadist Unit to monitor social media websites and hack into activists' accounts; and the harassment and arrest of digital media activists and online journalists; among other tactics." (Freedom House, 3 October 2013, Introduction)

The same topic is addressed in the above-cited USDOS annual report of February 2014:

"The government regulated licensing of internet and telecommunications companies through the National Telecommunications Corporation (NTC). The NTC blocked some websites and most proxy servers judged offensive to public morality. Generally there were no restrictions on access to news and information websites, but authorities sporadically blocked access to YouTube. During the late September protests, the government blocked most internet service for 24 hours. According to the International Telecommunication Union, 21 percent of individuals used the internet in 2012, an increase from 19 percent in 2011. There were no reports of the government monitoring e-mails during the year." (USDOS, 27 February 2014, section 2a)

The RSF report *Enemies of the Internet 2014* (reviewing events of 2013) states that "[i]f the government determines some information to be too sensitive, it blocks the host platform". According to RSF, "[t]his has occurred repeatedly since 2008 to the news site and forum, Sudanese Online, which posted information on the war in Darfur". (RSF, 12 March 2014)

### *7.2.1 Treatment of critical journalists, citizen-journalists, bloggers, etc.*

Among the sources consulted by ACCORD within time constraints, little information could be found on the situation of critical journalists, citizen-journalists and bloggers, etc. in Darfur. This section therefore also provides general information on the situation of these categories of

people in Sudan (including on the situation of media workers and bloggers covering events in Darfur). Please also refer to the information contained in the previous section on media freedom ([section 7.2](#)).

The Committee to Protect Journalists (CPJ) points out that according to local journalists and news reports, "at least 14 journalists were detained at least briefly by authorities" in Sudan during the year 2013, with several of the journalists saying that "they had been threatened and assaulted before being taken into custody". As reported by the local group Journalists for Human Rights in Sudan for the same time period, "agents of the National Intelligence and Security Services ordered newspapers to ban articles by at least six journalists in connection with the reporters' critical coverage". (CPJ, February 2014)

The February 2014 annual human rights report of the US Department of State (USDOS), which covers events of 2013, gives the following account of the treatment of critical journalists in Sudan:

"The government, including the NISS, continued to arrest and torture journalists and harass vocal critics of the government. For example, during the austerity protests, the NISS instructed Khartoum's newspaper executives to dismiss journalists who had gone on strike to protest the government's efforts to influence their reporting. Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting. Saad Al-Din Hassan, a television station Al-Arabiya correspondent, was detained on September 26 due to a report on the expulsion of residents in northern Sudan near the site of a government dam project. He was released the following day. There was one report of government officials harassing an international journalist. Bloomberg correspondent Michael Dunn fled Sudan in July after reporting he had been harassed, and security officials had told him to leave the country. Nonetheless, the government afforded some foreign journalists regular access to opposition politicians, rebels, and civil society advocates. The government also allowed 10 international correspondents into the country during the September protests, according to diplomatic sources. The NISS required journalists to provide personal information, such as details on their tribe, political affiliation, and family." (USDOS, 27 February 2014, section 2a)

"The NISS initiated and continued legal action against journalists for stories critical of the government and security services. In late September the interior minister threatened to file charges against a journalist who asked the minister to admit the government had killed a number of protesters. The NISS summoned the journalist and released him shortly thereafter. The journalist reported NISS officers dealt with him politely but told him his question was not 'suitable' for the situation." (USDOS, 27 February 2014, section 2a)

An April 2014 report by Human Rights Watch (HRW) describes in detail the authorities' response to anti-government protests that erupted on 23 September 2013 in Wad Madani over economic austerity measures and later spread to Khartoum and other towns. In addition to the killings and arrests of civilian protesters, the authorities clamped down on journalists and other people covering the events or criticising the Sudanese government for its handling of the protests:

"Sudanese authorities suppressed information about the protests and the violence by censoring the media and arresting and detaining journalists, creating an effective media blackout inside Sudan. Even before the protests, authorities had clamped down on newspapers reporting on the economic situation. [...] On September 30, at a televised press conference by the Minister of Interior, journalist Burhan Abdelmoniem accused officials of covering up the killings, asking, 'why do you insist on lying?' National security officers arrested him on the spot, but released him the same day. Other journalists and bloggers have also told Human Rights Watch that they have been harassed since September in connection with their reporting about the government's crackdown. International journalists were also summoned for questioning, and authorities shut down both Sky News Arabia and Al Arabiya TV stations for several weeks. Sudan's Minister of Information had blamed 'foreign media' for inciting unrest. [...] Authorities also targeted people who were recording or sharing information or speaking out against the government during the protests. On September 27, security forces arrested Dr. Samar Mirghani and snatched her phone as she was recording the killing of a protester. She was charged with public disturbance crimes and in October sentenced to a fine of 5,000 Sudanese pounds (US\$1,000), or jail time." (HRW, April 2014, pp. 23-24)

The same source informs in a November 2013 press release that "[p]eople who remain in detention in connection with the September protests include Mohammed Ali Mohammado, a 40-year-old Darfuri journalist with al-Akhbar newspaper, detained since September 25" (HRW, 28 November 2013).

A November 2012 CPJ press release cites the case of critical journalist Somaya Ibrahim Ismail Hundosa who was discovered on the side of a road in Khartoum with her head shaved after she had been allegedly abducted by the National Intelligence and Security Services (NISS) a few days earlier. According to the press release, Hundosa had covered human rights violations in Darfur and the Nuba Mountains:

"A critical Sudanese freelance journalist was found on the side of a road in Khartoum on Friday after being reported missing on October 29, according to news reports. Somaya Ibrahim Ismail Hundosa had been tortured and her head shaved while she was held captive, the reports said. Hundosa was found in a remote area of the capital, news reports said. Her family said that she had been subjected to 'physical torture and beating with whips' and that she had been told her head was shaved because 'it looked like the hair of Arabs while she belonged to the slaves in Darfur,' according to the pro-democracy group Grifina (We Are Fed Up). The journalist is now recovering at home with her family.

Hundosa's family members told the local media that Hundosa was abducted near her home in Khartoum and taken to an unknown location. Later that day, her sister received a phone call with Hundosa's voice in the background, begging to be allowed to speak with her sister, according to news reports. The following day, Hundosa's nephew received an anonymous text saying the journalist had been detained by agents from the National Intelligence and Security Services (NISS), news reports said. Hundosa later told her family she believed her captors were indeed NISS agents. The NISS has not publicly confirmed or denied any involvement in the attack.



Hundosa's captors showed her articles she had written and accused her of opposing and disrespecting the regime of President Omar al-Bashir, according to news reports citing Hundosa's family. Hundosa had covered human rights violations in the western Darfur region and the Nuba Mountains in the South Kordofan region, subjects that are deemed off-limits for journalists reporting on Sudan, according to news reports. [...]

Hundosa had been summoned to an NISS office for questioning two days prior to her abduction, news reports said." (CPJ, 5 November 2012)

An April 2014 article by Agence France-Presse (AFP) news agency points to "tight government restrictions on the movement of journalists in Darfur" (AFP, 8 April 2014). Eric Reeves, a Sudan researcher and analyst, and a professor of English at Smith College in Massachusetts (USA), similarly states in May 2013 that "Khartoum allows no journalists into Darfur, except under tightly controlled circumstances [...]" (Reeves, 11 May 2013). In a February 2012 article Reeves lists the following information:

"Journalists travel rarely to Darfur and are allowed only where Khartoum's security and intelligence services permit; they confront a hostile bureaucracy that controls all visa and travel permits, and they are closely scrutinized by security forces during their entire stay in Darfur. [...]

[...] if reporting on Darfur is challenging, it is not impossible. This past month has seen publication or promulgation of several important reports and updates, including the continuing dispatches of Radio Dabanga, which chronicle with grim particularity the continuing epidemic of rape, the acute deprivation within many Internally Displaced Persons camps, and the increasingly violent predations of the Central Reserve Police (CRP), also known as the 'Abu Tira' (many former 'Janjaweed' militiamen have been recycled into the Abu Tira; [...]). Radio Dabanga, which is continually expanding its already impressive network of sources on the ground in Darfur, is also the most reliable source for reports of aerial bombing and direct-fire attacks on civilians." (Reeves, 29 February 2012)

In its report *Freedom on the Net 2013* (covering the period from May 2012 to April 2013), Freedom House lists the following information relating to the treatment of bloggers, journalists and citizen-journalists in Sudan:

"Internet restrictions and government repression against online users intensified during and following widespread antigovernment protests known as 'Sudan Revolts' that erupted in June 2012 and were fueled in large part by digital media tools. In a country where traditional media journalists have for decades faced routine censorship, detention, and violence, the events in 2012 led the government to target bloggers and cyber-dissidents for the first time, with some facing detentions for up to two months and one case of torture reported. Others fled Sudan for fear of their lives after being subjected to threats, sexual assault, or torture." (Freedom House, 3 October 2013, Introduction)

"Since the Arab Spring events in 2011, journalists in Sudan have faced increasing harassment and repression, with at least 20 journalists and editors subjected to fines, interrogations, detentions, jail sentences, or trials for charges ranging from defamation,

publishing false information, or undermining the constitution in 2012. According to the Sudanese Bloggers Network, bloggers and citizen journalists have also been increasingly harassed or detained in recent years, particularly during times of protest." (Freedom House, 3 October 2013, Violations of User Rights)

Reporters Without Borders (Reporters Sans Frontières, RSF) briefly states in March 2014:

"Popular uprisings in June-July, 2012 and June and September of 2013 prompted the arrests of numerous bloggers, journalists and activists. Agents often forced them to open and take down their Facebook and Twitter accounts. This forcible access to personal data also allows security forces to map dissidents' networks." (RSF, 12 March 2014)

A July 2013 report of the Doha Centre for Media Freedom, a Qatar-headquartered non-profit organisation working for press freedom, refers to the case of Sudanese blogger and reporter Nagla Sid Ahmed Elsheikh who describes being threatened, attacked and forced into exile for reporting on press freedom and human rights violations in her home country. In mid-2012, Elsheikh "was taken into the streets and severely beaten by two security agents while filming the funeral of a student allegedly killed by the NISS in Darfur". (Doha Centre for Media Freedom, July 2013, pp. 31-36)

A January 2014 article by Radio Dabanga reports that Darfuri activist and blogger Tajeldin Ahmed Arja was detained on 24 December 2013 after publicly holding both the Sudanese and Chadian presidents responsible for the conflict in Darfur:

"The Darfur Bar Association (DBA) has demanded that the responsible authorities follow legal procedures with regard to the arrest of the Darfuri activist and blogger Tajeldin Ahmed Arja or release him immediately. Arja was detained on Tuesday, 24 December, on the orders of President Omar Al Bashir at a meeting of Presidents, Ministers, and Darfuri notables in the Friendship Hall in Khartoum. Arja openly criticised Al Bashir and the President of Chad, Idris Deby, holding them both responsible for the war and killings in Darfur. The head of the DBA, Mohamed Abdallah El Doma, told Radio Dabanga that neither Arja's family nor his lawyer have not been allowed to visit him. The authorities have not disclosed his whereabouts or what he has been charged with." (Radio Dabanga, 2 January 2014)

The detention of Tajeldin Ahmed Arja is also reported in a January 2014 press release by Amnesty International (AI), which explains that Arja "was displaced with his family during the early years of the Darfur conflict" and "[s]ince then [...] has reportedly become critical of the Sudanese government and has written and blogged about the situation in Darfur" (AI, 14 January 2014).

Radio Dabanga reports in May 2014 that Arja has been released, approximately four months after he was arrested for openly criticising the Sudanese and Chadian presidents. According to his own statements, Arja "was subjected to systematic torture during his detention and [...] released without trial". (Radio Dabanga, 16 May 2014b)

### 7.3 Civil society organisations and civil society activists

The Freedom House annual report on political rights and civil liberties in 2013 describes the operating environment for NGOs in Sudan as “difficult” and explains:

“All NGOs must register with a government body, the Humanitarian Assistance Commission (HAC). The HAC regularly places restrictions or bans on the operations of NGOs and the movements of their workers, particularly in conflict-affected areas such as Darfur, Southern Kordofan, and Blue Nile.” (Freedom House, 23 January 2014)

The US Department of State (USDOS) similarly notes in its annual human rights report of February 2014:

“NGOs must register with the HAC, the government entity for regulating humanitarian efforts. The HAC obstructed the work of NGOs, including in Darfur, the Two Areas, and Abyei. The HAC often changed its rules and regulations without prior notification.” (USDOS, 27 February 2014, section 5)

The UK Foreign and Commonwealth Office (FCO) annual human rights report of April 2014 notes with regard to the situation of civil society organisations in Sudan during the year 2013:

“Political freedom came under increasing pressure in 2013 with civil society organisations facing major political and legal restrictions, leading to a continually shrinking operating environment. Many report routine harassment by security services. This included reports of forced closures of some organisations. Some continue to operate from outside Sudan but continue to lobby the government for registration locally.” (FCO, 10 April 2014)

The situation of civil society organisations/groups in Sudan is also briefly addressed in the Human Rights Watch (HRW) annual report of January 2014:

“Sudanese authorities targeted and harassed, intimidated, and closed some civil society organizations, in particular several that had received foreign funding. In December 2012, security officials shut down three civil society groups and one literary forum, and summoned leaders of other groups for questioning. Authorities have obstructed groups from legally registering and refused permission for or cancelled public activities in towns across Sudan. In early 2013, authorities also shut down Nuba and Christian groups, arresting staff and confiscating property.” (HRW, 21 January 2014)

Contrary to the above-cited FCO and HRW reports, the US Department of State (USDOS) annual human rights report of February 2014 (reviewing events of 2013) states that “[t]he government did not close any civil society organizations during the year”. The report further notes:

“Government and security forces, however, continued arbitrarily to enforce provisions of the NGO law, including measures that strictly regulate an organization’s ability to receive foreign financing and register public activities. Organizations closed by the government in 2012 remained closed throughout the year.” (USDOS, 27 February 2014, section 2b)

“Civil society groups such as the Sudanese Initiative for Constitution Making – which sought to increase public awareness of the constitution and promote popular participation – were subject to official harassment by security agencies, including interference with public meetings about the constitutional process.” (USDOS, 27 February 2014, section 3)

The same source presents the following information specifically about the situation of NGOs in Darfur:

“Humanitarian organizations continued to face challenges in accessing populations in Darfur. NGOs were unable to access government and rebel-held territories. Relief agencies faced increasing obstruction by the government, including new arbitrary rules and regulations that undermined the delivery of relief assistance. NGOs reported they had to register for permits twice, once in Khartoum and also in the areas where they worked. [...]

Policy discrepancies between Darfur state-level and HAC officials in Khartoum adversely affected humanitarian operations. The HAC continued to require NGOs to refrain from interviewing or selecting staff unless they used a five-person government selection panel with HAC officials present, significantly delaying the hiring of new staff in Darfur. The HAC also continued to impose additional requirements on humanitarian organizations on an ad hoc basis, often at the state level.” (USDOS, 27 February 2014, section 1g)

As already noted in [section 3.1](#) of this compilation, in March 2014, local authorities of Central Darfur state ordered the closure of the Zalingei office of the French humanitarian NGO ACTED (for details see [section 3.1](#)).

An April 2014 article by Radio Dabanga reports that the British-based humanitarian NGO Merlin has been forced to cease its work in Darfur:

“The British-based humanitarian NGO Merlin, which became part of Save the Children in July 2013, has been forced to cease its work in Darfur owing to a ‘legal technicality’. The move will impact on some 600,000 Darfuris, who have been receiving a range of life-saving medical care from Merlin, which has been operating in Sudan since 1997. According to Mohamed Adam, Humanitarian Aid Commissioner (HAC) for West Darfur, the Sudanese law for humanitarian work ‘does not allow for this (Merlin-Save the Children) merger’. Speaking to Radio Dabanga from state capital El Geneina, Commissioner Adam said that his office received notice from the organisation and a notice to their employees to end their work.” (Radio Dabanga, 17 April 2014)

The same source informs in May 2014 that “[t]he international NGO International Medical Corps (IMC) in West Darfur has taken over the ten health clinics which were previously managed by [...] Merlin” (Radio Dabanga, 23 May 2014).

In another article of May 2014, Radio Dabanga reports on a raid by militiamen on the premises of an international aid NGO in Nierteti, Central Darfur:

"Militiamen raided the premises of a joint Canadian-Norwegian aid organisation in Nierteti, Central Darfur, on Sunday. An eyewitness told Radio Dabanga that on Sunday morning at about 2 am 'government-backed militiamen' stormed the site of the NGO, working in the field of health care and therapy in Nierteti. 'They tied the guard, and took all the medicines, equipment, generators, and the solar-energy devices. They beat the guard with their whips, and stripped him of all his belongings, leaving him only his underwear.'" (Radio Dabanga, 4 May 2014b)

The UN Secretary-General mentions in his report of April 2014, published by the UN Security Council (UNSC) and covering the preceding 90 days, that "[t]he offices of two international non-governmental organizations were [...] robbed in January in Nertiti, Central Darfur", adding that this was "the second such incident within a three-month period". According to the report, "[s]uch incidents continue to create significant additional complications for the delivery of humanitarian assistance in Darfur". (UNSC, 15 April 2014, p. 5)

In a section specifically addressing the situation in Darfur, the USDOS human rights annual report of 2014 briefly refers to attacks on humanitarian organisations and instability forcing many aid organisations to reduce the scale of their operations:

"Attacks on humanitarian and UNAMID convoys increased during the year. Bandits obstructed humanitarian assistance, regularly attacked the compounds of humanitarian organizations, and seized humanitarian aid and other assets, including vehicles. Instability forced many international aid organizations to reduce their operations in Darfur." (USDOS, 27 February 2014, section 1g)

The same report outlines the government's treatment of human rights and civil society activists in Sudan:

"The government was uncooperative with, and unresponsive to, domestic human rights groups. Workers of both domestic and international human rights organizations were restricted and harassed. The government arrested, beat, and prosecuted human rights activists for their activities. According to international NGO reports, government agents consistently monitored, threatened, and occasionally physically assaulted civil society activists. The government arrested NGO-affiliated international human rights and humanitarian workers, including in Darfur [...]" (USDOS, 27 February 2014, section 5)

The January 2014 Freedom House report on political rights and civil liberties notes that "[h]uman rights groups accuse the NISS [National Intelligence and Security Services] of systematically detaining and torturing opponents of the government, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now" (Freedom House, 23 January 2014).

In a January 2014 report for the Norwegian Peacebuilding Resource Centre (NOREF), Liv Tønnessen, senior researcher at the independent, non-profit research foundation Chr. Michelsen Institute (CMI), examines the work environment of women activists in Sudan against the backdrop of the International Criminal Court's (ICC) arrest order for President Bashir and

UN Security Resolution 1325 (2000) relating to women's participation in peace processes and reconstruction:

"Immediately after the arrest order against President Bashir was issued, international and Sudanese organisations were expelled from Darfur. According to activists and humanitarian actors, these expulsions have had a profound impact on the aid provided to victims of rape in terms of, for example, medical treatment, psychosocial support and legal aid. But it also had an effect on the space for women activists to work within the framework of Resolution 1325. If they initiate projects on sexual violence, they run the risk of being associated with the ICC, and thus by default of being accused of conspiring against the regime. In the words of a Darfurian activist, 'the word 'protection' is sensitive. If we use that term, then the government thinks that we are collecting rape cases for the ICC.'" (NOREF, January 2014, pp. 2-3)

A March 2013 joint report by the Arry Organization for Human Rights and Development, an Egypt-based NGO that describes itself as being "dedicated to the promotion and protection of human rights, peace building and development in Sudan", and the Sudanese Women Human Rights Defenders Project, an initiative aimed at advocating for the rights of Sudanese women activists, includes the following information based on interviews with women human rights defenders in Sudan:

"In another war region in Sudan, women activists are being also targeted by the security and armed militias in the disturbed states of Darfur, 'in Darfur IDPs camps which hosting about 2 million peoples, women IDPs from the camps are working in documenting and monitoring the human rights violations against the IDPs community, especially rape incidents, which mostly occurred when women go out the camp to bring fire woods or water, but those women IDPs activists, are living under constant threats of arrest and detention by the security forces in the camp' said (N-A) a Darfurian woman lawyer working in the IDPs camps. (N-A) continued describing the working conditions of the women human rights defenders in Darfur and especially in the IDPs camps. She said 'In Darfur it's extremely difficult now to hold any training or workshop under direct title including the word 'Human Rights', its simply dangerous and not allowed by the authorities, and they will never give you a permission to hold an event to speak about human rights or to raise the awareness about it especially after the arrest warrant of the president by the ICC for war crimes in Darfur'. [...]

Women human rights defenders in Darfur are subjected to violence and harassment by the Sudanese security forces in the region, 'in 2011-2012, three women human rights defenders working in the IDPs camps experienced severe violence by the NSS, one of them had been subjected to assassination attempt and they tried to shoot her, and the another one received threats, and the to hit her by a car, while the third was Hawa Jango, she was arrested in Abue Shoke IDPs camp north of Darfur, on May 6th, 2011, and held in detention for two months', said (N-A)." (Arry Organization for Human Rights and Development/Sudanese Women Human Rights Defenders Project, March 2013, p. 35)

As indicated in an April 2014 report by Human Rights Watch (HRW), "[i]n Darfur, [...] the government has often used lethal force against protesters". For instance, on 19 September

2013, "security forces fired at protesters in Nyala, South Darfur, who were demonstrating against a rise in attacks on merchants by pro-government militia", killing at least seven people including two children. (HRW, April 2014, p. 8)

The crackdown on 19 September 2013 on protesters in Nyala is described by Reuters news agency as follows:

"Sudanese police used teargas to disperse thousands of protesters who set government buildings on fire in the biggest city in the western region of Darfur on Thursday, witnesses said. More than 2,000 people took to the streets in Nyala to demonstrate against the killing of a prominent businessman on Wednesday and deteriorating security in Sudan's second-largest city, the witnesses said. They set several government buildings and cars on fire and burned tires, blocking roads and prompting police to fire teargas. 'The people want to overthrow the regime,' the protesters shouted before officers dispersed the crowd. Authorities later issued a nightly curfew in the capital of South Darfur state, state news agency SUNA said, adding that Darfuri rebels were trying to exploit the situation and enter the city. The killing of the businessman by unknown gunmen was being investigated, it added." (Reuters, 19 September 2013)

Mashood A. Baderin, the UN Independent Expert on the situation of human rights in the Sudan, states in a report published by the UN Human Rights Council (HRC) that "in July 2013, 12 people were reported to have been arrested and detained without charge by government security agents in Abu Karinka locality (East Darfur) for participating in a protest in the area" (HRC, 18 September 2013, p. 8).

Radio Dabanga reports that on 17 February 2014, two men were killed and 24 others injured when security forces used live ammunition to quell a demonstration of displaced persons in Zalingei, Central Darfur, protesting against the Social Peace Conference organised by the Darfur Regional Authority (DRA) (Radio Dabanga, 17 February 2014).

For information relating to the government's treatment of Darfuri students, please refer to [section 7.1.2](#) of this compilation.

## 8 Internally displaced persons (IDPs)

The UN Secretary-General states that “an estimated 400,000 people were forced to flee new outbreaks of fighting” in Darfur in 2013 (UNSC, 25 February 2014, p. 3). The US Department of State (USDOS) indicates that “nearly 500,000 persons”, including IDPs and refugees, were displaced in Darfur during the same year (USDOS, 27 February 2014, section 2d). As reported in *Foreign Affairs*, a US-based foreign policy magazine, 450,000 persons were displaced in Darfur during 2013 (*Foreign Affairs*, 1 May 2014). The UN High Commissioner for Refugees (UNHCR) states in September 2013 that more than 460,000 people have been displaced since the beginning of 2013 (UNHCR, September 2013).

The UN Office for the Coordination of Humanitarian Affairs (OCHA) notes in late April 2014 that there are “at least 2 million people [...] internally displaced” in Darfur. The source further gives an overview of recent displacement in the region:

“In the past two months, the situation has further deteriorated. At least 180,000 people are still displaced since February, while some 131,000 could return to their homes.” (OCHA, 30 April 2014)

The April 2014 report of the UN Secretary-General takes note of the following recent displacement that took place in 2014:

“The escalation of the conflict caused a further deterioration of the humanitarian situation in Darfur. Approximately 250,000 people are estimated to have fled violence since February [2014], close to 200,000 of whom remained displaced at the time of the writing of the present report. This number is higher than the number of people displaced in 2011 and 2012 combined, and is about half of the number of persons displaced in 2013.” (UNSC, 15 April 2014, p. 4)

In a humanitarian bulletin of early May 2014, the UN Office for the Coordination of Humanitarian Affairs (OCHA) states that “the cumulative number of people who were [displaced] since the beginning of 2014 is 301,000 people”, which “includes the cumulative civilian displacement since February 2014 of 290,000 people and an estimated 11,000 people who were displaced in January 2014 as a result of inter-tribal fighting in parts of Darfur” (OCHA, 4 May 2014, p. 3).

In August 2013, the Integrated Regional Information Network (IRIN) reported that according to UN figures, 1.4 million persons were living in the “main camps” in Darfur. However, the same article quotes Mark Cutts, head of the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Sudan, as saying that the “actual numbers of IDPs in camps are significantly higher as many of the IDPs living in smaller camps/settlements are not included in these figures and many IDPs in the bigger camps remain unregistered”. (IRIN, 15 August 2013)

### 8.1 Freedom of movement

The US Department of State (USDOS) notes in its annual report on human rights in 2013 that “[o]utside of IDP camps, insecurity restricted IDP freedom of movement; women and girls who left the towns and camps risked sexual violence” (USDOS, 27 February 2014, section 2d).



Referring to the situation of IDPs in Darfur and South Kordofan, a July 2013 report of the Internal Displacement Monitoring Centre (IDMC) notes that “ongoing conflicts hamper people’s ability to cultivate land and access markets” (IDMC, 9 July 2013).

A Radio Dabangaa article of May 2014 quotes a female activist in the Kassab camp for IDPs in North Darfur’s Kutum locality referring to the impact of the security situation on the residents’ ability to go out of the camp:

“An activist in the Kassab camp for the displaced explained to Radio Dabanga that they live without food, shelter and other services. ‘The camp also suffers from the non-arrival of new aid, an acute shortage of drinking water, while food rations have been reduced to the lowest level.’ The security situation is ‘very serious’, according to the female activist, as pro-government militiamen are abusing and scaring camp residents during the night, when they randomly fire into the air. ‘Their presence makes the internally displaced people almost trapped as they cannot go out to work in nearby farms or collect firewood and straw.’ She explained that whoever goes out ‘will be subjected to beating or rape’. ‘Re-state the police to the region in order to deter the pro-government militiamen,’ she demanded from the local and state authorities.” (Radio Dabanga, 2 May 2014)

Radio Dabanga reports in an article of January 2014:

“The leaders of the Sudanese army stationed at Jebel Kishlingo, 1.5km south of the El Salam camp for the displaced in Nyala, South Darfur, ordered the residents not to move in and out of the camp, following attacks between army forces and militiamen on Tuesday and last Friday.” (Radio Dabanga, 17 January 2014)

In an e-mail reponse dated 3 June 2014, Melanie Kesmaecker-Wissing, Regional Analyst for Central Africa at the Internal Displacement Monitoring Centre (IDMC), refers to limitations on freedom of movement for IDPs:

“Since January 2014, the Darfur region has witnessed a further escalation in insecurity and violence forcing up to 322,000 people to flee their homes in the past five months, adding to the 2 million IDPs in Darfur at the end of 2013 (IDMC, May 2014; OCHA, May 2014). It is difficult to fully assess the situation of DPs in Darfur as humanitarian access, especially of protection actors, is limited or even completely absent in some parts of Darfur and consequently poor information. IDPs in Darfur face various protection threats of which restrictions on freedom of movement is one. Different factors hamper IDPs from moving freely during displacement but also when they try to return home. The main obstacle for IDPs in Darfur to fully enjoy their right to freedom of movement is the permanent insecurity resulting from the continuing fighting between the government forces, militias and armed groups, as well as from tribal clashes, as IDPs would risk to be caught in the crossfire. This can also prevent them from returning to their homes as their places of origin remain insecure and they would fear for their lives. Furthermore, according to the UN Mine Action Service, Sudan is one of the countries with the largest amounts of mines and explosive remnants of war (ERW) and unexploded ordnances (UXO), which can be located along roads and in areas of origin thus limiting IDPs in their freedom of movement. (UNMAS, April 2013; UNMAS, August 2013)

Moreover, several sources have reported cases of gender-based violence (GBV) committed by government forces, armed groups, and civilians in Darfur, such as rape, which can also limit IDPs' freedom of movement. Displaced women and girls are the primary victims and are most vulnerable when they leave the relative safety of displacement camps to collect firewood, timber and straw (Radio Dabanga, February 2014; Radio Dabanga, May 2014)." (Kesmaecker-Wissing, 3 June 2014)

Among the sources consulted by ACCORD within time constraints, no further information could be found on freedom of movement for IDPs.

## 8.2 Security

The Internal Displacement Monitoring Centre (IDMC) states in a country overview published in July 2014:

"IDPs have repeatedly been victims of targeted attacks by armed groups and militias who burn their shelters, steal livestock and often force IDPs to flee again (UN, March 2014; UN, March 2014). [...] Sudan is one of the countries in the region with the largest quantities of Explosive Remnants of War (ERW) and unexploded ordnance (UXO), posing enormous threats to the physical safety of IDPs as well as a considerable obstacle to return to contaminated places of origin and to the resumption of farming (UNMAS, August 2013)." (IDMC, 9 July 2014)

The US Department of State (USDOS) annual report on human rights in 2013 notes:

"There were numerous reports of abuse committed by security forces, rebels, and militias against IDPs, including rapes and beatings. Abuse of IDPs by government forces and government backed-militias in the Southern Kordofan conflict was reported. [...]

Insecurity within IDP camps was also a problem. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force. International observers noted criminal gangs aligned with rebel groups operated openly in several IDP camps. They also noted travel back and forth across the border with Chad by these groups. [...]

There were multiple reports of IDPs harassed, arrested, and tortured by NISS [National Intelligence and Security Services] security forces." (USDOS, 27 February 2014, section 2d)

Amnesty International (AI) writes in a report of March 2014:

"Abuses by armed groups, including by members of government paramilitary forces, remain commonplace in several internally displaced people's camps in Darfur. Very little is done by the Sudanese government to protect internally displaced people, leaving them vulnerable to attacks, abduction, looting and sexual violence." (AI, 14 March 2014, p. 30)

The UN Special Rapporteur on the human rights of IDPs states in a June 2013 report submitted to the UN Human Rights Council (HRC):

"According to information received by the Special Rapporteur, security both within and outside the camps was compromised by a number of factors, including, inter alia, alleged infiltration and violations in some camps by armed groups; violations committed by government security forces and the Central Reserve Police in charge of security inside the camps; lack of humanitarian access, which could ensure protection and monitoring activities and continued insecurity outside the camps, due to the activities of armed militia groups and banditry. Moreover, protection sector activities in Darfur have been especially constrained by access issues, the security situation in some areas and the limited capacity of sector partners." (HRC, 25 June 2013, pp. 12-13)

"The security situation and lack of services in areas of return remain key challenges to sustainable returns. Some IDPs with whom the Special Rapporteur engaged, including women, stated that it was too early to speak of significant returns, stressing that while access to land was central to returns, their lands continued to be occupied. They also highlighted security concerns related to continued activity by the Janjaweed and stated that in their opinion, neither the Government nor UNAMID were capable of protecting them, citing the example of the attacks in Kutum (August 2012) and the Hashaba massacre (September 2012). DRA representatives with whom the Special Rapporteur met reiterated the need to establish security for people in areas of return, including through promotion of an inter-Darfur dialogue addressing the relationship between nomads and settlers – an issue affecting the stability of rural areas. They noted that since most areas outside of cities in Darfur have been evacuated due to the conflict, with many people displaced to IDP camps or settlements, those areas were now largely occupied by nomads." (HRC, 25 June 2013, p. 14)

As reported by the UN Secretary-General, the Khor Abeche IDP camp (South Darfur) was "attacked, looted and burned" by members of the Rapid Support Forces on 22 March 2014 (UNSC, 15 April 2014, p. 3). The same incident is reported by the African Union/United Nations Hybrid operation in Darfur (UNAMID) as follows:

"In Khor Abeche, on 22 March, about 300 heavily armed men attacked a camp for internally displaced persons (IDPs), setting fire to dozens of shelters and stealing livestock belonging to the residents. In anticipation of the attack, about 3,000 IDPs sought refuge at the UNAMID base. One IDP was reportedly killed." (UNAMID, 24 March 2014)

The Sudan Tribune reports in January 2014:

"An unidentified armed group has attacked Al-Salam camp, which is located 8 kilometers south of Nyala, the capital of South Darfur state, killing 5 people including 3 police officers and injuring 7 other Internally Displaced Persons (IDPs)." (Sudan Tribune, 11 January 2014)

A March 2013 report by Amnesty International (AI) refers to the following incident which took place in El Siref, North Darfur:

"On 23 February 2013, hundreds of gunmen attacked the town of El Siref, where 60,000 internally displaced people had taken refuge. The displaced had moved there recently, following attacks on their villages in the areas of Kebkabiya and Jebel 'Amer in January,

during which roughly 110 villages had been partially or entirely burnt down. [...] Local sources indicate that 53 residents were killed and 66 injured in the attack. The overwhelming majority of the victims were civilians. [...] Some of the displaced residents fought back, firing at the attackers using light weapons such as Kalashnikovs. Such weapons are carried by many people in rural areas of Darfur as a means of self protection. 17 of the attackers were reportedly killed. Most of them carried government issued identity documents identifying them as members of the Border Guards." (AI, 28 March 2013b, pp. 3-4)

For information on Sexual and Gender-based Violence (SGBV) relating to IDPs, please refer to [section 10.2](#) of this compilation.

### **8.3 Access to basic services**

The US Department of State (USDOS) annual report on human rights in 2013 describes the humanitarian situation of IDPs in Darfur as follows:

"IDPs in Darfur had significant humanitarian needs. International humanitarian NGOs expanded their operations to cover some of the gaps that resulted from the government's expulsion of 13 NGOs in 2009. Government restrictions limiting access to affected populations, and logistical and security constraints, however, continued to impede the delivery of humanitarian services." (USDOS, 27 February 2014, section 2d)

In April 2014, the UN Secretary-General reports on access of humanitarian organisations to recently displaced persons in Darfur:

"Securing timely access to newly displaced people has been a challenge, but by late March [2014], over 130,000 people had been reached. In some cases, specific agencies were granted expedited access, allowing for rapid delivery of food and health supplies in some areas. Humanitarian partners were also able to scale up emergency response in established camps for the internally displaced by using contingency stocks, particularly in South Darfur. [...] Access to areas of active hostilities has been extremely limited, however. This has affected both to deliver humanitarian assistance and the ability to provide services. Partners were unable to reach several areas in North Darfur which were believed to be hosting newly displaced persons or those villages worst affected by violence in South Darfur, which generated the influx of newly displaced persons into camps around Nyala. Humanitarian access to the Jebel Marra area has remained cut off, and the Adilla and Abu Karinka localities in East Darfur have not been reached since intertribal fighting broke out in the area in August 2013." (UNSC, 15 April 2014, p. 4)

As noted in the February 2014 report of the UN Secretary-General, "[p]rotracted displacement, food insecurity and a lack of basic services continue to drive chronic vulnerability in all five Darfur states" (UNSC, 25 February 2014, p. 3). The report further elaborates on access of humanitarian organisations to populations affected by conflict:

"Humanitarian actors face particular restrictions that constrain and delay the delivery of assistance, which take the form of denials of access, delays in the issuance of staff work permits and the cancellation of field missions, particularly in the context of new

emergencies. Access often varies significantly according to geographical location, assisting organization, sector and prevailing security situation. Access to areas of active fighting is generally not possible and includes the East Jebel Marra region, where an estimated 100,000 people have been cut off from United Nations assistance since early 2010." (UNSC, 25 February 2014, p. 8)

An August 2013 report of the Integrated Regional Information Network (IRIN) on Darfur notes that "[m]any of those affected by the conflict are unable to receive any humanitarian assistance as insecurity has hampered efforts by aid workers to reach them" (IRIN, 15 August 2013).

An April 2014 update of the UN Office for the Coordination of Humanitarian Affairs (OCHA) describes the supply situation of IDPs at the UNAMID team site in Mellit, North Darfur:

"Humanitarian organisations have provided food, nutrition, and water and sanitation assistance to some 4,300 displaced people taking refuge at the African Union – United Nations Mission in Darfur (UNAMID) team site in Mellit, North Darfur. The displaced people are still in need of non-food relief supplies and emergency shelter but local authorities have been unwilling to allow them this assistance, as they do not want the development of a new IDP camp." (OCHA, 27 April 2014, p. 3)

A May 2014 humanitarian bulletin of the UN Office for the Coordination of Humanitarian Affairs (OCHA) reports on the situation in North Darfur's Zamzam IDP camp:

"The recent influx into Zamzam IDP camp of over 28,000 people fleeing violence in El Fasher locality and Eastern Jebel Marra has put a lot of strain on living space in the camp. Due to the lack of space, newly arrived people have settled next to the riverbed (wadi) putting them at risk of flooding during the upcoming rainy season. In addition, the construction of latrines in this location is likely to contaminate underground water sources." (OCHA, 11 May 2014, p. 3)

An OCHA press release of March 2014 states with reference to a community leader at the Kalma IDP camp in South Darfur:

"The sudden influx of people has put pressure on services that were already thinly spread. As a result, some of the new arrivals don't have access to enough clean water, sanitation or health services. Access to Kalma camp has been relatively good, but insecurity continues to hamper humanitarian organizations' efforts to address people's needs in locations such as Saraf Omra in North Darfur, where an estimated 61,000 people have fled. Despite humanitarian resources being stretched, recent arrivals at Kalma and Al Salam camps are receiving basic, life-saving assistance. But after being forced to flee their homes, people fear that they have lost everything." (OCHA, 18 March 2014)

The UN Special Rapporteur on the human rights of IDPs states in his June 2013 report on access of humanitarian organisations to Darfur submitted to the UN Human Rights Council (HRC):

"While access to the majority of people in need in Darfur has been possible, factors such as insecurity, bureaucratic impediments and access restrictions have constrained humanitarian responses and negatively affected the operating environment for international humanitarian organizations in particular. New government procedures for humanitarian personnel to travel to Darfur were instituted in 2012, which resulted in confusion and prevented some United Nations staff and NGOs from travelling to Darfur for several months. The Government's announcement in March 2013 regarding the removal of travel restrictions on humanitarian agencies operating in Darfur is therefore welcome and its rapid implementation is strongly encouraged. Moreover, the Special Rapporteur stresses the concern of IDP leaders with whom he met, who explained that the humanitarian situation in the camps had deteriorated significantly since the expulsion in 2009 of international NGOs. Other interlocutors noted increased constraints and government restrictions on humanitarian access in areas dominated by armed movements or where the population is perceived as being aligned to the 'wrong communities', which affects the provision of medicines, protection and other services." (HRC, 25 June 2013, p. 12)

A July 2013 report of the Internal Displacement Monitoring Centre (IDMC) notes with reference to media and humanitarian sources:

"IDPs in Sudan have significant humanitarian needs, particularly in terms of food, health and shelter. [...] IDPs in camps in Darfur often live in rudimentary makeshift shelters which provide only limited protection from the elements (SR on IDPs [Special Rapporteur on the human rights of IDPs], May 2013, Under-Secretary-General and Emergency Relief Coordinator, May 2013). Relatively little is known about the situation of IDPs who live outside camps and settlements." (SR on IDPs, May 2013)." (IDMC, 9 July 2013)

The July 2014 country overview of the Internal Displacement Monitoring Centre (IDMC) states with reference to other sources:

"The lack of quality data makes it difficult to make an accurate assessment of IDPs' needs. [...] Sixty per cent of the 4.5 million Sudanese judged to be food insecure are in Darfur. This is mainly due to on-going fighting and poor harvests (FEWS Net, April 2014). Access to water and health services remain major challenges for IDPs (OCHA, December 2013). More than 77 per cent of facilities have been affected by the conflict and in Darfur many are simply inaccessible (OCHA, December 2013)." (IDMC, 9 July 2014)

The Famine Early Warning Systems Network (FEWS Net), a US-based provider of analysis on food security, states in its food security outlook of January 2014:

"In Darfur, at least 30 percent of newly displaced IDPs (e.g. in Muajeriya, Adila, Ed Daein and Labado, in East Darfur, and Beliel, Kalma, Beliel, El Salam, Deriege, and Otash camps in Nyla town of South Darfur) missed cultivation this year and have not yet received humanitarian food assistance [...]. Among long-standing IDP communities in Darfur, most IDPs are receiving a 50 percent ration of food assistance in the form of general food distributions or food vouchers. In some cases, the ration was adjusted to 25 percent due to logistical constraints triggered by insecurity." (FEWS Net, 31 January 2014, p. 6)

"Conflict has also disrupted trade flows between central Sudan and Darfur and within Darfur, caused destruction of crops and assets, and losses of hundreds of lives. It has also created a prevailing environment of lawlessness in Darfur, disrupting normal livelihood activities (e.g. cultivation of farms, firewood collection, seasonal agricultural labor) and substantially reducing access by humanitarian agencies. As a result, in some locations organizations have skipped one to two months of food distributions for IDPs. An estimated 30 percent of newly displaced IDPs are not receiving humanitarian assistance. A recent inter-agency assessment in South Darfur revealed that tribal fighting between Gimir and Beni Halba in Katila and Ed Al Fursan localities displaced about 45,000 people in April and May 2013 to Ed El Fursan, Katyla, Tulus and El Salam localities in South Darfur state, and they are reportedly desperately in need of humanitarian assistance." (FEWS Net, 31 January 2014, p. 10)

The FEWS Net food security outlook of October 2013 describes the situation of persons displaced from several localities in East Darfur as a result of fighting between the Ma'alia and Rizeigat tribes that erupted in August 2013:

"Conflict caused the displacement of 150,000 people from rural areas of Adila, Abu Karinka, and Ed Daein localities. Of these people, only 35,000 IDPs in Abu Karinka area received a one-time food distribution. Humanitarian assistance was not provided to other IDPs due to insecurity and restrictions on movements imposed by the GoS. Most of the new IDPs moved to areas populated by their own tribe, and are likely receiving food from community members." (FEWS Net, 31 October 2013, p. 6)

Referring to findings of a verification mission conducted in 2012, the June 2013 report of the UN Special Rapporteur on the human rights of IDPs notes the following obstacles with regard to IDPs returning to their places of origin:

"Several of the above challenges to sustainable returns were also confirmed during a verification mission undertaken in 2012 to monitor returns in West, Central North and South Darfur. In addition to security, lack of access to livelihood opportunities and basic services, including water and education facilities (at reasonable distance); hostile communities and insufficient presence of law enforcement officials – conditions which, place women and girls at increased risk of SGBV [Sexual and Gender-based Violence] were some of the issues identified. It was found that the absence of NGOs and partner agencies, especially development partners capable of bringing sufficient funding and technical capacity for longer-term programming in areas of return, and the lack of capacity of local state government to ensure sustained social services were important factors impeding returns. Other constraints to durable returns included the lack of food assistance and institutions for solving land disputes in areas of return; insufficient information on IDPs and their intentions and the slow implementation of the DDPD [Doha Document for Peace in Darfur]." (HRC, 25 June 2013, p. 15)

## 9 Returnees

This section refers to issues pertaining to returned refugees. The situation of IDPs returning to their areas of origin in Darfur has been marginally addressed by sources quoted in [section 8](#) of this compilation.

In April 2012, the Sudan Tribune newspaper reported on conflicting views regarding returns to Darfur:

“The director of Sudan’s High Commission for Refugees, Mohamed Abdallah stated last week that at least 100,000 Sudanese refugees returned to West Darfur state as result of the joint efforts exerted by Sudan and Chad. The two countries and the UNHCR on 27 July 2011 signed an agreement to organise the voluntary return of over 250,000 Sudanese refugees from the eastern part of Chad. Refugees that fled fighting that began in 2003 have been residing in 12 camps run by United Nations. However, local leaders in the camps denied the return of refugees describing such statements as ‘misleading propaganda and lies’. In a series of interviews conducted by Radio Dabanga the camp leaders stressed that the figure of ‘100,000 returnees’ indicates the inaccuracy of the statements. A UN official who recently visited the camps of eastern Chad told Sudan Tribune, that the Sudanese refugees do not believe they will return soon to their homeland adding that young people there dream of studying in West African countries and learning French. The refugees who were interviewed by Radio Dabanga, which is based in the Netherlands, said they are not ready to return home unless the necessary security conditions are fulfilled. They demanded that the government’s militias are disarmed, settlers on their lands are removed, and that those responsible for war crimes in Darfur be hand over to the International Criminal Court. They further asked for a comprehensive peace agreement with the rebels, the rebuilding of their villages and provision of more services. An official from the UN agency for refugees (UNHCR), Jean Bosco, told Radio Dabanga they heard about the return of refugees but their colleagues in the UNHCR Sudan told them there is no substantial evidence indicating that these people were living in eastern Chad camps.” (Sudan Tribune, 2 April 2012)

The comments by UNHCR Chad representative Jean Bosco referred to above are rendered by Radio Dabanga as follows:

“[W]hat we call spontaneous repatriation is not organised by the UNHCR. People can decide to go by themselves. In such a case, the UNHCR doesn’t provide for any assistance. We heard that some Sudanese had repatriated. We asked our colleagues from UNHCR, even implementing personnel in the Darfur region. But none had been able to provide evidence that those people were living in the refugee camps in Chad. So right now I’m not in the position to certify that any refugee had repatriated from the refugee camps in Chad.” (Radio Dabanga, 2 April 2012)

12 leaders of refugee camps in Chad interviewed by Radio Dabanga in March 2012 are quoted as saying that claims that refugees are “freely returning to Darfur” are “false” and “misleading” (Radio Dabanga, 30 March 2012). In April 2012, Radio Dabanga quotes another



four camp leaders in Chad as denying reports according to which large numbers of refugees have returned to Darfur (Radio Dabanga, 5 April 2012).

Among the sources consulted by ACCORD within time constraints, no verified figures on returning refugees could be found.

## 9.1 Security

The UNHCR Global Appeal 2013 Update of December 2012 notes that the “the majority of the Sudanese refugees in Chad are reluctant to return home due to ongoing instability in Darfur” (UNHCR, 1 December 2012). The UNHCR Global Appeal 2014-2015 of December 2013 states:

“Given that it is unlikely that conditions in the countries of origin (Sudan and CAR [Central African Republic]) will improve for voluntary return to occur in 2014, UNHCR will pursue resettlement for Sudanese and Central African refugees.” (UNHCR, 1 December 2013, p. 2)

In January 2014, Radio Dabanga quotes the head of Kounongou refugee camp in eastern Chad as saying that “[o]nce Darfur is safe and secure again, the refugees will immediately return by themselves” (Radio Dabanga, 8 January 2014).

The Integrated Regional Information Network (IRIN) reports in an article of August 2012:

“Ten years after fleeing violence in the Sudanese region of Darfur, Abdulla Juma Abubakr has no intention of returning home. After leaving the West Darfur town of El-Geneina in 2002, he first spent two years in a border camp inside Sudan, before moving on to Djabal, a refugee camp in eastern Chad’s Goz-Beida region. ‘From what I saw when we left, the way people were killed, mosques burnt... I can’t imagine going back,’ Abubakr, a refugee leader at the camp, told IRIN. ‘I know that other people are going back but I can’t go back. I still have some family members in Darfur but I can’t be sure of my security if I return.’ Many of the camp’s 18,000 refugees, most of them from Darfur, are also reluctant to return home. ‘The Darfur refugees have put many conditions towards return - security and recovery of property and land and other things,’ Aminata Gueye, the representative of the UN Refugee Agency (UNHCR) in Chad, told IRIN. [...] Since 2009 and the thawing of relations between Chad and Sudan, the Darfur conflict has switched from western to eastern Darfur, allowing some pockets of stability to appear in West Darfur, Jérôme Tubiana, an independent researcher, told IRIN. ‘Some returns of both IDPs [internally displaced persons] and refugees have happened in those pockets, but they are often temporary because the security is still very unstable.’ [...] Every week, some of the refugees go home and then return, Saudi Hassan, the head of the Goz Beida office of the national commission dealing with IDPs and refugees (CNARR), told IRIN. ‘They have real-time information; around 95 percent of them do not want to go back. They say that their land has been occupied by unknown persons, there lacks infrastructure in the original homes compared to the refugee camps, there are still some IDP sites in Darfur, and they ask, ‘how can we then go back home?’” (IRIN, 10 August 2012)

Among the sources consulted by ACCORD within time constraints, no further information could be found on the security situation facing returnees.

## **9.2 Access to documentation**

Among the sources consulted by ACCORD within time constraints, no specific information could be found on access to documentation for returnees.

According to a November 2013 Radio Dabanga article, the Darfur Regional Authority (DRA) plans to set up a new database for registration of displaced persons in IDP camps in Darfur and Darfuris living outside the country as refugees:

“The Darfur Regional Authority (DRA) plans to start a new registration of the people in the Darfur camps for the displaced and Darfuri refugees outside the country. The new database will [be] used for return and repatriation purposes and built on already existing data, mainly from the World Food Programme and the International Organisation for Migration.” (Radio Dabanga, 2 November 2013)

## **9.3 Access to basic services**

Among the sources consulted by ACCORD within time constraints, no information could be found on access to basic services for returnees.

## 10 Women

### 10.1 Female genital mutilation/cutting (FGM/C)

In a July 2013 report on their joint programme on female genital mutilation/cutting (FGM/C) in Sudan, the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) provide the following information relating to the legal framework for the abandonment of FGM/C:

"Sudan is one of four focus countries of the joint programme with no national law prohibiting the three types of FGM/C or regulating medical and surgical procedures. Participants in the joint programme were in agreement from its inception that all forms of FGM/C should be banned by law. In Sudan, a national law existed since 1946 that criminalised the most severe type III (locally known as 'pharaonic') form of FGM/C ('infibulation', or the removal of all external genitalia preceding the stitching or narrowing of the vaginal opening), but permitted type I (partial or total removal of the clitoris), locally known as the 'Sunna' type. Attempts to enforce the 1946 law were extremely rare; and it was considered ineffective since it did not ban all forms of the practice, it was unenforceable, and was not widely supported socially. In 1983, when Sharia law was introduced, the article prohibiting FGM/C was removed from the penal code.

Since then there have been several attempts to criminalise all forms of FGM/C but none have been successful. The most significant recent setback occurred in 2009, when the Council of Ministers decided to remove Article 13 of the 2009 Child Act, which would have prohibited FGM/C as a harmful practice and tradition affecting the health of children.

Despite limited progress made at the national level, several states in Sudan have managed to pass laws prohibiting all forms of FGM/C. [...] The states of South Kordofan, Gedaref and West Darfur endorsed state-wide child laws criminalising FGM/C, but these remain to be enforced. By 2011, state parliaments in Khartoum, Blue Nile, Kassala and White Nile had made commitments to issue laws criminalising FGM/C, and parliaments in South Darfur and Red Sea had passed related laws.

At the national level, legislation exists that classifies FGM/C as a violation of professional medical standards. Medical Council Resolution Number 366 prohibits doctors from conducting FGM/C. Midwives and hospitals may be punished if caught performing infibulation." (UNFPA/UNICEF, July 2013, pp. 7-8)

The UK Department for International Development (DFID) notes in a February 2013 report on female genital cutting in Sudan, under the heading "Legislation and the policy environment":

"The Interim Constitution (2005), the National Women Empowerment Policy (adopted in 2007), and the national plan of action to combat violence against women and children (2007-2011) do not mention FGC explicitly. While Sudan was the first country in Africa to legislate against FGC (in 1946) and the Interim Constitution condemns harmful practices, there is today no national law against it. In early 2010, Sudan announced a new National Child Act but this does not prohibit or criminalise FGC unlike the previous Act of 2007. It is though banned by law in five states: South Kordofan, South Darfur, Red Sea, Gedaref,

and Blue Nile States. [...] Although enforcement is weak the enactment of laws prohibiting FGC at the state level is an important step in encouraging the passage of national legislation. Reaching agreement on a national legal framework on FGC remains a major challenge.” (DFID, February 2013, p. 9)

An article published by the African Union/United Nations Hybrid operation in Darfur (UNAMID) in the March 2014 issue of its magazine “Voices of Darfur” and authored by staff writer Emadeldin Rijal quotes Mohammed Salim, a North Darfur lawyer, as saying that “the Sudan Criminal Act does not contain provisions that expressly forbid the practice” of female genital mutilation. As pointed out by Salim, “the Sudan Child Law of 2004 initially contained a stipulation criminalizing the practice [...], but it was revoked following an amendment influenced by a parliamentary lobby”. (UNAMID, March 2014, p. 18)

Mashood A. Baderin, the UN Independent Expert on the situation of human rights in the Sudan, states in a September 2013 report to the UN Human Rights Council (HRC):

“The Council’s [National Council for Child Welfare, NCCW] national programme for the abolition of female genital mutilation (FGM) – a practice that is prevalent in the Sudan –, with a strategy aimed at eradicating the practice in the Sudan by 2018 is very laudable. The practice of FGM is a violation of the rights of children and contrary to the provisions of articles 19 and 24, paragraph 3, of the Convention on the Rights of the Child, and article 21 of the African Charter on the Rights and Welfare of the Child, both of which the Sudan is a State party. NCCW should extend its activities to the rural areas to ensure that the rights and welfare of children are effectively protected at the grassroots levels. The legislative council in South Darfur passed a law in 2013 making FGM a crime in the state.” (HRC, 18 September 2013, pp. 15-16)

In the March 2014 article by Emadeldin Rijal, the Secretary-General of the North Darfur Council for Child Welfare (NDCCW) is quoted as stating that “a bill [...] has been introduced to bolster efforts to prevent the practice of genital cutting”, adding that “the proposed bill, which North Darfur authorities are working to pass, is in its preliminary stage” (UNAMID, March 2014, p. 19).

The Freedom House report Freedom in the World 2014 states that “[f]emale genital mutilation is widely practiced” (Freedom House, 23 January 2014). The US Department of State (USDOS) annual human rights report for 2013 similarly mentions that “Female Genital Mutilation/Cutting (FGM/C) remained widespread”, and goes on to specify:

“During the year UNICEF reported 88 percent of girls and women ages 15 to 49 had undergone FGM/C. Ministry of Health bylaws prohibit FGM/C by physicians and medical practitioners; however, midwives continued to practice FGM/C. The government actively campaigned against it in partnership with UNICEF, civil society groups, and the High Council for Children’s Welfare. Several NGOs also worked to eradicate FGM/C. Some NGOs believed Type 1 or Sunna FGM/C (removal of the hood and part of or the entire clitoris) was the most common form practiced, but statistics about the specific categories of FGM/C were unavailable.” (USDOS, 27 February 2014, section 6)

In its Sudan Humanitarian Bulletin of 9 February 2014 (covering the period from 3 to 9 February 2014), the UN Office for the Coordination of Humanitarian Affairs (OCHA) notes with respect to the prevalence of FGM in Sudan and attitudes towards the practice:

"The practice of FGM is deeply rooted in Sudanese. FGM is often seen as a social obligation that transcends individual preferences. While 88 per cent of women in Sudan aged 15 to 49 have undergone some form of FGM, only 42 per cent of these women want the practice to continue, according to UNICEF. The Government of Sudan, with support from UNICEF and the UN Population Fund (UNFPA), is leading efforts to reframe the social narrative that shapes individual attitudes towards this harmful tradition. As individual opposition to FGM continues to increase, it is hoped that these efforts can help to reduce the prevalence of the practice in Sudan.

While the age and time at which the procedure is carried out differs among communities, most girls are cut at around 5 or 6 years of age. However, some girls in eastern regions of Sudan are being cut at only a few months old. Around 74 per cent of girls countrywide will undergo the most severe FGM procedure, known as infibulation." (OCHA, 9 February 2014, p. 4)

The same issues are addressed in the DFID report of February 2013:

"FGC is a widespread practice in Sudan, although it is not practiced by all communities and ethnic groups. In popular Arabic and in Sudan, it is called tahir, meaning purity and cleanliness. Consequently uncut women are viewed generally as impure and thus unmarriageable. To be uncut is linked to non-conformism and stigma. Words like qulfa, a derogatory term implying shame and exclusion, are used to demean women who are uncut. Given their lack of choice and the powerful influence of culture and tradition, most women accept cutting as a necessary, and even natural, part of life, and accept the reasons given for its practice. [...]

The only states where FGC prevalence seems to be on the rise are the Darfur states. In West Darfur, the Sudan Household Health Survey (SHHS) data from 2006 and 2010 shows an increase in prevalence rate of 7%. This is thought to be a result of conflict and displacement although the evidence on the impact of humanitarian crises, including conflict, on FGC practice is very limited. [...]

There has been progress though. As little as twenty years ago, approval for the practice closely matched prevalence. Now attitudes are turning against FGC although full abandonment is far from guaranteed. Despite the fact that it is still widely practised in all regions in Sudan, according to the 2010 SHHS over half of women (see Figure 1) and two thirds of men believed the practice should be discontinued and reported having no intention of cutting their daughters. This is a significant increase from previous years. There is, though, some evidence that a milder form of cutting, or sunna (Type 1 clitoridectomy), is being performed by medical professionals and supported by some religious sects." (DFID, February 2013, p. 8)

The above-cited July 2013 report by UNFPA/UNICEF explains that “[w]ithin the country, prevalence varies geographically and depends on the custom of local ethnic groups”. The report also includes a map based on data from the 2010 Sudan Household Health Survey (SHHS) which illustrates the geographic distribution of FGM/C in Sudan in 2010, i.e. before the creation of the new Central and East Darfur states in 2012. According to the map, the prevalence was 91 per cent in Northern Darfur, 95 per cent in Southern Darfur and 68 per cent in Western Darfur. (UNFPA/UNICEF, July 2013, p. 6)

The same report states that “[i]n many cases, members of displaced communities that formerly did not carry out FGM/C have adopted the practice under pressure to integrate into their new areas of settlement, such as is the case for increased prevalence in South Darfur” (UNFPA/UNICEF, July 2013, p. 10).

The above-cited article by Emadeldin Rijal, published in the March 2014 issue of the UNAMID magazine “Voices of Darfur”, provides the following general observations regarding female circumcision in Darfur:

“The communities that practice female circumcision in Darfur are, in most cases, motivated by cultural precedent; the practice is typically done as part of a coming-of-age ceremony. In some cases, community elders justify it with religion, although most of Darfur’s established religious leaders eschew the belief that female circumcision is necessary. Among the communities here, female circumcision continues to be a topic of debate. Those who support the practice say circumcised women are less likely to commit adultery because circumcision mitigates female libido. This belief unfortunately leads to uncircumcised women having fewer chances for marriage. For many Darfuri families, therefore, female circumcision is not uncommon. [...] In Darfur, the circumcision itself is typically performed by midwives, who are provided with money and household items, such as sugar, coffee and tea, as tokens of appreciation for performing the operation.

The girls who undergo this operation – usually around the age of seven – exhibit a sense of pride that typically fuels curiosity among their peers who have yet to be circumcised. Because this practice is usually done before the onset of puberty, the girls are not fully aware of the health hazards they face. Indeed, in many cases, it is possible that all those attending the circumcision ceremony are unaware of the near-catastrophic physiological and psychological effects that can result from female circumcision.” (UNAMID, March 2014, p. 17)

The same article reports on different efforts to end female genital cutting in Darfur, including by UNAMID, the North Darfur Council for Child Welfare (NDCCW) and the Ministry of Health:

“With growing awareness regarding the dangers of genital cutting, there have been concentrated efforts from the Darfur’s medical community, national and international nongovernmental organizations and the United Nations to raise awareness about the dangers of this practice. ‘Female circumcision adversely affects the health of the young girls who undergo this often painful procedure,’ says Ms. Magda Ibrahim, a UNAMID Gender Officer. In its efforts to help eradicate female genital mutilation in Darfur,

UNAMID, along with its partners, has been conducting workshops for community members, including midwives and religious leaders. According to Ms. Nafisa Mohammed, a North Darfur gender activist, these sessions have helped many families make the decision not to circumcise their daughters. 'There is a change in the perspective of the local communities on female genital mutilation, particularly among those who have been sensitized,' says Ms. Mohammed. Mission personnel have conducted many such education sessions in Darfur as part of global information campaigns and during key global occasions, such as the annual series of events called 'Sixteen Days of Activism against Gender Violence.' In addition, UNAMID has conducted training sessions for members of the Darfuri media on the risks associated with female circumcision. And in collaboration with the Sudanese Ministries of Health, the Mission's personnel have been working to support new laws and regulations designed to prevent and discourage female circumcision. [...]

The most damaging sort of female circumcision involves the removal of the labia minora, labia majora and the clitoris, leaving only a narrow gap for the passing of urine or menstrual blood; this practice has decreased among Darfuri communities, particularly among those living in urban areas. 'The habit of practicing female circumcision is declining gradually,' says Mr. Abdulaziz Haroun, Chair of the Al- Toweisha Locality Network for Combatting Harmful Practices. The Al-Toweisha Network, one of many groups established in Darfur localities under the aegis of the NDCCW [North Darfur Council for Child Welfare], is working to accelerate efforts to eliminate the practice altogether. Such networks typically consist of medical doctors, midwives, nurses, social workers, community leaders and media practitioners. Members in these networks undergo training sessions provided jointly by the Council for Child Welfare and the Ministry of Health. As part of their commitment to eradicate genital cutting, all members sign a pledge that they will discourage the practice of female circumcision in their communities. Although Darfur's midwives – especially those who have received no formal training – are well known for their role in the practice, those joining one of these networks pledge not to support it or promote it; those who continue to participate in the ceremonies after making this pledge are heavily fined. Even with a growing number of such networks across Darfur, some families insist on circumcising their daughters. Such families, which often live in rural areas, represent one of the main challenges to the eradication of female genital mutilation.

To consolidate support against the mutilation of prepubescent girls in Darfur, the NDCCW, in its capacity as an official body concerned with affairs related to children, is reaching out to these communities in rural areas, camps for internally displaced people and other places where the practice of circumcising young girls is prevalent. Continuing to build local networks and intensifying media campaigns are two strategies adopted by the NDCCW to fight genital cutting. The largest of such media campaigns is the Saleema national campaign to end female genital mutilation; the initiative, set into motion in 2008 across Sudan, is designed to sensitize people to the consequences of this practice, help those who have been affected by it and ensure that future generations can enjoy the advantages of being saleema, meaning 'whole' and 'intact' in Arabic. The Saleema campaign, which established a target date of 2018 to eliminate the practice in Sudan completely, has gained wide acceptance nationally and internationally. [...] In Darfur, the impact of the

campaign is reflected in changing attitudes, particularly in urban areas. 'Increasingly, people are talking about the advantages that can be connected to the lack of circumcision,' says Ms. Abdulmageed. 'In fact, there are some communities influenced by the civilization in towns, and are moving toward completely discarding the practice.'" (UNAMID, March 2014, pp. 18-21)

The Saleema campaign is also referred to in the OCHA Sudan Humanitarian Bulletin of 9 February 2014. The bulletin notes that according to the National Council for Child Welfare (NCCW), the nationwide media campaign is "[l]ed by Saleema ambassadors, comprising public figures from all walks of life", and resorts to the use of "television advertisements, roadside billboards and radio messaging to champion the term Saleema as a new and positive label for the uncut girl in Sudan" (OCHA, 9 February 2014, p. 4). However, as noted by the Sudanese journalist Reem Abbas in an August 2013 article for the non-profit online news service Women's eNews, activists in Sudan "criticized the campaign as being presented in such a way as to appease conservatives and to avoid clashes". The article quotes a representative from the Khartoum-based Salmah Women's Resource Center as stating that in her view "[t]he name, Saleema, is a vague name in itself" and that "this reflects that the campaign is trying to avoid clashes with the extremists who do not want to see FGM eradicated" (Women's eNews, 19 August 2013).

## **10.2 Sexual and gender-based violence (SGBV)**

The Interim National Constitution of the Republic of the Sudan of 2005 stipulates in Article 15 on "Family, Women and Marriage":

"(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.

(2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life." (Interim National Constitution of the Republic of the Sudan, 2005, Article 15)

Article 32 of the Interim National Constitution contains the following provisions relating to the rights of women and children:

"(1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.

(2) The State shall promote woman rights through affirmative action.

(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

(4) The State shall provide maternity and child care and medical care for pregnant women.



(5) The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan." (Interim National Constitution of the Republic of the Sudan, 2005, Article 32)

The Doha Document for Peace in Darfur (DDPD) of 2011 states in its paragraph 4 (part of Article 1 entitled "Promotion and Protection of Human Rights and Fundamental Freedoms"):

"4. The Parties shall ensure that all persons enjoy and exercise all of the rights and freedoms provided for in this Agreement, in the National Constitution of Sudan and international and regional human rights instruments to which Sudan is a party without discrimination on any grounds including sex, race, colour, language, religion, political or other opinion, national or social origin or social status. Women, children and men shall be guaranteed the equal enjoyment of all rights enshrined in the international human rights and humanitarian law instruments to which Sudan is a party." (DDPD, 2011, Article 1, paragraph 4)

In paragraphs 333 and 335 of Article 62, the same document lists the following general principles for a permanent ceasefire and final security arrangements:

"333. Civilians in Darfur have the right to protection, including provision of specific measures for vulnerable groups such as women and children taking into account their special status in international law, and in recognition that they have suffered disproportionately during the conflict;

[...] 335. The imperative to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law" (DDPD, 2011, Article 62, paragraphs 333 and 335)

Paragraph 340 (part of Article 63 entitled "Prohibited Activities and Positive Undertakings") stipulates that "the Parties agree to immediately cease and refrain from any [...] [a]cts and forms of gender-based violence and sexual exploitation" (DDPD, 2011, Article 63, paragraph 340).

The Darfur Peace Agreement (DPA) of 5 May 2006 also contains provisions relevant to violence against women, including paragraphs 27 and 28 (part of Article 3 entitled "Human Rights and Fundamental Freedoms"), as well as paragraphs 275 to 279 (part of Article 26, "Protecting IDPs and Humanitarian Supply Routes") (DPA, 5 May 2006, paragraphs 27, 28 and 275-279).

Article 149 of the Criminal Act of 1991 defines rape as an act of sexual intercourse, "by way of adultery, or sodomy", without consent and prescribes penalties up to the death sentence:

"(1) There shall be deemed to commit the offence of rape, whoever makes sexual intercourse, by way of adultery, or sodomy, with any person without his consent.

(2) consent shall not be recognized, where the offender has custody, or authority over the victim.

(3) Whoever commits the offence of rape, shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding ten years, unless rape constitutes the offence of adultery, or sodomy, punishable with death." (Criminal Act, 1991, Article 149)

The provisions relating to adultery (zina) and sodomy are found in Articles 145 ("Adultery (Zina)"), 146 ("Penalty for adultery"), 147 ("Remittance of the penalty of adultery") and 148 ("Offence of sodomy") of the 1991 Criminal Act (Criminal Act, 1991, Articles 145-148).

An older report jointly published by the international human rights NGO REDRESS and the Khartoum Center for Human Rights and Environmental Development (KCHRED) in February 2008 refers to Articles 145, 149 and 151 ("Gross indecency") of the 1991 Criminal Act as "problematic features of rape legislation in Sudan". According to the report, Article 151 "is vague and does not allow for adequate punishment in cases of serious sexual harassment". (REDRESS/KCHRED, February 2008, pp. 10-11)

Article 151 of the Criminal Act reads as follows:

"(1) There shall be deemed to commit the offence of gross indecency, whoever commits any act contrary to another person's modesty, or does any sexual act, with another person not amounting to adultery, or sodomy, and he shall be punished, with whipping, not exceeding forty lashes, and he may also be punished, with imprisonment, for a term, not exceeding one year, or with fine.

(2) Where the offence of gross indecency is committed in a public place, or without the consent of the victim, the offender shall be punished, with whipping not exceeding eighty lashes, and he may also be punished, with imprisonment, for a term, not exceeding two years, or with fine." (Criminal Act, 1991, Article 151)

Liv Tønnessen, senior researcher at the independent, non-profit research foundation Chr. Michelsen Institute (CMI), states in a March 2014 article that "[u]nder Sudan's Criminal Act (1991), rape is defined as zina (adultery and fornication) without consent", adding that "[t]his constitutes a serious legal obstacle for rape victims in the country". The article continues:

"Hudud (singular, hadd, meaning limit, restriction, or prohibition) are regarded as the ordinances of Allah, and they have fixed punishments derived from Islam. Among the offenses for which hudud penalties are prescribed is zina which is defined as sexual intercourse between a man and woman outside a valid marriage contract and must be proved by confession before the court, the testimony of four adult men, and pregnancy if the woman is unmarried. The punishment is stoning to death for married offenders and 100 lashes for unmarried offenders.

The evidentiary rules applying to zina are historically based on the rationale in classical Islamic law that there should be indisputable evidence for the severe punishment. When applied to rape, however, it contributes to impunity for rape as a conviction can realistically only be secured where the perpetrator confesses to the crime. As the evidence is virtually impossible to obtain, a rapist can only be incriminated if he voluntarily decides

to confess. Even in situations where the rape is not reported to the police and no court case is initiated, an unmarried woman who becomes pregnant because of rape is at risk for charges of zina. The consequence, in the words of an activist, is that 'if you cannot prove rape, you become the perpetrator.' According to the Sudanese scholar Abdel Salam Sidahmed in an article from 2001: 'The categorization of rape as a form of zina [...] does not just result in a rapist walking free from the court room or receiving a very light sentence, but may even lead to incrimination of the victim of rape.'" (Tønnessen, 10 March 2014)

The Project for Criminal Law Reform in Sudan (PCLRS), which has been initiated by REDRESS and the Khartoum Center for Human Rights and Environmental Development (KCHRED), notes in a report dated April 2012:

"Article 149 of the Criminal Act defines rape with reference to adultery, which creates confusion over evidentiary requirements for a prosecution (adultery requires four male eye-witness of the act) and puts a woman at risk of facing prosecution for adultery if she cannot prove rape. The definition of rape is narrow in scope and does not reflect legislative reforms and best practices elsewhere. There is only one offence covering all other forms of sexual violence, which carries an inadequate maximum punishment of two years imprisonment. In addition, domestic rape, forms of sexual harassment and certain types of female genital cutting/mutilation are not criminal offences. The Government of Sudan has discussed the reform of rape laws but effective steps have yet to be taken in this regard." (PCLRS, April 2012, p. 5)

Mohamed Abdelsalam Babiker, Assistant Professor at the Faculty of Law at Khartoum University, states in 2011:

"The legal confusion created by Article 149 of the Criminal Act 1991 was created anew in the Armed Forces Act 2007. Article 153 (2) (d) of the latter mixes the crime of adultery, sodomy and 'sexual perversion' with gender-based violence. It does not only include adultery but also adds other categories of crimes not related to gender-based violence such as 'forceful gestation', 'buggery' and 'sexual abnormality' (the correct Arabic translation is sexual perversion)." (Babiker, 2011, p. 169)

The relevant provision of the Armed Forces Act of 2007 reads as follows:

"Subject to the provisions of the Criminal Act, 1991, there shall be punished, with imprisonment, for a term, not exceeding ten years, whoever commits, within the framework of a methodical direct and widespread attack, directed against civilians, any of the following acts:

[...] (d) rape, or practising adultery with any person, or sexual slavery, or coercion to prostitution, forceful gestation, buggery or any type of sexual abnormality, or coercing him/her therefor, or sterilizing him/her, to prevent him/her from propagation" (Armed Forces Act, 5 December 2007, Article 153 (2))

A joint report by the non-profit advocacy organisation Nobel Women's Initiative and the International Campaign to Stop Rape & Gender Violence in Conflict, published in February

2014, indicates that in practice, rape victims are often confronted with the demand to get a document known as "Form 8" before they are able to seek medical attention. According to the report, the legal requirement for this form had been withdrawn in 2004:

"Women seeking justice for rape are also often confronted with the demand that they go to a police station to obtain a document known as a 'Form 8' before they can receive medical treatment. Because the form is not even designed to collect many of the details required for conviction in cases of rape, it presents yet another obstacle to bringing rape cases to trial. The law requiring that victims obtain this form before receiving medical attention was overturned in 2004, but we found that few officials working in law enforcement or the legal system are aware of the change. In practice, women are still being told they have to go immediately to the police station to obtain a form, and in some cases are denied medical treatment until they do so." (Nobel Women's Initiative/International Campaign to Stop Rape & Gender Violence in Conflict, November 2013, p. 18)

A February 2014 article by Radio Dabanga observes with regard to "Form 8":

"In Sudan, medical evidence of an assault is admitted only via Form 8. This form provides only limited medical information. It can be issued only by police stations, or approved hospitals and clinics. Until criminal procedures were revised in 2004, a victim could not even receive treatment for a sexual assault until a Form 8 had been filed. Critics state that Form 8 is 'glaringly inadequate', as sufficient medical evidence is often very difficult to obtain." (Radio Dabanga, 5 February 2014)

The US Department of State (USDOS) annual report on human rights in 2013, published in February 2014, covers the legal and de facto situation regarding sexual and gender-based violence, including rape, domestic violence and sexual harassment, as follows:

"The punishment for rape varies from 100 lashes to 10 years' imprisonment to death; the government did not effectively enforce these provisions. Spousal rape is not addressed in the law. In most rape cases, convictions were made public. Observers believed sentences often were less than the legal maximum. Because there was no official tracking of rape cases, no information was available on the number of persons prosecuted, convicted, or punished for rape, but high-profile cases often attracted public and media attention. Rape of women and girls throughout the country, including in Darfur, continued to be a serious problem. Authorities often obstructed access to justice for rape victims. [...]

By law a woman who accuses a man of rape and fails to prove her case may be tried for adultery. Victims sometimes refused to report their cases to family or authorities due to fear they would be punished or arrested for 'illegal pregnancy' or adultery.

While the law prohibits violence in general, it does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common. There were no reliable statistics on its prevalence. Women who filed claims under the law against violence were subjected to accusations of lying or spreading false information, harassment, and detention, which made many women reluctant to file formal complaints,

although such abuse constituted grounds for divorce. Police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available. [...]

No law specifically prohibits sexual harassment, although the law prohibits gross indecency, which is defined as any act contrary to another person's modesty, and authorities enforced the statute. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. There were frequent reports of sexual harassment by police in Darfur and elsewhere." (USDOS, 27 February 2014, section 6)

The same report adds:

"Sexual and gender-based violence continued throughout Darfur. Authorities often obstructed access to justice for rape victims. IDPs reported perpetrators of such violence were often government forces or militia members. Assailants assaulted, raped, threatened, shot, beat, and robbed women. According to statistics by the Association of Displaced Persons and Refugees of Darfur, 68 women were raped from August to September in Darfur. In Darfur it was believed most rape victims did not report incidents; therefore, the actual number of rapes was likely much higher." (USDOS, 27 February 2014, section 1g)

As further stated by the USDOS, in Darfur, "[l]ack of access and fear of government retribution reduced reporting on human rights violations, especially sexual and gender-based violence, and on humanitarian situations" (USDOS, 27 February 2014, section 1g).

A January 2014 report written by Liv Tønnessen for the Norwegian Peacebuilding Resource Centre (NOREF) contains the following information:

"[...] gender-based violence – and sexual violence in particular – are considered 'sensitive' areas of intervention. After the issuing by the International Criminal Court (ICC) of the arrest order against President Omar al-Bashir in 2009 accusing him of being responsible for the use of systematic rape in Darfur, the government continues to deny that sexual violence takes place in the region. It is thus difficult to tackle the issue in a political context where 'the government does not want to admit that rape is taking place in Darfur'. [...]

Immediately after the arrest order against President Bashir was issued, international and Sudanese organisations were expelled from Darfur. According to activists and humanitarian actors, these expulsions have had a profound impact on the aid provided to victims of rape in terms of, for example, medical treatment, psychosocial support and legal aid." (NOREF, January 2014, pp. 2-3)

The joint report by the Nobel Women's Initiative and the International Campaign to Stop Rape & Gender Violence in Conflict, published in February 2014, gives the following overview of the situation regarding sexual violence in Darfur and refugee camps in Chad since the outbreak of the Darfur conflict in 2003:

"The global attention and media spotlight on the Darfur crisis has provided a glimpse into the systematic use of rape as a means of pursuing ethnic cleansing in Sudan. [...]

The Sudanese army and the Janjaweed have systematically used rape to terrorize and displace populations and to target non-Arab tribes in Darfur. While the army and its allies bear the majority of the responsibility for rape and violence in Darfur, sexual violence has also been committed by other parties to the conflict.

A number of human rights and humanitarian organizations, such as Human Rights Watch, Médecins Sans Frontières and Physicians for Human Rights, have reported extensively on widespread sexual violence in Darfur. Médecins Sans Frontières, for instance, told of how its clinics in Darfur treated almost 500 women and girls for symptoms related to sexual violence during a five-month period beginning in October 2004. In August 2006, another organization reported 200 sexual assaults in South Darfur's Kalma camp for displaced people over the course of just five weeks. The numbers represent only a fraction of attacks that took place due to the high stigma associated with reporting sexual violence.

Unfortunately, the ability of NGOs to monitor the situation and document cases has been severely hampered since 2009, when the government of Sudan expelled several humanitarian organizations from Darfur. Rape survivors now face even more limited access to desperately needed recovery services, such as medical treatment and protection, which were previously provided by humanitarian groups.

The war in Darfur led to massive displacement, with attacks pushing people out of their homes and into camps for internally displaced persons (IDPs) in Darfur and refugee camps in Chad. Of the estimated 1.9 million Darfuris displaced by the conflict as of 2011, many remain vulnerable to assault, both within the camps due to unsafe conditions and outside the camps, where women and girls must often venture to find water or firewood. Chadian soldiers and people from local populations have been accused of perpetrating sexual attacks within or around the camps.

One woman at the Farchana refugee camp in Chad told Physicians for Human Rights, 'I went out along to bring my animals to pasture. A man came up to me and threatened me with his gun. Then he did everything he liked.' The woman became pregnant as a result of her rape.

In our research, we found that Darfuri women have actually reported a greater number of attacks in the lulls between bouts of active armed conflict than during periods of fighting. A forensic review of patient records between 2004 and 2006 at the Amel Centre for Treatment and Rehabilitation of Victims of Torture shows that all 36 attacks studied occurred near an IDP camp. In interviews with Darfuri rape survivors in 2005, Médecins Sans Frontières found that 82 per cent of women said they had been assaulted while 'undertaking daily activities,' as opposed to being raped while fleeing an attack on their community." (Nobel Women's Initiative/International Campaign to Stop Rape & Gender Violence in Conflict, November 2013, pp. 6-7)

In his March 2014 report to the UN Security Council (UNSC) covering the period from January to December 2013, the UN Secretary-General elaborates on conflict-related sexual violence in Darfur:

"During 2013, in the context of persistent and widespread insecurity, reports of conflict-related sexual violence in Darfur increased. Access by UNAMID to areas of ongoing military operations remained severely limited in part because of security constraints and restrictions imposed by government officials. Therefore, it is believed that the 149 cases verified during the reporting period reflect significant underreporting of conflict-related sexual violence. Internally displaced women and girls were particularly vulnerable and the majority of reported survivors were residents of camps for internally displaced persons who were attacked either outside camp perimeters while engaging in routine livelihood activities or inside camps. The proliferation of small arms in such camps and settlements, as well as in towns and villages, and an apparent increase in banditry, were exacerbating factors. Women and girls are particularly vulnerable during cultivation and harvest seasons (between June and November) and in the context of clashes between nomads and farming communities over land.

[...] Sexual violence was also reported in the context of armed clashes, particularly following armed operations, while victims were isolated from their communities and in the process of resettling. Examples include abuses committed in the context of tribal clashes connected with gold mining in Jebel Amir, northern Darfur; abuses perpetrated by the Sudanese armed forces and its allied militias in southern and eastern Darfur; and abuses committed following clashes between the Sudanese armed forces and the Sudan Liberation Army/Minni Minawi faction in eastern Darfur. The profiles of alleged perpetrators of sexual violence include unidentified armed Arab nomads, armed men in military uniforms and members of the government security apparatus, as well as internally displaced persons. In 20 per cent of cases, victims identified members of the forces of the Government of the Sudan as their attackers; specifically, they said the attackers were members of the Sudanese armed forces, the National Intelligence and Security Services, the government police forces and their affiliates (the Central Reserve Police, the Border Intelligence Guards and the Popular Defence Force). One member of the Liberation and Justice Movement was identified as a perpetrator. Government-affiliated militia members were also alleged to be perpetrators, but it should be noted that these forces frequently operate in the absence of direct government control.

[...] It is difficult for survivors to identify perpetrators given the wide range of armed and uniformed actors in Darfur. Where identification is possible, prosecutions through the formal justice system proceed slowly. That said, the Government is pursuing, through the judicial process, allegations against several members of its armed forces. Access restrictions faced by all United Nations actors have also resulted in the placement of severe limitations on the provision of assistance to survivors. Owing to stigma and for fear of repercussions, survivors of rape do not always list sexual violence as an aspect of a crime committed against them when accessing medical treatment, which is an evidentiary requirement for judicial proceedings. Therefore, there is concern that the reporting protocols, particularly the use of a document known as 'form 8', present obstacles to the treatment of sexual violence survivors rather than facilitating investigations. Furthermore, rape victims often run the risk of being charged with the offense of adultery (zinna), and a reference to adultery is made in the definition of rape provided by article 149 of the

Criminal Act 1991. The Act does not contain provisions on command responsibility. During 2013, UNAMID received a number of reports of pregnancy as a result of rape. Survivors have reported revictimization, some by being accused of unlawful pregnancy and one by being accused of having murdered the child. The protection of women with children born as a result of rape, as well as the well-being of such children, is a significant concern." (UNSC, 13 March 2014, pp. 15-16)

In a December 2013 report addressing the security and human rights situation in Darfur since June 2013, the Prosecutor of the International Criminal Court (ICC) notes under the heading "Alleged widespread occurrence of sexual and gender-based violence":

"The Office [of the Prosecutor] received reports on different incidents of sexual crimes against women committed by members and commanders of different armed groups. The investigation of sexual and gender-based crimes is a key priority for the Office.

[...] The allegations of sexual and gender-based violence in Darfur continue along the same pattern documented in the past by the Office. Displaced women and girls are particularly vulnerable to attacks by pro-government militiamen, including allegations of gang-rape. The Office has taken note of at least a dozen such incidents throughout Darfur, some with the alleged involvement not only of militia members but militia leaders and local government officials. These allegations are strongly disturbing.

[...] The Office stresses the fact that sexual violence in Darfur is still seriously underreported." (ICC, December 2013, p. 9)

The UN Secretary-General writes in a report published by the UN Security Council (UNSC) in mid-April 2014 and covering the preceding 90 days:

"One of the dominant characteristics of the Darfur conflict continues to be extensive gender-based violence, including the rape of women and girls. To enhance protection for women, UNAMID continued to provide security during 'firewood patrols'. The patrols have contributed to a general decrease in gender-based violence in the areas where they have been conducted. Thirty-five cases of sexual and gender-based violence, involving 53 victims (19 minors), were documented by UNAMID, a decrease from the 35 cases and 63 victims recorded in the previous reporting period. This includes attacks inside camps for the internally displaced. In this regard, UNAMID intensified night patrols and trained community policing teams in the camps.

[...] Twenty cases of sexual and gender-based violence were reported to the Government authorities by the victims. Lack of confidence among the victims and their families in the Government's capacity to conduct proper investigations, the absence of Government police in some areas, fear of retribution, and the social stigma attached to being subjected to sexual violence continued to cause under-reporting of cases of sexual and gender-based violence.

[...] Through the efforts of UNAMID, the State Government of West Darfur approved the recruitment of 38 new female Government police officers to improve the reporting and



prosecution of cases of sexual and gender-based violence.” (UNSC, 15 April 2014, pp. 10-11)

The issue of sexual and gender-based violence in Darfur is also addressed in a February 2014 report of the UN Panel of Experts on the Sudan, published by the UN Security Council (UNSC) and covering the period since its last previous report of February 2013. According to the report, the Panel’s findings suggest that incidents of sexual and gender-based violence “are neither organized nor systematic”, but rather “appear to be opportunistic attacks by groups of armed individuals”:

“The sexual and gender-based violence consultant was informed that many incidents of violence occurred when women left the internally displaced persons camps/areas to collect firewood or to engage in trade or farming activities, although some incidents also occurred within the camps. Women described the incidents as routine beatings and robberies, but also attacks with sexual violence, including rape. Some occurred as a result of tensions when armed individuals use lands cultivated by internally displaced persons for animal grazing. Women also pointed to reports of increased incidents of sexual violence involving young armed perpetrators.

[...] The Panel’s findings indicate that sexual and gender-based violence incidents are neither organized nor systematic and appear to be opportunistic attacks by groups of armed individuals; many perpetrators remain unknown or are simply referred to as members of the Janjaweed or the government security forces. The cases appear to be the result of the lawlessness in which Darfur is engulfed rather than a war tactic. Most incidents go unreported owing to social stigma, fear of reprisals and lack of confidence in the authorities. Several witnesses stated that there was rarely investigative follow-up on any potential criminal case of that nature reported to the authorities. In some instances, the victims inform only the UNAMID police, who can only refer the case to the local authorities anyway. For these reasons, most cases remain unpunished.” (UNSC, 11 February 2014, p. 56)

The UK Foreign and Commonwealth Office (FCO) mentions in its April 2014 report on human rights and democracy in Sudan (reviewing events of 2013) that “[r]eports of human rights abuses in Darfur increased during the year, with reports of sexual gender-based violence almost doubling in the last quarter”. The FCO also refers to “reports of the continued use of rape as a weapon of war in Darfur and other conflict-affected areas”. (FCO, 10 April 2014)

A November 2013 article by Manar Idriss, Amnesty International’s (AI) Sudan researcher, includes the following information based on interviews with Darfuri refugees in two different refugee camps in eastern Chad:

“Rape and other forms of sexual violence have been features of the armed conflict in Darfur and remain a constant threat for women and girls, both in areas directly affected by the conflict and across the region as the conflict fuels widespread insecurity.

After speaking with the leaders – men and women – of the Masalit tribe in Goz Amir Camp, I asked the men around us to leave, so the women could speak freely. As soon as

the men left, one woman grabbed my arm and told me that armed men had abducted her 10-year-old daughter during the attack on her village. They held the girl for four days, during which time they beat and raped her. Then they abandoned her on the road to Chad. 'She is only 10 years old. She came back full of bruises on her body, they beat her and raped her. How could they do that to a child' she said. Indeed, how could anyone do this to a child?

Many women told me that armed militias harassed and threatened them while they were fleeing to Chad. Some told me that men had tried to rip the clothes off their back. Others told me about women who were abducted in front of their eyes, and reappeared days later, with barely any clothes on them.

A 20-year-old woman told me how she was locked in a room with many other women from her village. The armed men, who were dressed in military fatigues, came and took 'the prettier ones' and raped them. 'They came, killed all our men, and then beat us, and raped some of us. They told us we are slaves.'

What struck me is the way some of these woman have accepted rape as part of their fate. They are too afraid to speak out, because they do not want to be stigmatized by their communities. They are too afraid to report rape, out of fear of being harassed, particularly in cases where the perpetrators are state actors. They have no confidence in the authorities' ability or willingness to investigate. They know this shouldn't be happening, but believe that nothing can be done about it.

UN and humanitarian workers we spoke with confirmed that the number of reported cases of sexual violence is strangely low. They are concerned about those low numbers because they know how rape has been such a central part of a decade of conflict in Darfur. And sure enough, almost every refugee I spoke with – men and women alike – told me that sexual violence, and in particular rape, is still very common in Darfur and certainly happened frequently during the most recent clashes in this region.

This is not only something that happens in conflict-affected areas. It seems to be part of the rampant insecurity that has prevailed throughout Darfur since the beginning of the conflict, a decade ago.

Many women and girls are raped when they go out to fetch firewood. One man told me that 'sometimes you see a woman come back with torn clothes after disappearing for a few days. You can guess what happened. The problem is that nothing can be done about this.'" (AI, 29 November 2013b)

Radio Dabanga reports in February 2014 that between June 2013 and January 2014, 148 of the displaced of Kalma camp in South Darfur were killed while another 150 were raped. According to the Secretary-General of the camp, "most of the crimes occurred while the victims were collecting firewood, timber, and straw". He is further quoted as claiming that "[t]hose assaults almost always take place before the eyes of government forces, and Unamid troops" and that "the police make it extra difficult for the victims by asking for Form 8". (Radio Dabanga, 5 February 2014)

### 10.3 Trafficking of women

Among the sources consulted by ACCORD within time constraints, no current information specifically pertaining to trafficking of women in Darfur could be found.

The UK Foreign and Commonwealth Office (FCO) states in its annual report for the year 2013 that in July, a bill on combating human trafficking “was introduced to Parliament carrying a range of punishments, including the death penalty for the ‘most serious’ offences” (FCO, 10 April 2014). A March 2014 article by the Sudan Tribune also mentions the anti-trafficking bill, noting that it was endorsed by the Sudanese cabinet in July 2013. According to the article, “[t]he law details human trafficking offenses and penalties while specifying measures aimed at protecting victims and witnesses and maintaining information confidentiality” (Sudan Tribune, 1 March 2014).

The Sudan Human Rights Monitor published by the African Centre for Justice and Peace Studies (ACJPS) in November 2013 contains the following brief information with regard to the anti-trafficking bill and other legal acts relating to human trafficking:

“According to ACJPS sources, as of late October 2013 the Bill is still tabled before the Parliament. The vice-chairman of the parliamentary subcommittee on Legislation and Justice, Tahani Tour al-Diba, stated that the law they expect to pass punishes those involved with human trafficking with up to twenty years imprisonment. The current Bill was originally proposed in March 2013. Existing laws dealing with criminal acts associated with human trafficking such as abduction are found in the 1991 Sudanese Penal Code, maritime law, and the 2010 Child Act.” (ACJPS, November 2013, p. 11)

The legal provisions relating to human trafficking and the enforcement of these provisions are also addressed in the US Department of State (USDOS) annual report on human trafficking covering the period from April 2013 to March 2014:

“The government’s anti-trafficking law enforcement efforts increased during the reporting period. The government did not, however, maintain comprehensive data on these efforts or make such information available for inclusion in this report. The Criminal Act of 1991 does not prohibit all forms of trafficking in persons, though Articles 156 and 163 prohibit inducing or abducting someone to engage in prostitution (‘seduction’) and forced labor, respectively. Prescribed penalties of up to five years’ imprisonment for ‘seduction’ are sufficiently stringent, but not commensurate with those prescribed for other serious crimes, such as rape. Prescribed penalties for forced labor of up to one year’s imprisonment or a fine are not sufficiently stringent. It is unclear whether the National Intelligence and Security Services (NISS) or police forces from the Ministry of Interior – the entities responsible for investigating cases of human trafficking – conducted law enforcement actions using these laws during the reporting period. The Child Act of 2008, enacted in January 2010, prohibits, but does not prescribe punishments for, forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 into armed forces or groups; although the act includes provisions for the rehabilitation and reintegration of child victims, no government entity has been assigned responsibility for their implementation. Some states, such as South Kordofan, have enacted their own child

acts based on the national law. [...] The Law of 1955 Regarding Domestic Servants outlines a process for employing and registering domestic workers and provides limited labor rights and protections for them; however, officially registering domestic workers as required by the law entails a complicated process with bureaucratic impediments, including high fees and officials' expectation of receiving bribes. As a result, few if any domestic workers are registered and protected under the law.

In November 2013, the Ministry of Justice submitted draft antitrafficking legislation to the National Assembly for review; the assembly approved the Bill of Counter Human Trafficking for the Year 2013 in January 2014 after four readings and the president signed it into law in March 2014. The law prescribes between three and 10 years' imprisonment for acts of trafficking, between five and 20 years' imprisonment for aggravated trafficking, and capital punishment in cases where the trafficking victim dies; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The legislation does not, however, criminalize all forms of human trafficking; it does not prohibit child prostitution in the absence of coercion and fails to adequately define 'exploitation.'" (USDOS, 20 June 2014)

The same report further observes with regard to human trafficking in Sudan:

"Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudan, including in areas outside of the government's control. Sudanese women and girls, particularly those from rural areas or who are internally displaced, are vulnerable to forced labor when serving as domestic workers in homes throughout the country; most work without contracts or government-enforced labor protections. There are reports of organized child street begging in Khartoum and other large cities. Sudanese girls engage in prostitution within the country, including in restaurants and brothels, at times with the assistance of third parties. Thousands of Dinka women and children, and a lesser number of children from the Nuba tribe, were abducted and subsequently enslaved by members of the Missiriya and Rizeigat tribes during the civil war that spanned from 1983 until 2005; some of those enslaved remain with their captors. In January 2013, Rizeigat militia abducted 96 children – 44 girls and 52 boys – from South Sudan's Northern Bahr El Ghazal state and took them to East Darfur following fighting between the South Sudanese army and this militia; the children were released and returned to South Sudan in June 2013. This was the first documented case of child abductions by the Missiriya or Rizeigat in recent years. Sudanese women and girls are subjected to domestic servitude in Middle Eastern countries, such as Bahrain, Egypt, Qatar, and Saudi Arabia, and to sex trafficking in Europe." (USDOS, 20 June 2014)

As indicated by the USDOS, the Sudanese government's efforts to tackle human trafficking were not the result of "strategic planning", but rather occurred in an "ad hoc" fashion:

"The Government of Sudan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, government officials increasingly engaged on the issue of human trafficking in the public sphere. The government enacted an anti-trafficking law, amended

the Popular Defense Forces Act to increase the minimum age of recruitment to 18 years, rescued and provided assistance to an increased number of trafficking victims, and made efforts to bring traffickers to justice. It produced a film on the country's human trafficking problem and screened it in various fora. Despite this notable and unprecedented progress, the government's efforts to combat trafficking through law enforcement, protection, and prevention measures remained ad hoc rather than flowing from strategic planning at the national level, resulting in some forms of trafficking occurring within the country being completely unaddressed. The government made public little data regarding its efforts to combat human trafficking." (USDOS, 20 June 2014)

Regarding the protection and assistance for victims of human trafficking, the USDOS report of June 2014 notes:

"The government demonstrated modest efforts to protect victims of trafficking. It did not maintain or provide statistics regarding its identification of or efforts to provide protective services to such persons. Non-governmental entities reported that police, military intelligence, and the NISS released or rescued a significant, but unknown number of victims of trafficking; however, it is unclear whether they were victims of trafficking or other crimes, such as smuggling, kidnapping, or extortion. In January 2014, the NISS rescued 124 foreign nationals it determined to be trafficking victims, including 35 children, following law enforcement efforts in Khartoum and Omdurman; it referred the women and children to the Ministry of Social Welfare's Department of Child Care for health screening and notified their embassies in Khartoum. At the close of the reporting period, the NCCW [National Council for Child Welfare] continued to provide the women and children with housing and psychological and social services. It is unknown what services, if any, the government provided to the adult male victims. Sudan has few care facilities accessible to trafficking victims and officials maintained that providing comprehensive victim care is beyond the logistical and functional ability of the government. The Ministry of Welfare and Social Insurance remained responsible for providing legal protection, housing, shelter, and medical and psycho-social support to women and children vulnerable to commercial sexual exploitation and other forms of trafficking within Sudan; the ministry provided limited medical and psycho-social care to an unknown number of potential trafficking victims in several states in 2013. Seventeen child and family protection units in the police force, including four in Khartoum, continued to be staffed by social workers who offered legal aid and psycho-social support to victims of abuse and sexual violence. The capacity of these entities and the services they provided varied from state to state; it is unclear whether any trafficking victims received care through these units. Police referred street children in abusive situations to orphanages on a case-by-case basis and remanded individuals who may have been trafficked to the care of community leaders. In 2013, police officials reported the creation of an office, in conjunction with the Refugee Commissioner and the Sudanese Red Crescent, to establish safe houses to provide rehabilitative services to trafficking victims." (USDOS, 20 June 2014)

## 11 Children

### 11.1 Recruitment and use of children by government forces and armed groups

The Child Act of 2010 defines children as persons younger than 18 years of age (Child Act, 2010, Article 4). Article 43 of the same law stipulates the following:

“(1) There shall be prohibited the recruitment of Children in the armed forces, or in armed groups, or employment thereof to participate in war actions.

(2) The military laws and regulations shall specify the appropriate measures to whoever contravenes the provisions of subsection (1).” (Child Act, 2010, Article 43)

Article 44 of the 2010 Child Act provides for the demobilization, rehabilitation and re-accommodation of child soldiers and children who are victims of armed conflict:

“(1) The competent body of demobilization and re-accommodation shall guarantee the design of special programmes for the demobilization of Child soldiers, and that in co-ordination with the bodies concerned (military, security institutions and the armed groups) for social and economical re-accommodation, and shall take a special care of the demobilized Child soldiers specially those having special needs, during their presence at demobilization centres.

(2) The competent body shall rehabilitate the child, who is the victim of armed conflicts, psychologically and mentally and reaccommodate him socially and economically.” (Child Act, 2010, Article 44)

Under the heading “General conditions of recruitment”, Article 14 (1) of the Sudan Armed Forces Act, adopted on 5 December 2007, requires “of whoever joins service of the Armed Forces that he shall [...] not be less than eighteen years of age, upon recruitment, or appointment” (Armed Forces Act, 5 December 2007, Article 14 (1)). Article 178 of the same law sets penalties for perpetrators of underage recruitment:

“(1) There shall be deemed to have committed the offence of fraud in registration, or recruitment, and be punished, with imprisonment, for a term, not exceeding three years, or with any lighter penalty, every person who:

(a) recruits, while he knows, or has reason to believe, that any person does not satisfy the general conditions of recruitment [...]

(2) Where fraud is represented in the recruitment of a person, whose age is under eighteen years, the offender shall be punished, with imprisonment, for a term, not exceeding five years.” (Armed Forces Act, 5 December 2007, Article 178)

The Doha Document for Peace in Darfur (DDPD) of 2011 stipulates in its paragraph 340 (Article 63) that “the Parties agree to immediately cease and refrain from any [...] [r]ecruitment and use of boys and girls under age 18 by armed forces and armed groups in hostilities, in accordance with Sudan’s obligations under the Optional Protocol to the Convention on the

Rights of the Child on the involvement of children in armed conflict, and obligations under Protocol II (1977) of Geneva Conventions of 1949” (DDPD, 2011, Article 63, paragraph 340).

Paragraph 341 (Article 63) of the DDPD states that “[t]he Parties further undertake to ensure” the unconditional release of all children associated with armed forces or groups “through the development of Action Plans” and that “all children [...] who are accused of crimes against international law after being unlawfully recruited by armed forces or armed groups are considered primarily as victims of violations against international law and not as alleged perpetrators” (DDPD, 2011, Article 63, paragraph 341).

Paragraph 226 of the Darfur Peace Agreement (DPA) of 5 May 2006 orders the parties to refrain from “[a]ny recruitment or use of boys and girls under age 18 years”, whereas paragraph 275 provides for the release of all children within armed forces and groups (DPA, 5 May 2006, paragraphs 226 and 275).

The US Department of State (USDOS) annual report of February 2014 comprises the following observations with regard to the recruitment and use of child soldiers in Sudan:

“The Armed Forces Act prohibits the recruitment of children and provides criminal penalties for perpetrators. Eyewitness reports, however, indicated both the government and rebel groups had child soldiers engaged in conflict.

In 2012 the UN Special Representative of the Secretary General (SRSG) for Children and Armed Conflict reported 31 incidents of recruitment or use of children by armed groups in Darfur, including government security forces, government-supported armed groups, and rebel groups. This was a decrease from the 45 incidents reported in 2011. [...]

Rebel groups associated with the SRF [Sudan Revolutionary Front] (SPLM-N [Sudanese People’s Liberation Movement-North], JEM [Justice and Equality Movement], SLA/MM [Sudan Liberation Army Minni Minnawi faction], SLA/AW [Sudan Liberation Army Abdul Wahid faction]) and groups outside the SRF umbrella (including the Sudan Liberation Movement for Justice and the United Revolutionary Forces Front), as well as various government security forces (including police), all continued to recruit child soldiers. Armed groups reported they did not actively recruit child soldiers; however, they did not prevent children who volunteered from joining their movements. The armed groups stated the children were primarily stationed in training camps and were not used in combat.” (USDOS, 27 February 2014, section 1g)

The same source notes in its annual report on trafficking in persons, published in June 2014 and reviewing the period from April 2013 to March 2014, that both state armed forces and non-state armed groups in Darfur recruited and used child soldiers:

“During the reporting period, Sudanese children in Darfur were forcibly recruited as child soldiers, at times through abduction, and used by armed groups such as the Liberation and Justice Movement (LJM), Justice and Equality Movement (JEM), various factions of the Sudan Liberation Army (SLA), governmentsupported Janjaweed militia, and the Beni Hussein tribe. Government security forces, including the Sudan Armed Forces (SAF), the

Central Reserve Police (CRP), and the Government Border Guards (including the Border Intelligence Forces) also recruited and used children as combatants and for support roles. For example, the UN Country Task Force on Monitoring and Reporting of grave violations of child rights in armed conflict (CTFMR) documented 12 boys wearing military uniforms in SAF vehicles in Jebel Moon during a hand-over ceremony from an outgoing to an incoming SAF field commander. The CTFMR also observed a 13-year-old boy carrying a weapon and wearing a SAF uniform in Zalingei, and confirmed that two boys – 13 and 14 years old – completed military training in Blue Nile state and remained associated with the SAF as of early 2014. In late 2013, the Government Border Guards, all from the Rizeigat tribe, recruited 14 boys in Nyala and airlifted them to Khartoum for military training. Children as young as 12-years-old were verified as being recruited by and associated with the government-aligned Popular Defense Forces (PDFs) during the year in both Darfur and the 'Two Areas' (South Kordofan and Blue Nile), as well as with pro-government militias. For example, in April 2013, a 15-year-old girl and her 18-year-old sister were abducted by a pro-government militia amid fighting in Labado and Muhajeria; they were used as porters and raped before being released. The Sudan People's Liberation Movement-North (SPLM-N) forcibly recruited and used child soldiers in fighting against the SAF and aligned militias in Upper Nile, South Kordofan, and Blue Nile states; some of these children were recruited in South Sudan. In 2013, artisanal gold mining increased in Darfur; some of this mining was undertaken with forced child labor. Inter-tribal ethnic clashes over control of mines increased, resulting in a corresponding increase in the use of child soldiers." (USDOS, 20 June 2014)

A February 2014 report of the UN Panel of Experts on the Sudan, published by the UN Security Council (UNSC) and covering the period since its last previous report of February 2013, refers to "some very isolated cases" of children involved in armed conflict:

"During the period under review, the Panel found no evidence of any widespread use of child soldiers in the Darfur conflict. The UNAMID Child Protection Section has been working directly and extremely effectively with the Government and armed opposition groups to eliminate the use of child soldiers.

[...] Indeed, many of the belligerents, including JEM, SLA/AW and SLA/MM, have established action plans indicating their commitment to ending the recruitment and use of child soldiers and/or have issued command orders to prohibit such recruitment and use. Some armed opposition groups have also taken measures to prevent further recruitment without hindering access to monitoring teams and have cooperated with the Sudan Disarmament, Demobilization and Reintegration Commission. The national armed forces are also working on the implementation of an action plan to end the recruitment and use of child soldiers; the Armed Forces Act (2007) and the Children's Act (2010) criminalize the recruitment and use of child soldiers.

[...] Nevertheless, there remain some very isolated cases where minors have participated in armed clashes. For example, on 30 September 2013, SLM/MM, on behalf of SRF, reported that it had handed over to the International Committee of the Red Cross a 15-



year-old boy who had been captured during the battle of Sarafaya, 120 km west of El Fasher, in June 2013.

[...] The Panel has been unable to discount the possible participation of minors in the tribal clashes and incidents of civil unrest, an issue that remains to be followed closely." (UNSC, 11 February 2014, pp. 55-56)

The UK Foreign and Commonwealth Office (FCO) annual human rights report of April 2014 (covering 2013) notes that "[g]aps remain in the implementation of the Child Act (enacted in 2010), which [...] prohibits recruitment of children to armed groups", and points to "credible reports of the continued use of child soldiers, particularly by armed militia groups in Darfur, South Kordofan and Blue Nile States". As reported further by the FCO, in December 2013, "the Sudan Liberation Movement issued an order prohibiting the recruitment and use of child soldiers". (FCO, 10 April 2014)

The command order, which was issued by the Sudan Liberation Army/Minni Minawi (SLA/MM), is also briefly mentioned in a UNAMID press release of December 2013. According to UNAMID, the SLA/MM's decision to ban the recruitment of child soldiers followed its leader's participation in a workshop on peace and security in Darfur held in Addis Ababa from 9 to 11 December. (UNAMID, 18 December 2013)

In his October 2013 report on UNAMID, published by the UN Security Council (UNSC) and covering the period from 1 July to 30 September 2013, the UN Secretary-General informs that "Musa Hilal, in his capacity as a leader of the Northern Rezeigat tribe, issued a command Order to all militias and nomadic community members under his leadership on 26 July prohibiting the recruitment and use of child soldiers". Furthermore, according to the report, "he pledged adherence to national laws protecting children and to international legal standards protecting children in situations of armed conflict". (UNSC, 14 October 2013, p. 11)

Radio Dabanga reports in December 2013 that according to a Koran scholar in Zalingei, the capital city of Central Darfur, and chairperson of the Young Rebels for Freedom and Democracy, Border Guards Commander Mohamed Hamdan, better known as Hemeti, recruited large numbers of Darfuri youths aged 16 to 18 to fight rebels in South Kordofan:

"Relatives of young people recruited in Darfur to fight the rebels in South Kordofan have appealed to political party leaders, human rights organisations, the international community and the UN to immediately intervene and 'save their children from the furnace of war,' a Koran scholar in Central Darfur told Radio Dabanga. Sheikh Matar Younis Ali Hussein, Koran scholar at the Great Mosque in Zalingei, the capital of Central Darfur, and chairperson of the Young Rebels for Freedom and Democracy, said that between five to six thousand youths aged between 16 to 18, were recruited in Darfur by Sudanese Border Guards Commander Mohamed Hamdan, better known as Hemeti. The recruits were transferred for training in military camps near Khartoum and Shendi, north of the Sudanese capital, and sent to fight the rebels in South Kordofan." (Radio Dabanga, 18 December 2013)

In its Sudan Humanitarian Bulletin of 4 August 2013 (covering the period from 29 July to 4 August 2013), the UN Office for the Coordination of Humanitarian Affairs (OCHA) refers to the state-linked Sudanese Media Centre (SMC) reporting on the demobilization of 250 child soldiers in South Darfur:

“According to the Sudanese Media Centre (SMC), the Sudan Liberation Movement demobilised 250 child soldiers in South Darfur. The children are now receiving training courses at the Nyala technical college, according to authorities in South Darfur. Upon completion of the training course, they will receive workshop tools for livelihood support to help them integrate into the local community. SMC also reports that arrangements are underway to send another 200 children for training in North, West and Central Darfur after their demobilization and reunification with their families.” (OCHA, 4 August 2013, p. 3)

A UNAMID press release of February 2013 notes that over 70 former underage soldiers who were released by the Sudan Liberation Army/Historical Leadership (SLA/HL) in 2011 were registered in South Darfur for rehabilitation and reintegration. The press release mentions the SLA/HL as being the sixth armed group in Darfur to have submitted an action plan on ending the recruitment and use of child soldiers:

“More than 70 former child soldiers, which included 24 girls, were recently registered in South Darfur for rehabilitation and reintegration. The former members of the Sudan Liberation Army / Historical Leadership (SLA/HL) were released in to the communities in 2011. A number of young adults identified as former child soldiers were also identified and registered to benefit from the reintegration program in compliance with a commitment made to the United Nations by the Movement. The initiative, which took place in Nyala, South Darfur, from 17-31 January, was organized by the Sudan Disarmament, Demobilization and Reintegration Commission and supported by the African Union - United Nations Mission in Darfur (UNAMID) and the United Nations Children’s Fund (UNICEF).

On 25 September 2011, SLA/HL submitted an action plan to the United Nations committing to end the recruitment and use of child soldiers in Darfur. In the plan, the Movement claims that the children who enrolled into the ranks did so for a number of reasons, including poverty, hunger, psychological issues, displacement and separation from their families. Also that year, the Movement signed a peace agreement with the Government that includes demobilization and an end to hostilities. SLA/HL is the sixth armed movement in Darfur to have submitted an action plan on the recruitment of children.” (UNAMID, 6 February 2013)

In an earlier press release dated September 2012, the same source provides the following outline of the action plan on child soldiers submitted by the Justice and Equality Movement:

“An action plan to put an end to the use of child soldiers has been put forward by the Justice and Equality Movement (JEM). The establishment of the plan was agreed upon at consultations between JEM and former UNAMID Joint Special Representative / Joint Chief Mediator a.i Ibrahim Gambari, in Stadtschlaining, Austria in July 2012. The plan, submitted

to the United Nations on 25 September, includes the immediate release of children within JEM ranks, the prevention of recruitment and re-recruitment of children, and granting unhindered access to the UN to monitor and verify compliance. JEM is to designate a high-level focal point to liaise with the UN and to submit reports on the implementation of this plan.

JEM has now joined five other parties to the conflict in Darfur to have made such a commitment. The other groups include the Sudan Liberation Army (SLA) Free Will, the JEM / Peace Wing, SLA / Abu Gasim, SLA / Historical Leadership and the Liberation and Justice Movement. Three of these action plans have been fully implemented. [...] On 11 September 2012, JEM joined seven armed movements in Darfur in issuing a Commander Order prohibiting recruitment and use of child soldiers which has contributed to a decrease in the number of child soldiers in the region." (UNAMID, 25 September 2012)

A report of the UN Secretary-General to the UN General Assembly (UNGA), published in May 2013 and covering the period from January to December 2012, contains the following information relating to the recruitment and use of child soldiers in Darfur:

"During the reporting period, the country task force recorded 31 cases of recruitment and use of children: 11 by the Popular Defence Forces, 4 by the Central Reserve Police, 3 by JEM, 2 by the Sudanese Armed Forces and 11 by unidentified armed groups. Three boys between 14 and 17 years of age were abducted for recruitment purposes by JEM in northern Darfur, but managed to escape and were subsequently detained by the national armed forces before being released and reunited with their families.

[...] Among developments in the reporting period, a focal point to engage with the country task force on child protection concerns was appointed by JEM in January 2012. Following further consultations, on 11 September 2012, JEM issued a command order in which it prohibited the recruitment and use of children and, on 25 September 2012, it submitted to the United Nations a commitment to release children and to report on progress made. In November 2012, the Sudan Liberation Army/Abdul Wahid also issued a command order in which it prohibited the recruitment and use of children. Sudanese Liberation Army/Historical Leadership submitted two progress reports in which it outlined steps taken towards ending recruitment and use of children. Although there were allegations of recruitment and use of children by that armed group during the reporting period, they could not be substantiated. Sudan Liberation Army/Free Will, JEM/Peace Wing and Sudan Liberation Army/Peace Wing have been removed from the annexes to the present report, since no information was available on recruitment and use of children by these groups in 2012, nor that the groups were militarily active.

[...] The Government informed the country task force that the Ministry of Defence had approved the development of an action plan to end the recruitment and use of children, which would apply also to other groups affiliated with the national armed forces, including the Popular Defence Forces. That commitment was reiterated to a United Nations technical mission that visited the Sudan in April 2013." (UNGA, 15 May 2013, pp. 30-31)

## 12 LGBTI persons

### 12.1 Legal framework

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association's (ILGA) undated profile of Sudan on its website, both male to male and female to female relationships are not legal in Sudan. While the website refers to the 1991 Penal Code as the legal basis for the punishment of male to male relationships, no law is cited in the section on female same-sex relationships. (ILGA, undated)

Article 148 of the Criminal Act of 1991 explicitly prohibits "sodomy", with third-time offenders facing life imprisonment or the death penalty:

"148. (1) There shall be deemed to commit sodomy, every man who penetrates his glans, or the equivalent thereof, in the anus of a woman, or another man's, or permits another man to penetrate his glans, or it's equivalent, in his anus.

(2) (a) whoever commits the offence of sodomy, shall be punished, with shipping a hundred lashes, and he may also be punished, with imprisonment, for a term, not exceeding five years;

(b) where the offender is convicted for the second time, he shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding five years;

(c) where the offender is convicted for the third time, he shall be punished, with death, or with life imprisonment." (Criminal Act, 1991, Article 148)

Article 151 of the same law provides with regard to what is termed "gross indecency":

"151. (1) There shall be deemed to commit the offence of gross indecency, whoever commits any act contrary to another person's modesty, or does any sexual act, with another person not amounting to adultery, or sodomy, and he shall be punished, with whipping, not exceeding forty lashes, and he may also be punished, with imprisonment, for a term, not exceeding one year, or with fine.

(2) Where the offence of gross indecency is committed in a public place, or without the consent of the victim, the offender shall be punished, with whipping not exceeding eighty lashes, and he may also be punished, with imprisonment, for a term, not exceeding two years, or with fine." (Criminal Act, 1991, Article 151)

Article 152 prescribes a punishment for "indecent and immoral acts" carried out in public:

"152. (1) Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding forty lashes, or with fine, or with both.

(2) The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs." (Criminal Act, 1991, Article 152)

The October 2013 country report on Sudan of the Netherlands Ministry of Foreign Affairs (Ministerie van Buitenlandse Zaken, BZ) states that homosexual orientation in itself is not a crime. A criminal prosecution may be initiated if a person is proven to have engaged in sexual intercourse with another person of the same sex. The report adds that it is not possible to indicate how this can be proved in court as there is only little information about the legal practice regarding homosexuality. (BZ, 16 October 2013, p. 57)

As noted in the US Department of State (USDOS) country report on human rights in 2013, published in February 2014, "[a]ntidiscrimination laws do not apply to LGBT persons" (USDOS, 27 February 2014, section 6).

## 12.2 Treatment of LGBTI persons

In an April 2014 e-mail response to the question of how LGBTI persons are treated in Darfur, Eric Reeves, a Sudan researcher and analyst, and a professor of English at Smith College in Massachusetts (USA), states:

"Sudan as a whole and Darfur in particular are highly traditional Muslim societies, intolerant of sexual 'deviance' in any form. I think it would be impossible for anyone to express an openly gay or lesbian sexuality. Moreover, since homosexuality transgresses the Koran, there would be tremendous fear of punishment. The hudud (penal) provisions of shari'a in Sudan are notoriously brutal and I would think this true for anyone 'convicted' of homosexuality or 'deviant' sexual behavior." (Reeves, 25 April 2014)

Among the sources consulted by ACCORD within time constraints, no further specific information could be found on the situation of LGBTI persons in Darfur. The following sources contain more general information on the situation of LGBTI persons in Sudan:

The USDOS February 2014 human rights report notes that "[t]he law prohibits sodomy, which is punishable by death", but that "there were no reports of anti-sodomy laws being applied". The report further states the following with regard to the situation of LGBT persons in Sudan:

"A few LGBT organizations operated in Khartoum in 2011 but did not openly identify as LGBT entities. It was not known whether LGBT groups continued to exist in an organized fashion. [...]"

Official discrimination based on sexual orientation and gender identity occurred. Societal discrimination against LGBT persons was widespread. Vigilantes targeted suspected gay men and lesbians for violent abuse, and there were public demonstrations against homosexuality. There were no reports of official action to investigate or punish those complicit in LGBT-related abuses." (USDOS, 27 February 2014, section 6)

The UK Foreign and Commonwealth Office (FCO) writes with reference to Sudan that “[i]n 2013, there were limited press reports that some homosexual men were arrested and accused of committing indecent acts” (FCO, 10 April 2014).

In an undated article on the situation of LGBT persons in Sudan, presumably published around the end of 2010/beginning of 2011, Freedom Sudan, a LGBT organisation in Sudan, states:

“In a tribal country like Sudan in which the everyday life is centered around the family and with the reputation and the honor of the family is of extremely dangerous importance, accurate and specific information like names, dates circumstance and addresses about individuals convicted with sodomy is scarce and mostly remains in the archives of the ‘Alnezam Alaam’ (public order – a branch of the police) or the intelligence agencies, families do whatever possible to keep it quiet and the ‘convicts’ (the victims) do not speak about it publically out of shame.” (Freedom Sudan, undated)

An October 2011 brief prepared by consultancy firms, Melander Schnell Consultants (MSC) and Nids Development Services (Nids), and the Swedish Federation for Lesbian, Gay Bisexual and Transgender Rights (RFSL) for the Swedish International Development Cooperation Agency (Sida) mentions that “[r]egardless of the frequency of the implementation of so called sodomy laws, their mere existence usually results in a worsened situation for LGBT persons”. (MSC/NIDS/RFSL, 31 October 2011, p. 1)

Under the heading “LGBT Organising”, the same brief observes:

“Freedom Sudan is the only LGBT organisation in Sudan. It was formed in December 2006. It is not a registered organisation, since this would be impossible due to criminalisation. The organisation is thus working underground and run by volunteers, but it has an official website: <http://freedomsudan.webs.com/>. Goals and strategies are to work towards the recognition of homosexuality in Sudan, social acceptance of the rights of homosexuals in Sudan, abrogation of the death penalty for homosexual acts, and working together with LGBT organisations in other countries.

Further, there is Bedayaa, a newly born association. It was founded in July, 2010, of a group of Sudanese and Egyptian volunteers. Bedayaa takes the responsibility of providing legal support, psychological support, and health & sex education for LGBT people in Sudan and Egypt. Bedayaa is now a part of the international queer Muslim umbrella formed in Calem conference, the informal confederation of associations LGBTQI European and Muslim, Paris 2010. They have a website: [www.bedayaa.webs.com](http://www.bedayaa.webs.com)” (MSC/NIDS/RFSL, 31 October 2011, p. 2)

Gay Star News (GSN), a global LGBTI news, entertainment and travel website, notes in an article dated March 2012 that aside from the risk of being targeted under the Sudanese law, “being out can have serious social and economic consequences - it typically means a loss of jobs prospects, ostracisation from family and community, even murder by so called ‘honour killings’” (GSN, 30 March 2012).

The same article notes the launch of a new LGBT magazine, entitled Rainbow Sudan, and cites interviews with "Rainbow Sudan editor Mohammad and other Sudanese gays and lesbians about the magazine and their life in Sudan":

"A new online lesbian, gay, bisexual and transgender magazine in Sudan, north Africa, is a first for the country where homosexuality is still punished by death and an opportunity for gay people to start discussing their lives and hopes for the future. Rainbow Sudan published articles discussing topics including being gay in Sudan, the history of homosexuality in the country, Islam and sexuality, being lesbian and Muslim, poetry and more. [...]

Mohammad himself is a 32-year-old man, living in the capital Khartoum. He is energetic, comfortable about his sexuality, full of charm and wit. He also has a scholarly side; he loves poetry, history and sociology. He told us that 'to understand the gay community in Sudan you have to understand the religious factor here... it is a big taboo and regarded one of the biggest sins possible.'

Ibrahim, also 32 years old and a well-respected public figure, explained what that taboo means in practice. 'If you are outed in Sudan the consequences are very serious: social rejection and even punishment according to the Sudanese law,' he said. 'The internet is my only life-line, I can talk with people, learn about LGBT issues and occasionally arrange to meet people. I have to be so careful, I if would be caught, exposed or worse, arrested, it would ruin me completely.'

Mazen is 28 and manages to live his life but has to be careful: 'There are places to meet in Khartoum [Sudan's capital] which are well known and there are even police and military men who come and I feel they are like an insurance policy. 'Everyone is very discreet and respectful, we don't want trouble, it's hard enough as it is to lead a double life.'

But not everyone has things so well ordered. Mohamed, 46 and married for 12 years has three sons. 'My life is a living hell,' he confessed. 'I can occasionally go out at night for meets but am totally controlled by my extended family.' Mohamed has a boyfriend from one of the Gulf States but thinks that his sexuality 'is an illness and a disease.' He went to therapy to try and cure himself, but it just made him feel worse. He also is scared about his safety 'because people here in Sudan can get punished for much less - a woman can get lashes simply for wearing trousers!'

Soso, a 35-year-old lesbian hairdresser, said: 'Despite all the difficulties, a Sudanese LGBT community exists, but society at large is not open to this idea, they see homosexuality as the work of the devil. But I am ok with who I am and know I won't change.' Editor Mohammad stresses such voices show how 'Sudanese society considers homosexuality as 'phenomenon' not a reality. It is considered as a sin and psychological behaviour which is sick, and this view is often shared by LGBT people themselves here.'" (GSN, 30 March 2012)

In a commentary published in the Sudan Tribune in December 2013, London-based Sudanese activist Namaa Al-Mahdi states the following:

"A conservative society- many discard their sons if they turn gay, in some cases honour killings is the norm. With regard to safety - condoms are banned by law, the anti-HIV campaign which is led by the president's wife preaches abstinence, in a country with the fastest growing rate of HIV/AIDS infections in the Middle East." (Sudan Tribune, 28 December 2013)



## 13 Persons with disabilities

### 13.1 Legal framework

The US Department of State (USDOS) notes in its annual human rights report of February 2014:

“The law does not specifically prohibit discrimination against persons with disabilities, but it stipulates, ‘The state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment, and participation in society.’” (USDOS, 27 February 2014, section 6)

As stipulated in Article 12 (2) of the Interim Constitution of the Republic of Sudan of 2005, “[n]o qualified person shall be denied access to a profession or employment on the basis of disability” and “persons with special needs and the elderly shall have the right to participate in social, vocational, creative or recreational activities” (Interim National Constitution of the Republic of the Sudan, 2005, Article 12 (2)). As regards the right to education, Article 44 (1) of the Interim Constitution provides that “[e]ducation is a right for every citizen and the State shall provide access to education without discrimination as to religion, race, ethnicity, gender or disability” (Interim National Constitution of the Republic of the Sudan, 2005, Article 44 (1)).

An older country profile on Sudan published by the International Labour Organization (ILO) in March 2004 mentions the Act on Welfare and Rehabilitation of Disabled Persons (1984) and the Law Concerning the Privilege of War Disabled (1998) as specific legal instruments enacted for persons with disabilities. While the country profile states that no further details could be found on the latter law, the provisions of the 1984 Act on the Welfare and Rehabilitation of Disabled Persons are summarized as follows:

“Article 12 of the Act on the Welfare and Rehabilitation of Disabled Persons of 1984 provides for the establishment of a fund for the welfare and rehabilitation of disabled persons to finance the activities undertaken in this field. It also provides for the setting up of a National Council to lay down general policy for the welfare of disabled persons and supervise regional councils in Sudan. The Act makes provision for measures to promote employment for disabled persons. Specifically it states that, on the basis of a recommendation from the National Council for the Welfare and Rehabilitation of Disabled Persons, once this body has been established, disabled persons may benefit from fiscal exemption measures when purchasing equipment for their work, as well as exemption from income tax. In addition, the Act provides for financial benefits and facilities in such fields as education, hobbies, communications and medicaments. The General Secretariat of the National Council for Welfare and Rehabilitation of Disabled Persons provided for in the Act on Welfare and Rehabilitation 1984 has not yet been established. Regional Councils have not been established either as provided for in law. The 1984 Act delegates authority to the Ministers’ Council to lay down regulations on the employment of persons with disabilities.” (ILO, March 2004, p. 5)

Section 4 (1) of the Disability Act of 2009 (available in Arabic) provides that the “competent authorities” shall “enforce all the rights enshrined in the Interim Constitution of the Republic of

Sudan of 2005 and the conventions concerning the disabled to which Sudan is a party" (Disability Act, 2009, section 4 (1)). Section 4 (2) further commits the "competent authorities" to enforce rights, privileges, exemptions and alleviations for persons with disabilities, including the "exemption from tuition fees in all stages of education", the "preservation of rights of the disabled in employment with the state", the "provision of reasonable accommodations in the workplace that suit the conditions of various disabilities" and social insurance coverage. The section also provides for "early detection of disabled children and pregnant women to reduce disability and prevent further ones" and that "necessary measures" should be taken "to facilitate access of the disabled to buildings and roads, transportation and other facilities". Section 4 (3) states that the "Council of Ministers may grant, by decree, any additional rights, privileges and exemptions and alleviations for the disabled" (Disability Act, 2009, section 4 (3)). Section 5 of the Disability Act provides for the establishment of a "National Council for the Disabled" (Disability Act, 2009, section 5). The objectives of the National Council, as set out in section 7 of the Act, are to "take interest in the issues concerning the disabled and work to resolve them", to "work on the integration of disabled people and make them a powerful force in the community" and to "enforce the rights of the disabled through the competent authorities" (Disability Act, 2009, section 7).

The Labour Code of 1997 states in its section 8 (3) (part of Chapter 3):

"Any person who is willing to work and is capable of work, or any worker who wishes to change his/her work, may apply to register his/her name with the competent agency for that purpose, provided that he/she submits all the necessary information and documentation which prove the authenticity of the submitted information." (Labour Code, 1997, section 8 (3))

As noted by the UK-based charity Action on Disability and Development International (ADD) and the private Ahfad University for Women (AUW) in Omdurman (Sudan) in a joint report of April 2013, current legislation provides for a 2 per cent employment quota "at state level" for persons with disabilities but "does not promote employment opportunities for them" (ADD/AUW, 28 April 2013, p. 34). The undated website of the ADD states that "the disability movement [...] successfully lobbied the state authorities for full implementation of a 2% disability employment quota" (ADD, undated (a)).

Chapter X of the Children's Act, 2010 details on the care for persons with disabilities. Article 48 on the care and protection of children with disabilities stipulates:

48. (1) Subject to the National Disabled (Care and Rehabilitation) Act, 2009, or any law replacing it a Child having a special need shall have the right to social, health and psychological care, aiming at training him to depend upon himself; and the State shall protect him against any work, as may impede his education, or prejudice his health or his bodily, mental, spiritual or social growth.

(2) A Child having a special need shall have the right to rehabilitation, by rendering the social, psychological, medical and vocational services; and the facilitation means, which have to be provided therefore, without consideration, aiming at enabling him to overcome

the effects arising out of his disability, within the limits to the amounts allocated for such purpose in the general budget of the State, as to such conditions, as the regulations may specify." (Child Act, 2010, Article 48)

The Darfur Peace Agreement (DPA) of May 2006 provides in paragraph 28 (f) (part of Article 3):

"The State shall provide access to education without discrimination as to religion, race, ethnicity, gender or disability, as well as access to free primary health care and free and compulsory primary education." (DPA, 5 May 2006, paragraph 28 (f))

Paragraph 262 of the DPA (part of Article 26) reaffirms previous commitments of the parties to ensure the rights of IDPs including, as stipulated in paragraph 262 (e), the provision of "special protection for women, children, the vulnerable and disabled persons" (DPA, 5 May 2006, paragraph 262 (e)).

As regards the social and economic reintegration of former combatants, paragraph 442 (part of Article 29) of the DPA states that "[t]he Reintegration Plan shall develop specific programs for former combatants under the age of 18; female former combatants; and disabled former combatants (DPA, 5 May 2006, paragraph 442).

The Doha Document for Peace in Darfur (DDPD) of 2011 states in Article 42 that "[d]urable solutions for internally displaced persons (IDPs) and refugees shall be based on [...] principles" which include the following:

"219. The protection and assistance of IDPs, refugees and all victims of conflict with special needs, including separated and unaccompanied children, female heads of household, expectant mothers, mothers with young children, the elderly, and persons with disabilities." (DDPD, 2011, Article 42, paragraph 219)

"220. The adoption by the Parties of measures to ensure that IDPs, refugees and all other victims of conflict live in conditions of safety and dignity, and in full respect for their equal rights, in all phases of displacement, including prevention of all forms of forced displacement, protection and assistance during displacement and during voluntary return, resettlement and reintegration. Ensuring that humanitarian assistance is delivered to the affected people, especially women and children, undertaking to address the situation of the disabled among them and provide them with health and social services." (DDPD, 2011, Article 42, paragraph 220)

Paragraph 405 of the DDPD (part of Article 68 entitled "Demilitarised Zones and Buffer Zones") states that "[t]he parties reaffirm their commitment to [...] [p]rovide special protection for women, disabled persons, children including those associated with the armed forces and armed groups, and other persons with special needs" (DDPD, 2011, Article 68, paragraph 405).

Paragraph 440 (part of Article 73) contains the following provision linked to the social and economic reintegration of ex-combatants:

"Priority shall be to address the social and economic reintegration of Special Needs Groups such as women combatants and women associated with armed Movements, in particular widows, boys and girls associated with armed forces and armed Movements and other vulnerable conflict affected children, disabled combatants and the elderly." (DDPD, 2011, Article 73, paragraph 440)

Articles 49-53 of the Child Act contain provisions regarding the education for children having special needs, with certificates granted, their registration at labor offices, the employment of children having special needs and the exemption from fees. (Child Act, 2010, Articles 49-53)

The Sudanese British Society of Disabled People has provided a scanned copy of the South Darfur state law on persons with disabilities in Arabic. In an e-mail of June 2014, the same source specified with reference to the activist in Nyala who had provided the document that the law was issued in December 2013 and ratified in January 2014 (Sudanese British Society of Disabled People, 17 June 2014). The South Darfur state law on persons with disabilities contains a list with rights, privileges, exemptions and alleviations for persons with disabilities and sets out the establishment, objectives and competencies of the South Darfur "State Council for Persons with Disabilities". (South Darfur State Law on Persons with Disabilities, undated)

### **13.2 Treatment of persons with disabilities**

Among the sources consulted by ACCORD within time constraints, little information could be found on the situation of persons with disabilities in Darfur. This section therefore also includes general information on the situation of persons with disabilities in Sudan:

As stated by the Sudanese British Society of Disabled People in an e-mail response of June 2014, there is "no statistical data or reliable information" on disabled persons in Sudan let alone in the Darfur region. However, persons with disabilities in Sudan have directly or indirectly suffered from armed conflict in affected areas such as Darfur. In Darfur, armed conflicts, displacement, poverty, lack of health services and natural disasters, along with lack of awareness, have resulted in a dramatic increase of the number of disabled persons, and their rights have been violated (Sudanese British Society of Disabled People, 17 June 2014).

The February 2014 annual human rights report of the US Department of State (USDOS) notes the following with regard to the situation of persons with disabilities and government policies relating to them:

"On November 22, the Ministry of Social Welfare, Women, and Child Affairs and the National Council for Persons with Disabilities launched an initiative to improve access to public sector jobs and encourage respect for the constitutional rights of persons with disabilities. The Ministry of Education established a special education department. The ministry was developing a national education strategy for children with disabilities. Children with disabilities attended public schools, and there were some other educational institutions for persons with disabilities, including two schools for the blind. Social stigma and official apathy towards the needs of persons with disabilities, however, often limited the resources allocated to those facilities, and accommodations for persons with disabilities were rare in most rural areas. The government had not enacted laws or implemented

effective programs to provide for access to buildings for persons with disabilities. Several NGOs advocated on behalf of persons with disabilities. Credible sources noted prisoners with mental disabilities who were considered a danger to themselves or others were chained 24 hours a day. Prisoners with mental disabilities were not exempted from trial, although their cases could be deferred during treatment." (USDOS, 27 February 2014, section 6)

An article published by the African Union/United Nations Hybrid operation in Darfur (UNAMID) in the December 2011 – January 2012 issue of its magazine "Voices of Darfur" quotes Mohamed Adam Ibrahim, Secretary-General of the Sudanese Centre for Disabled Persons in El Fasher, as saying that "[d]isabled Darfuris suffer more than any other group in the region", specifying that "[t]hey are vulnerable to severe poverty and, because of their situation, they need support in almost every aspect of their lives" (UNAMID, 31 January 2012, p. 14).

An older article written by Maria Kett and Jean-François Trani, both academic researchers specialised in disability, and published in the July 2010 issue of the Forced Migration Review (FMR), describes the situation for most persons with disabilities as "especially challenging":

"The situation for most of the adults and children with disabilities in Darfur is especially challenging. In general, the attitude of non-disabled Darfurians to adults and children with disabilities is that of charity, based on religious beliefs. Prior to the conflict, adults and children with disabilities were frequently beneficiaries of zakat, the Islamic system of giving to those most in need. However, since the conflict and the large influx of humanitarian aid, the zakat system has largely fallen into disuse, leaving many people with disabilities in a vulnerable and precarious situation, unable to call upon traditional means of support and unable to access the new, limited systems of support that were supposed to be available in the camps but were often missing or fragmented. In Darfur, for most of the displaced persons with disabilities, there is a chronic need for livelihoods, food and welfare support. For many persons with disabilities, their main source of income comes from begging in the local market place. Furthermore, we found that in a camp the presence of a person with disabilities within the household can put extra strain not only on finances but also on family coping strategies. The traditional extended family system that could support persons with disabilities is often significantly reduced, with only close relatives being available nearby to continue to help and provide any support needed. In some cases families are separated during flight to a place of safety, sometimes by accident but often because a decision was made that – for the welfare of all other members of the family who must flee quickly and survive in the unknown surroundings of a camp – the person with a disability must be left behind." (Kett/Trani, July 2010, pp. 12-13)

A feature story published by the African Union/United Nations Hybrid operation in Darfur (UNAMID) in December 2013 quotes a 17-year-old blind university student as saying that society in Darfur still has a long way to go in terms of its awareness for the needs of disabled persons. The article goes on to quote the same student as follows:

"He says he is intensely aware that the conflict-ridden atmosphere in Darfur makes living with disabilities an even bigger stumbling block than in most other countries; but this

courageous young man refuses to use this fact as an excuse for failure. 'The laws protecting the disabled are already approved in Sudan,' he reminds us with his trademark optimism. 'We just need to push harder for their implementation.'" (UNAMID, 3 December 2013)

Referring to interviews carried out with dozens of refugees from Darfur in camps in eastern Chad, a March 2014 Amnesty International (AI) report informs about attacks on villages in Central Darfur that occurred between April and November 2013 and were attributed to members of the Popular Defence Forces (PDF), Central Reserve Police (CRP), Border Guards (BG), the National Intelligence and Security Services (NISS) and Janjaweed (AI, 14 March 2014, p. 15). In this context, AI refers to accounts of "disabled people who were unable to escape and were subsequently killed in their homes" (AI, 14 March 2014, p. 17).

A Radio Dabanga article of April 2012 reports on the situation of disabled persons living in the Dereig IDP camp in North Darfur:

"The humanitarian conditions for around 4,200 disabled people in Dereig camp [...] in North Darfur are very poor with no support from organisations or the local authorities since the camp opened in 2004. Sources at the camp said out of the 39,995 registered displaced people at the camp, the disabled residents have no access to wheel chairs or necessary facilities. They said many of the disabled people are unable to move around the camp for fear of attacks and random shootings by militants and Abu Tira forces (central reserve forces)." (Radio Dabanga, 4 April 2012)

Radio Dabanga reports that members of a pro-government militia raped a 13-year-old mentally disabled girl from the El-Amiya Sharq camp in Kabkabiya city (North Darfur) on 31 January 2013 (Radio Dabanga, 3 February 2013).

In another incident reported by Radio Dabanga in January 2013, members of a pro-government militia group assaulted and raped a 15-year-old handicapped girl and her sister in the region of Tabet in North Darfur (Radio Dabanga, 27 January 2013).

As reported by the same source in January 2013, members of the Central Reserve Forces (known as Abu Tira) and pro-government militiamen raped three girls in Tur city in Zalingei locality (Central Darfur) including a 16-year-old handicapped girl (Radio Dabanga, 18 January 2013).

The undated website of Action on Disability and Development International (ADD) describes the general situation of persons with disabilities in Sudan as follows:

"In Sudan people with disabilities are often neglected, excluded from community life, have no access to social services and are often hidden away by families who considered them a 'problem'. With no rights to either an education or employment, most people with disabilities depend on begging to survive." (ADD, undated (b))

An April 2013 joint report published by ADD and the Sudan-based Ahfad University for Women (AUW) presents the findings of a survey on the socio-economic situation of 1,130

persons with disabilities conducted in the seven Sudanese states of South Darfur, Red Sea, Gadrif, Kasala, River Nile, Gazira and Khartoum:

“Even though Sudan, unlike many other developing countries, has all the necessary legislations needed to avail education, health and social rights to PWD [persons with disabilities], the current results indicated that these rights are far from being achieved. [...]

The gap in education attainment among the disabled compared to total population was very evident. This gap exists despite the 2002 declaration by the Government that all children with disabilities would be entitled to free education. [...]

This survey showed the low rate of employment among the surveyed PWD especially in the governmental sector, and those attaining government job are either related to disabled or in low scale level. For example blind are employed in blind schools. [...]

PWD in the survey are clearly not receiving their much needed health care and specialized follow-up, assistive devices and comprehensive health insurance. The MoH [Ministry of Health] doesn't have a health policy for the disabled and the mentioning of disability in the general policy is vague (Amin et al 2012).” (ADD/AUW, 28 April 2013, pp. 32-35)

## 14 Persons living with HIV/AIDS

### 14.1 Legal framework

Hamidreza Setayesh, the Sudan country director of UNAIDS, wrote in an e-mail response provided in April 2014 that while “there are generic clauses in the constitution against discrimination”, “Sudan has no specific HIV and AIDS related laws”. As noted by Setayesh, UNAIDS is “not aware” of any specific laws in the Darfur region that relate to the issue of HIV/AIDS. (Setayesh, 16 April 2014)

Among the sources consulted by ACCORD within time constraints, little information could be found on the legal framework pertaining to persons living with HIV/AIDS.

A July 2012 report of the African Union/United Nations Hybrid operation in Darfur (UNAMID) notes specifically with regard to HIV/AIDS in the Sudanese military:

“Although the threat of HIV is widely recognized as a major issue in Sudan, there is, at present, no functioning legal framework on HIV/AIDS for the Sudanese military.” (UNAMID, July 2012, p. 19)

An undated overview of HIV/AIDS in Sudan by the United Nations Children’s Fund (UNICEF) mentions that “in the north of Sudan, a new HIV law prohibits discrimination on the basis of being HIV positive” (UNICEF, undated). Among the sources consulted by ACCORD within time constraints, no further information was found on this law.

### 14.2 Treatment of persons with HIV/AIDS

Hamidreza Setayesh, the Sudan country director of UNAIDS, wrote in an e-mail response provided in April 2014 notes with regard to the treatment of persons living with HIV/AIDS by the state and by society:

“People living with HIV have associations supported by the government and donors in most of the states of the country, ARTs [anti-retroviral therapies] are available in more than 30 centers and are free, including in Darfur. There is however high level of stigma and discrimination, probably rooted in lack of knowledge, fear, and judgments based on moral and religious assumptions against those living with the virus and at risk of that.” (Setayesh, 16 April 2014)

The US Department of State (USDOS) notes that “[t]here was discrimination against persons with HIV/AIDS” during the reporting year 2013 (USDOS, 27 February 2014, section 6).

According to UNAIDS, the stigma against AIDS and those at-risk of it is “extremely high in Sudan” (UNAIDS, 2 December 2013).

A July 2012 report by the African Union/United Nations Hybrid operation in Darfur (UNAMID) presents several case studies on HIV/AIDS in Darfur. One of the case studies includes the following overview of the situation for persons with HIV/AIDS in Darfur:



"Given that Darfur's population is predominantly Islamic, and Sharia Law is strictly observed, culture and religion influence personal behaviour and also the acceptance of HIV-preventative measures such as the use of condoms. [...] The vulnerability of IDPs to HIV and AIDS is exacerbated by mass movements, poverty, food insecurity, nonexistent or poor health services and even apathy. [...] Although the Government of Sudan has put in place HIV/AIDS programmes, not many people are using them. Generally, the stigma and discrimination are acute, and people do not want to be associated with anything or anyone that has anything to do with HIV/AIDS. [...] The HIV/AIDS response in Darfur has been inadequate and sporadic, with state and nonstate actors conducting programmes that fail to meet the complete needs of these communities." (UNAMID, July 2012, pp. 8-9)

Another case study specifically points to "high levels of stigma and discrimination related to HIV and AIDS among ex-combatants" as well as "in the general community where ex-combatants are reintegrated" (UNAMID, July 2012, p. 13).

A further case study lists "lack of access to adequate health services and prevention products", "cultural and religious beliefs that limit the up-take of services", and "ongoing stigma and discrimination" as "factors contributing to the HIV/AIDS situation in Central Darfur in general, and in the Zalingei prison in particular" (UNAMID, July 2012, p. 16).

The undated website of the UNAMID HIV and AIDS Unit notes "deep seated myths and misconceptions about HIV and AIDS" among members of the Sudan Armed Forces (SAF) (UNAMID, undated (b)).

A March 2012 country progress report written by the Sudanese Federal Ministry of Health's Sudan National AIDS Control Programme (SNAP) and submitted to the UNAIDS Secretariat, points to "[s]tigma and discrimination in general population and health care workers" as being "a major challenge" (SNAP, 31 March 2012, p. 21).

A June 2013 article of the Sudan Tribune quotes Anshu Banerjee, the WHO representative in Sudan, as saying that only eleven per cent of persons living with HIV are receiving treatment. The Chairman of the Advisory Board for Human Rights, Muaz Tango, is quoted as pointing to "efforts to enact legislation and laws to protect HIV positive individuals from the stigma and discrimination". Meanwhile, the article notes that "HIV/AIDS is still considered a taboo in the Sudanese society and the parliament rejected proposal to make male condoms more available on the grounds that it will encourage premarital sex". (Sudan Tribune, 27 June 2013)

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