

# CORI

Country of origin research and information

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## **CORI Research Analysis**

**Date:** 6 November 2014

**Country:** Sudan

**Ref:** Sud1114

**Issues:** Information on military service and treatment of deserters / draft evaders in Sudan

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*CORI research analyses are prepared on the basis of publicly available information studies and commentaries and produced within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issue however as Country of Origin Information (COI) is reliant on publicly available documentation there may be instances where the required information is not available. The analyses are not and do not purport to be either exhaustive with regard to conditions in the country surveyed or conclusive as to the merits of any particular claim to refugee status or asylum. Please read the full text of each document referred to using the URL provided in the footnote.*

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### **1) Information on military service and treatment of deserters / draft evaders in Sudan**

#### **(i) Age**

In October 2010 the *UN Committee on the Rights of the Child* commended Sudan's legislation which sets the minimum age of recruitment at 18 years under the Armed Forces Act (2007):

“The Committee commends the State party on the promulgation of the Armed Forces Act (2007), which sets the minimum age of recruitment into the armed forces at 18 years and provides for penalties for child recruitment and other war crimes.”<sup>1</sup>

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<sup>1</sup> UN Committee on the Rights of the Child (CRC), Concluding Observation: Sudan, 08 October 2010, Para. 4,

(ii) Gender

The National Service Act for 1992 indicates that "every Sudanese" between the ages of 18 and 33 years must submit to national military service.<sup>2</sup> However in June 2014 the *International Fellowship of Reconciliation* (IFOR), an international NGO with its headquarters based in the Netherlands and *Conscience and Peace Tax International*, a Belgian NGO advocating for the right of conscientious objection reported that military service is obligatory for all males aged 18 – 33.<sup>3</sup>

(iii) Length of service

According to the National Service Act for 1992, the duration of the national service is two years; however, high school and university graduates are required to serve only 18 months and 12 months, respectively.<sup>4</sup>

Under the Armed Forces Act (2007), during times of emergency, the Commander in Chief may authorise the extension of military service,

“The Commander in Chief or whoever he/she may authorise shall order, during the time of emergency, or for a necessity, as to the discretion thereof, extension of the period of service of any personnel.”<sup>5</sup>

(iv) Conscientious objection to military service

In June 2014 the *International Fellowship of Reconciliation* (IFOR) and *Conscience and Peace Tax International* stated that no reports have been traced where a potential recruit has tried to claim the right of conscientious objection. IFOR and CPT report that this may be explained by a number of factors, namely the absence of any legal provision, and the fact the concept is probably little known in Sudan,

“No reports have been traced of any instance where a potential recruit has tried to claim this right. A number of factors may account for this. In the absence of legislative provision any claim of conscientious objection might well be treated as aggravating the offence of failure to report for military service. The concept itself is

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[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=165](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=165), accessed 25 October 2014

<sup>2</sup> Sudan, National Service Act 1992, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>3</sup> International Fellowship of Reconciliation (IFOR) And Conscience and Peace Tax International (CPTI) Submission To The 111th Session Of The Human Rights Committee: SUDAN, June 2014, [http://www.cprcentre.org/doc/2014/06/INT\\_CCPR\\_CSS\\_SDN\\_17523\\_E.Pdf](http://www.cprcentre.org/doc/2014/06/INT_CCPR_CSS_SDN_17523_E.Pdf), Accessed 28 October 2014

<sup>4</sup> Sudan, National Service Act 1992, Para 9.1, 9.2, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>5</sup> Sudan: Armed Forces Act 2007, 5 December 2007, <http://www.refworld.org/docid/4c037f1d2.html>, accessed 28 October 2014

probably little known in the country; even those who have moral objections to fighting may well never have articulated them as conscientious objections, or have envisaged the possibility of being freed from military obligations on such grounds. As will be discussed below, the recruitment procedures in practice are not such as would lend themselves to the assessment of such claims. Forced recruitment into opposition armed groups and government-allied militias has been widespread in conflict zones; “compulsory national service” has also in the recent past been enforced by random, forcible methods. Meanwhile avoidance of military service is widespread and unimpeded among the population outside the conflict zones; to plead conscientious objection is superfluous.”<sup>6</sup>

#### (iv) Recruitment practices and training

In December 2011 *The Citizen* (a Sudanese newspaper) reported that despite protests against human rights abuses authorities in Khartoum continued to search for IDPs and students for compulsory recruitment in militia armies,

“The Citizen has learned from its correspondent in Khartoum, the Sudan capital that the authorities there despite protests from South Sudan government and the leadership of South Sudanese University Students Union in Juba against such gross abuse of human rights continue earth scorching search for IDPs and students for compulsory recruitment in militia armies.”<sup>7</sup>

In December 2011 *The Citizen* further reported that rebel leaders were seen supervising the forced recruitment of IDPs and university students with the help of Khartoum authorities,

“The latest report says rebel leaders George Athor and James Gai were seen desperately supervising the forced recruitment of IDPs and university students to their ranks with the help of Khartoum authorities who have assigned special police contingent to help the rebels in capturing the abled bodied persons from IDP transit camps and university campuses for their forced recruitment.”<sup>8</sup>

In 1999 *Amnesty International* reported that that scores of student conscripts died as hundreds broke out of a military training camp,

“[S]cores of student conscripts died as hundreds of youths broke out of a military training camp at al-Ayfun near Khartoum. The authorities announced that more than

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<sup>6</sup> International Fellowship of Reconciliation (IFOR) And Conscience and Peace Tax International (CPTI) Submission To The 111th Session Of The Human Rights Committee: SUDAN, June 2014, [http://www.cccprcentre.org/doc/2014/06/INT\\_CCPR\\_CSS\\_SDN\\_17523\\_E.Pdf](http://www.cccprcentre.org/doc/2014/06/INT_CCPR_CSS_SDN_17523_E.Pdf), Accessed 28 October 2014

<sup>7</sup> The Citizen, Sudan: Khartoum Resumes Forced Conscription of IDPs, University Students, 18 December 2011, <http://allafrica.com/stories/201112180004.html>, accessed 27 October 2014

<sup>8</sup> The Citizen, Sudan: Khartoum Resumes Forced Conscription of IDPs, University Students, 18 December 2011, <http://allafrica.com/stories/201112180004.html>, accessed 27 October 2014

50 deserters had drowned trying to cross the Blue Nile. However, other reports said that over 100 were killed, many of whom had been shot and others beaten to death.”<sup>9</sup>

In March 2007 *Conscience and Peace Tax International*, Belgian based NGO, reported that recruitment into the armed forces of the Sudanese Government takes three forms: voluntary recruitment, conscription, and enlistment in the paramilitary forces created by legislation,

“Recruitment by law into Sudanese Government armed forces takes three distinct forms; voluntary long-term recruitment into permanent regular forces, which has historically predominated, conscription under the National Service Act of 1992, and enlistment in the paramilitary forces created by the Popular Defence Forces Act of 1989.”<sup>10</sup>

In March 2007 *Conscience and Peace Tax International* reported that recruitment into the Sudan People’s Liberation Army should be added as under the 2005 Interim Constitution the SPLA is now recognised as part of the National Armed Forces in Southern Sudan,

“To the above categories should now be added recruitment into the Sudan People’s Liberation Army, which under the 2005 Interim Constitution<sup>4</sup> is recognised as an autonomous part of the National Armed Forces in Southern Sudan. The SPLA Act of 2003, which has been provisionally incorporated under the interim constitution, gives details in the relevant section (Paras 7 - 11) of the induction process, stipulates that “Any “person who has for six months been in receipt of military pay as an enrolled or enlisted person and been borne on the rolls of any command, corps, unit or department, shall be deemed to have been duly enrolled or enlisted, and shall not be entitled to claim his discharge on the ground of any illegality or irregularity in his enrolment or enlistment,”(Para 10) and provides for the extension in a state of emergency of any originally-contracted term of service by up to twelve months.(Para 11); however apart from the stipulation that only nationals of “New Sudan” are normally eligible (Para 7), it gives no details of who may or may not be recruited or liable for recruitment.”<sup>11</sup>

#### (v) Exemptions

The National Service Act fully exempts the medically unfit from service while specifying that “[t]hose persons who are completely medical fit shall carry-out the service that suit

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<sup>9</sup> Amnesty International, Amnesty International Report 1999 - Sudan, 1 January 1999, <http://www.refworld.org/docid/3ae6aa094c.html>, accessed 27 October 2014

<sup>10</sup> Conscience and Peace Tax International, Submission to the 89th Session of the Human Rights Committee: Conscientious Objection to Military Service: Issues for the Country Report Task Forces Sudan, March 2007, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan\\_en.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan_en.pdf), accessed 27 October 2014

<sup>11</sup> Conscience and Peace Tax International, Submission to the 89th Session of the Human Rights Committee: Conscientious Objection to Military Service: Issues for the Country Report Task Forces Sudan, March 2007, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan\\_en.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan_en.pdf), accessed 27 October 2014

their abilities".<sup>12</sup>It also states that,

"[t]hose who were called-in for service are not allowed to leave the country for any reason without receiving a certificate of exemption, pardon or relief, fulfilment or postponement of service and recruitment".<sup>13</sup>

Once registered for National Service a person may not leave the country (Para 21), enrol at or graduate from any educational institution (Para 22), or engage in any form of employment or professional activity (Para 23) without holding an appropriately endorsed Service ID card, or a certificate of exemption, pardon or postponement.<sup>14</sup> The actual numbers to be recruited, and the selection by age and sex of those to be called up, are however at the discretion of the Minister of Defence (Para 19).<sup>15</sup>

Any person "who does not present himself for recruitment, or tries to avoid the service by deceit, or by inflicting any harm to himself" is liable for imprisonment for a period of at least two and not more than three years, and may be required to report for military service immediately following completion of the sentence (Para 28.3);. anyone (except a spouse) aiding or abetting such avoidance "by withdrawing, deleting or dropping his name intentionally from the lists, or causing or helping to cause him a malignant accident, or by giving false information, or embracing his personality, or hiding him or using any other tricks" (Para 28.2) will be liable to three years imprisonment, or a fine, or both. (Para 28.1).<sup>16</sup>

In March 2007 the *Conscience and Peace Tax International* reported that there is no indication that systematic measures have been put in place to identify and trace those liable for compulsory national service, rather it has been enforced by "round ups" in public places and residential areas,

"There is however no indication that systematic measures have ever been put in place to identify and trace those liable for this "CNS", or Compulsory National Service. Instead it has been characteristically enforced - at least in the capital and other Northern cities, by "round ups" in schools, public places and residential areas, especially featuring traffic checkpoints manned by plain clothes military

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<sup>12</sup> Sudan, National Service Act 1992, Paras 11.1-11.2, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>13</sup> Sudan, National Service Act 1992, Para 21, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>14</sup> Sudan, National Service Act 1992, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>15</sup> Sudan, National Service Act 1992, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>16</sup> Conscience and Peace Tax International, Submission to the 89th Session of the Human Rights Committee: Conscientious Objection to Military Service: Issues for the Country Report Task Forces Sudan, March 2007, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan\\_en.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan_en.pdf), accessed 27 October 2014

personnel. Men who appeared to be of the appropriate age and were not in possession of a valid Service ID card were summarily taken into military training camps, where they were often held incommunicado. There had been at least some instances of such forcible recruitment of persons younger (down to the age of 14), or older, than the legal recruitment age, of non-nationals, or of those who had already performed military service<sup>16</sup> - indeed, even without wilful disregard of the rules, it is in the nature of such a process that those who ought not be liable for recruitment will often have no opportunity to prove this."<sup>17</sup>

(v) Penalties for refusing military service

According to Sudan's 1992 National Service Act, , those who fail to present themselves for recruitment, or try to avoid military service "through deceit, or by inflicting any harm to [themselves]" could face a two- to three-year jail term.<sup>18</sup>

In June 2009 the *World Council for Churches* reported that pastors that publically condemned the forced recruitment of children and young men were tortured by rebels,

"In Sudan, for example, pastors were tortured by rebels because they publicly condemned the forced recruitment of children and young men during the recent civil war."<sup>19</sup>

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<sup>17</sup> Conscience and Peace Tax International, Submission to the 89th Session of the Human Rights Committee: Conscientious Objection to Military Service: Issues for the Country Report Task Forces Sudan, March 2007, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan\\_en.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CPTI-sudan_en.pdf), accessed 27 October 2014

<sup>18</sup> Sudan, National Service Act 1992, Para 21, [https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/\\$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf](https://www.icrc.org/applic/ihl/ihl-nat.nsf/6fa4d35e5e3025394125673e00508143/9d58d31886fef99dc1257110003a88d1/$FILE/National%20Service%20Act%20-%20Sudan%20-%201992.pdf), accessed 28 October 2014

<sup>19</sup> World Council of Churches Decade to Overcome Violence, The Right of Conscientious Objection to Military Service, June 2009, [http://www.overcomingviolence.org/fileadmin/dov/files/wcc\\_resources/dov\\_documents/Consc\\_Obj\\_Mil\\_Serv\\_Study.pdf](http://www.overcomingviolence.org/fileadmin/dov/files/wcc_resources/dov_documents/Consc_Obj_Mil_Serv_Study.pdf), accessed 28 October 2014