Home Office
BUILDING A SAFE, JUST AND TOLERANT SOCIETY

COUNTRY OF ORIGIN INFORMATION REPORT

SUDAN

APRIL 2006

RDS-IND
COUNTRY OF ORIGIN INFORMATION SERVICE

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1. Scope of Document

1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum/human rights determination process. The COI Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. It includes information available up to 10 March 2006.

1.02 The COI Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the COI Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.

1.03 The COI Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.

1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the COI Report.

1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the COI Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.

1.06 As noted above, the COI Report is a collation of material produced by a number of reliable information sources. In compiling the COI Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term ‘sic’ has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

1.07 The COI Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this COI Report was issued.

1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the COI Report is readily available in the public domain. Where the source documents identified in the COI Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.

1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.

1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this COI Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at *www.apci.org.uk*.

1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be

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taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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2. Geography

2.01 The Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). (Europa, 2004) **[1] (p1087, 1107)** Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. (UN Map, May 2004) **[2f]** Europa 2005 recorded that, according to a mid-2003 UN estimate, the population of the capital, Khartoum, was approximately 4,285,542. **[1] (p1107)** A more recent estimate reproduced in a European Institute for Research on Mediterranean and Euro Arab-Cooperation (MEDEA) March 2005 report stated that Khartoum had a population of 6-7 million people. **[5a] (p1)** Encyclopaedia Britannica (EB) 2004 recorded that "It [Khartoum] has bridge connections with its sister towns, Khartoum North [700,887*] and Omurdurman [1,271,403*], with which it forms The Sudan's largest conurbation." **[6d] (p1)** Europa 2005 recorded that other major cities include Port Sudan [308,195*], Kassala [234,622*], Nyala [227,183*] and Juba [114,980*]. **[1] (p1107)**

*Population at 1993 census, according to Europa Regional Surveys of the World: Africa South of the Sahara 2004. **[1] (p1107)**

2.02 The Library of Congress' (LoC) December 2004 Country Profile recorded that "In rough percentages, Sudan's population is composed of 50 percent black Africans, 40 percent Arabs, 6 percent Beja, and 3-4 percent other." **[35b] (p5)** The US State Department's Human Rights Report (USSD) for 2005, published on 8 March 2006, recorded that:

"The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. The fighting in Darfur was between Muslims who self-identify as either Arab or non-Arab" **[3g] (Section 5)**

2.03 MEDEA's March 2005 report stated that the northern Sudanese people consist of the Arabs, Nubians, Beja, tribes from the Nuba Mountains and some arabised groups that, in total, represent about 70% of the entire population. **[5a] (p1)** The southern Sudanese people include several ethnic groups, of which the most important are the Dinkas, the Nuers and the Shilluks who collectively represent approximately 28% of the total population. (MEDEA, March 2005) **[5a] (p1)** The Government of South Sudan (GoSS)-administered area, also known as New Sudan, consisted of ten southern states and its capital was Juba, which is also the state capital of Bhar al Jebal. (UNHCR, 8 March 2006; Gurtong Peace Peace Project website, undated) **[2ad] [77b, 77e]**

See also Annex E: Main ethnic groups **and Annex H:** States of Sudan

2.04 Ethnologue 2004 recorded that "The number of languages listed for Sudan is 142. Of those, 134 are living languages and 8 are extinct." **[34] (p1)** LoC's profile of December 2004 recorded that "Sudan is home to a large number of languages. One authoritative source lists 134 spoken languages, with other estimates running up to 400, including numerous dialects. **[35b] (p5)** "Arabic is the primary language of one-half of the population, with Dinka that of about one

tenth. Arabic is the official national language and is the most common medium for the conduct of government, commerce, and urban life throughout the country. English has been acknowledged as the principal language in the south since 1972." (EB, 2004) **[6b] (p6)** LoC's profile also stated that "English is widely spoken as a second language in the North and to a lesser extent in the South." **[35b] (p5)**

See also Annex F: Languages of Sudan

MAP OF SUDAN AND NEIGHBOURING COUNTRIES

Map No. 3707 Rev. 7 UNITED NATIONS May 2004

Department of Peacekeeping Operations Cartographic Section

See also Annex B: Maps

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3. Economy

3.01 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) records that "Sudan is primarily an agricultural and pastoral country, with about 59% of the economically active population engaged in the agricultural sector – the majority in essentially subsistence production." **[1] (p1101)** Agriculture remained the largest single component of Sudan's Gross Domestic Product (GDP) at 39.2%, in 2002 and Europa 2005 also records that "In 2003 domestic petroleum consumption was about 70,000 b/d [barrels per day], which left approximately 200,000 b/d for export." **[1] (p1101, 1104)**

3.02 Europa 2005 states that "On 1 March 1999 the Sudanese pound was replaced by the Sudanese dinar, [which was] equivalent to 10 Sudanese pounds….The pound was withdrawn from circulation on 31 July 1999." **[1] (p1101)** The European Institute for Research on Mediterranean and Euro Arab-Cooperation (MEDEA) March 2005 report stated that one Sudanese Dinar was equal to one hundred Piastres. **[5a] (p1)** The Economist Intelligence Unit's (EIU) Country Report on Sudan, published in December 2005, examined the political and social outlook in relation to the economy, and how each affected – and might potentially affect – the other. **[64a]**

3.03 The EIU's January 2006 Updater records that "By the end of the forecast period [2006—2007] the strength of Sudan's monetary policy will be tested, as parallel banking systems—one sharia-compliant, the other not—are to be established as an outcome of the north-south peace deal. Currently an effective banking system only operates in the north, where the financial institutions are all sharia-compliant." **[64b]** In comments submitted to the Advisory Panel on Country Information on 8 March 2006, UNHCR noted that prices in both the private and public sectors are still commonly counted in Pounds rather then Dinars. **[2ad]** A currency converter on the website Oanda.com recorded:

The exchange rate as at 10 March 2006		
1 British Pound	412.658 Sudanese Dinar	4,126.579 Sudanese Pound
1 US Dollar	237.523 Sudanese Dinar	2,375.228 Sudanese Pound

[30a-30d]

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4. History

THE AL-BASHIR REGIME

4.01 The Foreign and Commonwealth Office's Country Profile on Sudan (FCO Profile), last updated on 6 January 2006, records that:

"On 30 June 1989, the army overthrew the democratically elected government of Sadiq al-Mahdi and installed a Revolutionary Command Council, chaired by General Omar al-Bashir. Bashir ruled by decree at the head of the Revolutionary Command Council and banned all political parties except his own National Islamic Front (NIF) (renamed the National Congress Party in 1998). In 1996 Bashir was elected President and a National Assembly was elected in a flawed election which was boycotted by the opposition. Bashir was re-elected (with 86% of the vote) in 2000. Again a number of key opposition parties boycotted the election, claiming it was flawed and unfair." **[25f] (HISTORY)**

For information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, source [1].

PEACE AND CONFLICT IN SUDAN

THE SIGNING OF THE COMPREHENSIVE PEACE AGREEMENT (CPA): 9 JANUARY 2005

4.02 On 9 January 2005 the Government of Sudan and SPLM signed the Comprehensive Peace Agreement (CPA). The text of the 9 January 2005 agreement, reproduced on Reliefweb, stated that the six-month pre-interim period commenced from the date of the CPA's signing. **[75] (p1)** The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** The FCO Profile records that:

"The parties have now established a Government of National Unity (GNU) comprising members of the National Congress, SPLM and other northern and southern political forces. The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang [who was succeeded by Lt. Gen. Salva Kiir Mayardit following Garang's death on 30 July] and Vice President Taha, was sworn in on 9 July, the National Assembly first sat on 1 September and the formation of the Government of National Unity was announced on 20 September." **[25f] (Recent Overview)**

4.03 The FCO Profile also states:

"The new Government will now work to fully implement the terms of the CPA. Under the agreement democratic elections are to be held within four years. The Government of Southern Sudan, which will safeguard the interests of the people of southern Sudan and provide a link with the Government of National Unity, was formed on 22 October [2005]. After six and a half years the south will be able to vote on whether or not to remain united with the rest of the country. This peace agreement is a huge achievement, trying to end more than 20 years of civil war in which more than 2 million people have died and some 4 million have been displaced." **[25f] (Recent Overview)**

THE DARFUR CONFLICT

4.04 The FCO Profile states that "Despite the progress made on the CPA, conflict continues in Darfur, western Sudan. Conflict in Darfur has been rife since the 1980's *[sic]*. It is largely a battle for resources, land, water and grazing rights together with a related struggle for power within the native tribal administration structure." **[25f] (Recent Overview)** Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) records that:

"In February 2003 two rebel groups, the Sudanese Liberation Movement (SLM), which reportedly comprised as many as 2,500 armed troops, and the SJEM [Sudanese Justice and Equality Movement], a force estimated to number several hundred men, organized a rebellion against the Government in an attempt to end political oppression and economic neglect in the Darfur region of western Sudan." **[1] (p1096)**

4.05 The FCO Profile continues:

"A humanitarian ceasefire agreement was signed between the Government of Sudan, the SLM and the Justice and Equality Movement (JEM) on 8 April 2004 and they subsequently signed Security and Humanitarian Protocols on 9 November 2004 in Abuja. However neither side is abiding fully by their commitments to these earlier agreements, and insecurity continues to hamper the delivery of humanitarian assistance." **[25f] (Recent overview)**

4.06 The BBC Timeline of December 2005 reported that, in March 2005, the UN Security Council had authorised sanctions against those who violated the ceasefire in Darfur and that the Council had voted to refer those accused of war crimes in Darfur to the International Criminal Court (ICC). **[14g] (Final peace)** The FCO Profile reports:

"The seventh round of peace talks [in Abuja, Nigeria] began on 29 Novemner *[sic]* 2005 and they will now sit in permanent session. For the first time the Sudan People's Liberation Movement have joined the Government delegation and the parties are now discussing wealth, security and power sharing arrangements within the parameters laid out in the Declaration of Principles signed by the parties to the talks on 5 July 2005." **[25f] (Recent Overview)**

4.07 In his March 2006 monthly report on the situation in Darfur, the UN Secretary General (UN SG) states that "In accordance with the statement by the President of the Security Council of 3 February 2006 (S/PRST/2006/5), I have initiated contingency planning on a range of options for a possible transition from AMIS to a United Nations operation." **[2z] (p5)** However, the Integrated Regional Information Networks (IRIN) noted on 23 February 2006 that "Sudan has rejected the proposal to transform the African Union-led peacekeeping mission in the strife-torn western region of Darfur to a United Nations operation." **[15fd]**

THE EASTERN CONFLICT

4.08 An IRIN report of 22 June 2005 reports that "The eastern rebels have clashed intermittently with government forces in eastern Sudan since 1996, Beja sources said, but tension has risen in recent months." **[15dz]** In February 2005 it was reported that the Beja Congress (BC) and Rashaida Free Lions (FL) had merged to become the Eastern Front, following their withdrawal from the Cairo talks between the Government and the NDA. (*Sudan Tribune*, 5 February 2005) **[12]** Low-level sporadic clashes between the Eastern Front and government forces occurred throughout 2005. **[2ac] [15dz] [63j]**

4.09 In January 2006, the BBC and Reuters reported on the increased tension between the Eastern Front and government forces in and near the town of Hamesh Koreb. **[14t] [18d-e]** Reuters reported that:

"Under the southern deal, the SPLM were supposed to have redeployed from the east to the south within a year, but they said this week they were unable to meet that deadline because of logistical reasons. Pronk said slow withdrawal was a major problem to the peace deal [CPA]. On Friday he said: 'This is creating a void with a potential for new armed conflict.' The Sudanese army is supposed to occupy SPLM positions once they have withdrawn. But eastern rebels, also in the same areas, say the government will have to fight them first." **[18e]**

4.10 Despite, in November 2005, the parties to the conflict having expressed their willingness to participate in Libyan and Eritrean mediated peace talks, the commencement of these proceedings was delayed on four successive occasions. **[2ac] [13c-13d]** The involvement of Eritrea – a long-time supporter of the BC, at least politically and morally if not militarily, as claimed by the National Congress Party (NCP) – in the talks, as originally proposed in November 2005, proved to be the main obstacle to the NCP's participation in early February 2006. **[13c-13d] [63d]**

OTHER RECENT EVENTS: SEPTEMBER 2005 – MARCH 2006

4.11 In early November 2005, Minni Arko Minnawi was elected the new president of the Sudan Liberation Movement/Army (SLM/A), a decision that the incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise causing observers to fear that the SLM/A's disunity would negatively affect the already stalled African Union-sponsored peace talks set to resume later the same month. (IRIN, Year in Brief – 2005) **[15fr] (November)** On 5 December 2005, Salva Kiir Mayardit signed the Interim Constitution for south Sudan (ICSS). **[15fr] (December)**

4.12 In January 2006, Chad and Sudan discussed the possibility of engaging in talks to ease the tension that has grown between the two countries since late-2005. (IRIN, 10 January 2006) **[15ft]** Chad has accused Sudan of supporting Chadian rebels operating from Darfur, although Sudan has denied that the rebels are in Sudanese territory. **[15ft]** In January 2006, it was reported that the Darfuri rebel movements – the SLM/A and JEM – had agreed to join forces under the banner Alliance of Revolutionary Forces of West Sudan. (AFP, 22 January 2006) **[13b]** Despite an improvement in Sudan-Chadian relations following an 8 February 2006 agreement in Libya to end support to each other's rebel groups, cross-

border raids continued and high-level defections from Chad's army to the Darfur-based Chadian rebels increased the likelihood of the escalation of tension between the countries. (ICG CrisisWatch, 1 March 2006) **[63b]**

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5. State structures

THE CONSTITUTION

INTERIM NATIONAL CONSTITUTION OF SUDAN (INC)

5.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** The Sudan Organisation Against Torture's (SOAT) newsletter of July - August 2005 notes that "… events in the last two months have meant that there has been no concrete analysis on how the implementation of the Interim Constitution has translated into the ground. The sudden death of Dr. John Garang, First Vice President and Chairperson of the SPLM and its aftermath which saw violent riots across the Sudan saw the imposition of a curfew in the capital, Khartoum and the Southern town of Juba." **[23l] (p6)**

5.02 Article 4 of the draft copy of the INC records the fundamental basis of the Constitution:

"This Constitution is predicated upon and guided by the following principles:

(a) The unity of the Sudan shall be based on the free will of its people, the rule of law, democratic governance, accountability, equality, respect and justice for all citizens,
(b) Religion, beliefs, customs and traditions are a source of moral strength and inspiration for the Sudanese people,
(c) The cultural and social diversity of the Sudanese people shall be the foundation of national cohesion and shall not be used for causing division,
(d) The authority and powers of government emanate from the sovereign will of the people exercised by them in free, direct, and periodic elections conducted through universal adult suffrage in secret balloting;" **[4a] (p3-4)**

5.03 The draft copy of the INC provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. **[4a] (p13-17)** The UN's Integrated Regional Information Networks (IRIN) recorded on 11 July 2005 that "On Sunday [10 July 2005], [President] al-Bashir issued a decree ending the country's 16-year-old state of emergency – which gave authorities wide powers to detain people without charge and to crack down on opposition forces – in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea." **[15bw]**

5.04 Amnesty International (AI) welcomed the human rights provisions in the new Constitution but was concerned that "Article 60 of the Interim Constitution grants immunity from prosecution to the President and First Vice President of the Republic of the Sudan for all crimes except those of high treason, gross misconduct in relation to State affairs, and gross violations of the Constitution." **[11n]** Whilst, the Sudan Human Rights Organisation-Cairo's (SHRO-Cairo) Human Rights Quarterly of January 2006 states, in relation to the ending of the State of Emergency, that "Gross human rights violations, however, were never

abated. Tens of political detainees and prisoners of conscience remained in jail." **[61t] (The Situation of Human Rights in Sudan: March-November 2005)**

See also Section 6: Human rights **for details on the treatment of individuals and specific groups, and the restriction of fundamental freedoms in relation to the Interim National Constitution.**

INTERIM CONSTITUTION OF SOUTHERN SUDAN (ICSS)

5.05 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN SG's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 3 of the draft copy of the ICSS records the supremacy of the Constitution as follows:

"(1) This Interim Constitution shall be the supreme law of Southern Sudan and shall have binding force on all organs and agencies of government and persons throughout Southern Sudan.
(2) The interim constitutions and laws of the States of Southern Sudan shall comply with this Constitution and the Interim National Constitution." **[80b] (p4)**

5.06 As with the INC, the draft copy of the ICSS provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. **[80b] (p7-15)** Article 9 (1) of the draft copy of the ICSS also affirms that "The people of Southern Sudan have the right to self-determination through a referendum to determine their future status." **[80b]**

5.07 Part Eleven of the ICSS concerns the 'The States, Local Government, Traditional Authority and Abyei Area'. **[80b]** Article 165 states that "(1) The Territory of Southern Sudan shall be decentralized and composed of ten states. (2) The states shall adopt their own constitutions, which shall conform to this Constitution and the Interim National Constitution." **[80b]** Articles 166 to 170 of Part Eleven of the ICSS deal with the provisions for state organs, the state executives, state legislative assemblies, state judiciaries and interim provisions for the individual southern states, the latter pending the elections scheduled to be held no later than the end of the fourth year of the Interim Period [approximately July 2009]. **[80b]**

See also Annex H: States of Sudan

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CITIZENSHIP AND NATIONALITY

5.08 Article 7 of the March 2005 draft copy of the Interim National Constitution (INC) records that:

"(1) Citizenship shall be the basis for equal rights and duties for all Sudanese;
(2) Every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship;

(3) The law shall regulate citizenship and naturalization; no naturalized sudanese shall be deprived of his /her acquired citizenship except in accordance with the law;
(4) A Sudanese national may acquire a nationality of another country as shall be regulated by law;" **[4a] (p5)**

5.09 A Foreign and Commonwealth Office (FCO) letter dated 24 October 2001 containing information provided by El Karib & Medani, the FCO's advocates and the US Office of Personnel Management's (US OPM) March 2001 document entitled Citizenship Laws of the World agreed that Sudanese nationality or citizenship is passed down paternally by descent if the child's father is Sudanese at the time of his or her birth. **[25b] (p1) [36] (p186)** Both the FCO's letter and the OPM qualified this by stating that this applied regardless of whether the father was a Sudanese citizen by descent or naturalisation and regardless of the child's country of birth. **[25b] (p1) [36] (p186)** The US State Department's Report 2003 (USSD 2003), published on 25 February 2004, stated that "During the year [2003], the law was changed to allow [Sudanese] citizen women who were married to foreigners to pass their citizenship to their children if they so chose. In the past, the children were automatically deemed to have the citizenship of their father." **[3a] (Section 5)**

5.10 The FCO's letter of 2001 provided a detailed list of the conditions under which a person is considered Sudanese by descent. **[25b] (p1)** The US OPM March 2001 document concurred with the above and states the following in respect of the eligibility of those born in Sudan:

- "Person born on or before January 1, 1957:
- Child born in the territory of Sudan whose parents had established residency in Sudan [is entitled to Sudanese citizenship].
- Person born after January 1, 1957:
- Birth in the territory of Sudan does not automatically confer citizenship. The exception is a child born to unknown parents." **[36] (p186)**

5.11 The FCO's letter of October 2001 continues:

"The Minister of Interior may grant a certificate of naturalization as a Sudanese to an alien who is defined in the law as: a person who is not Sudanese, upon satisfaction to the requirement that he: is of a full age and capacity, he has been domiciled in the Sudan for a period of five years or more, he is of good character, and has not previously been convicted of a criminal offence involving moral turpitude." **[25b] (p1)**

5.12 The October 2001 FCO letter and OPM's document of March 2001 also concurred over the status of non-Sudanese women who marry Sudanese nationals. **[25b] (p1-2) [36] (p186)** "As to the case of immigrants they will be subject to the same rules applied to aliens, but refugees are not allowed to apply for a certificate of naturalization for this will conflict with the laws and the International Agreements regulating the existence of refugees in Sudan." (FCO, 24 October 2001) **[25b] (p2)** FCO's also provided a detailed list of the circumstances under which an immigrant might have his or her naturalisation revoked. **[25b] (p2)**

5.13 The OPM document of March 2001 records that "Voluntary renunciation of Sudanese citizenship is permitted by law." **[36] (p186)** It also states that

Sudanese citizens could involuntarily lose their citizenship if one or more of the following applied:

- Person obtains new citizenship.
- Naturalized citizenship obtained through fraud or falsity.
- Naturalized citizen lives abroad more than 5 years, without registering. **[36] (p186)**

5.14 Another letter from the FCO, dated 28 February 2005, confirmed that there had been no change to the law(s) governing nationality or citizenship since 2001. **[25c] (p1)**

CITIZENSHIP AND NATIONALITY: SOUTH SUDAN

5.15 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN SG's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 48 of the October 2005 draft copy of the ICSS states that:

"(1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
(2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan.
(3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.
(4) The Ngok Dinka of Abyei Area shall be citizens of Southern Sudan." **[80b] (p21)**

5.16 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. **[77a]** The article also remarks that "After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace." **[77a]** In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Nationality Act, 2003 was enacted and is currently in use. **[2ad] (p2)** UNHCR also notes that "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." **[2ad] (p3)** The Act itself states that:

"(1) A person born before the commencement of this Act shall be a New Sudan national by Decent *[sic]* if:-

a) (i) he was or his parents, his grand and great grand parents were born in the New Sudan; and
   (ii) he belongs to one of the tribes of the New Sudan.
   (iii) he at the coming into force of this Act is domiciled in the New Sudan and has been so domiciled since April 1994 and his ancestors in the direct male line lived before that date or have all been domiciled; or
b) he has acquired and maintained the status of a New Sudan national by an uninterrupted domicile.

(2) A person born after the commencement of this Act, shall be a New Sudan national by decent *[sic]* if his father was a New Sudan national by naturalization at the time of his birth.
(3) A person who is or was first found as a deserted infant of unknown parents shall, until the contrary is proved, be deemed to be a New Sudan national by descent." **[77a] (Nationality Act: Chapter 2, Section 5)**

5.17 With regard to Naturalisation, the Act states:

"The Commissioner [for Interior] may, grant a Certificate of Naturalization as a national of the New Sudan to an alien who makes an application in the prescribed form and satisfies the following conditions:-

a) he is of full capacity.
b) he has been domiciled in the New Sudan for a period of ten years immediately proceeding the date of the application.
c) he has an adequate knowledge of the New Sudan National Languages or if he has no such adequate knowledge, has resided continuously in the New Sudan for more than twenty years.
d) he is of good conduct and character.
e) he intends if naturalized, to continue to reside permanently in the New Sudan, and
f) if he is a national of any foreign country under the law of that country, he has validly and effectively in accordance with the law of such a country renounced and divested himself of the Nationality of that country." **[77a] (Nationality Act: Chapter 3, Section 9)**

"The Commissioner may grant a Certificate of Naturalization as a national of the New Sudan to an Alien woman who makes an application in the prescribed form and satisfies that:-

a) she is a wife of a male New Sudan national.
b) she has resided with her husband in the New Sudan for a continuous period of not less than five years.
c) she has validly and effectively in accordance with the law of the country of which she was a national, renounced and divested herself of the nationality of that country." (New Sudan Nationality Act, 2003) **[77a] (Nationality Act: Chapter 3, Section 11)**

5.18 The Act also outlined the circumstances whereby a New Sudan citizen may lose their nationality, and prosecutable offences under the Act. **[77a] (Nationality Act: Chapters 4 & 5)**

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POLITICAL SYSTEM

GOVERNMENT OF NATIONAL UNITY (GONU)

5.19 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March

2005, was reproduced on the Reliefweb site. **[4a]** Article 24 of the March 2005 draft INC records that:

"The Sudan is a decentralized State, with the following levels of government:

(a) The national level of government [Government of National Unity (GoNU)], which shall exercise authority with a view to protect the territorial integrity and the national sovereignty of the Sudan and promote the welfare of its people,
(b) Southern Sudan level of government [Government of Southern Sudan (GoSS)], which shall exercise authority in respect of the people and states in Southern Sudan,
(c) The state governments throughout the Sudan, which shall exercise authority at the state level and render public services through the level of government close to the people,
(d) The level of local government throughout the Sudan;" **[4a] (p10)**

5.20 On 31 August 2005, the new interim parliament convened its first session in Khartoum:

"In accordance with the historical peace agreement, 52 percent of the parliamentary seats were reserved for members of the ruling party, while the SPLM/A was accorded 28 percent. Northern opposition parties received a further 14 percent, while their counterparts in the south were allotted the remaining six percent of the seats in the new interim assembly." (IRIN, 1 September 2005) **[15fz]**

5.21 IRIN recorded that "Under the January [2005] peace accord, a new legislative chamber will be set up after national elections in three to four years' time, followed by a referendum in which the south will vote on unity or secession." **[15fz]** On 22 September 2005 the BBC and IRIN reported on the swearing in of the new Government of National Unity (GoNU). **[14aq] [15eu]** The President of the GoNU, as of 10 March 2006, was Lt Gen Omar Hassan Ahmad El-Bashier, the First Vice-President Lt Gen Silva Kair Miar Madit and the Vice-President Ali Osman Mohamed Taha. (GoNU via Gurtong.org, undated) **[4b]**

"Of the 29 ministries, 16 remained in the hands of the ruling National Congress Party (NCP). Nine went to the SPLM/A, and the remaining four were divided among various other political parties in accordance with the wealth- and power-sharing quotas agreed to under the Comprehensive Peace Agreement. The NCP retained the key energy and mining, defence, interior, finance and justice ministries in the new government.

"The SPLM/A gained control of the foreign affairs ministry, under senior SPLM/A official Lam Akol, as well as the foreign trade, education and scientific-research, and health ministries." (IRIN, 22 September 2005) **[15eu]**

5.22 Many Southerners were reportedly unhappy at the allocation of ministries as the SPLM was effectively a junior rather than equal partner in the sharing of power, contrary to the accords contained in the peace agreement. **[14aq] [15fk, 15eu]** IRIN also noted that "Two seats [in the GoNU] have been left vacant for members of the northern opposition National Democratic Alliance [NDA], which is unhappy at the allocation of seats." **[15eu]**

5.23 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, states that "Although there were 20 officially registered political parties, the law effectively prohibits traditional political parties linked to armed opposition to the government. The Political Parties Act allows some formerly banned political parties to resume their activities, but the parties were required to notify the registrar in writing to participate in elections. Observers believed that the government controlled professional associations." **[3g] (Section 2b)**

5.24 The main national opposition parties were the Popular National Congress (PNC), the Umma Party (UP) and the Democratic Unionist Party (DUP). (HRW, March 2006) **[10ad]** IRIN reported on 1 September 2005 that "A number of opposition groups, including the Umma Party of former premier Sadiq al-Mahdi and the Popular Congress Party of Hassan al-Turabi, announced earlier a decision not to participate in the new parliament on the grounds that the president's party unfairly dominated both chambers." **[15fz]**

5.25 In the conflict zones of North, South and West Darfur states in the north-west, and Red Sea and Kassala state in the north-east, the main opposition groups were – in Darfur – the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), who allied under the banner the Alliance of Revoluntionary Forces of West Sudan (ARFWS) in January 2006, and – in the east – the Beja Congress (BC) and Rashaida Free Lions (FL), who joined forces in February 2005 under the name the Eastern Front (EF). (UN ICI, 25 January 2005; AFP, 22 January 2006; *Sudan Tribune*, 5 February 2005) **[2c] [13b] [12]**

See also Annex C: Main political organisations **and Annex D:** Prominent People

GOVERNMENT OF SOUTHERN SUDAN (GOSS)

5.26 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 50 of the draft copy of the ICSS records that:

"Southern Sudan shall have a decentralized system of government with the following levels:

(a) the government of Southern Sudan [GoSS] level which shall exercise authority in respect of the people and states in Southern Sudan;
(b) the state level of government, which shall exercise authority at the state level throughout Southern Sudan and render public services through the level closest to the people; and
(c) local government level throughout Southern Sudan, which is the closest level to the people and whose organization, elections and proper functioning, shall be the responsibility of the states." **[80b] (p22)**

5.27 On 29 September 2005 the Interim Legislative Council of Southern Sudan was inaugurated in Juba, the capital of southern Sudan, "The transitional southern parliament will remain in place until legislative elections are held in

approximately four years. After a six-year interim period, which began on 9 July, the south will hold a referendum to decide whether to remain part of a united Sudan or secede." (IRIN, 30 September 2005) **[15ep]** A political analyst, who spoke to IRIN on condition of anonymity, stressed the import of the gathering together of the formerly divided southern parties and militias, and stated that:

"'The signing of the peace agreement was one thing - but not everybody believed it. The new parliament is now a concrete fact and every step further cements people's belief in a better future.'

"[IRIN notes that] The establishment of the legislative council also opens the door for the adoption of a host of new legislative powers – from approving budgets to decisions on the framework of local governance – that are essential for the implementation of development and reconstruction programmes for the war-ravaged region." **[15ep]**

5.28 The Gurtong Peace Project website recorded that the vast majority of members in the South Sudan Assembly were members of the Sudan People's Liberation Movement. **[80c]** The few remaining seats taken by members of President al-Bashir's National Congress Party (NCP), the South Sudan Defense Force (SSDF), the Sudan African National Union (SANU), the United Democratic Front (UDF), the Union of Sudan African Parties 1 (USAP 1), the Union of Sudan African Parties 2 (USAP 2) and the United Democratic Sudan Forum (UDSF). **[80c]**

5.29 On 23 and 24 October 2005, the BBC and IRIN reported on the swearing in of the new Government of Southern Sudan (GoSS). **[14av] [15fj]** "According to the January [2005] peace agreement, 70 percent of the representatives of the southern government are from the SPLM/A, 15 percent from the northern ruling National Democratic Party of President Umar al-Bashir and 15 percent from other southern parties." (IRIN, 24 October 2005) **[15fj]** The President of the GoSS, as of 10 March 2006, was Salva Kiir and the Vice-President was Riek Machar Teny. (GoSS via Gurtong.org, undated) **[80a]**

5.30 The main opposition parties in south Sudan were the South Sudan Defence Force (SSDF), South Sudan Unity Movement (SSUM) and South Sudan Independence Movement (SSIM). **[63h]**

See also Annex C: Main political organisations **and Annex D:** Prominent People

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JUDICIARY

5.31 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 34 of the draft INC states that:

"(2) In the determination of any criminal charges or rights and obligations in a law suit, the accused shall be entitled to a fair and public hearing by a competent, independent and impartial court of law;
(3) Everyone charged with an offence shall be presumed innocent until proved guilty according to law;
(4) No one shall be held guilty on account of any act or omission which did not constitute an offence under national, Southern Sudan or state laws, or international law at the time when it was committed;
(5) In the determination of any criminal charge against anybody, he/she shall be entitled to be tried in his/her presence without any undue delay and to defend himself/herself in person or through legal assistance of his/her own choice and to have legal aid assigned to him/her where the interest of justice so require;" **[4a] (p14)**

5.32 Article 123 of the draft INC records that:

"(1) The National judicial competence in the Republic of the Sudan shall vest in an independent authority to be known as the 'National Judiciary';
(2) The National Judiciary shall assume judicial powers in adjudicating on disputes and issuing judgments on those disputes in accordance with this Constitution and the law;
(3) The National Judiciary shall be independent of the Legislature and the Executive;" **[4a] (p48)**

5.33 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, states that "Although the constitution provides for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of crimes against the state." **[3g] (Section 1e)** The report also notes that "On occasion courts displayed a degree of independence. For example, appeals courts overturned several decisions of lower courts in political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred." **[3g] (Section 1e)**

5.34 Amnesty International (AI), in a report dated December 2004, states that "Unfair trials are the norm in Sudan. Political trials and trials under Specialised Criminal Courts in Darfur are inherently unfair, but often even trials under ordinary courts fail to respect international standards of fairness. In some cases, the judiciary appears to have overturned sentences or dismissed charges against the accused for lack of evidence; however, doubts remain as to the guilt of many persons convicted in unfair trials." **[11u] (p34)**

5.35 The USSD report of 2005 states that:

"The law provides for fair and prompt trials; however, this was often not respected. Trials in regular courts nominally met international standards of legal protections. Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used.

"The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some

cases could only advise the defendant and not address the court. There were reports that the government sometimes denied defense counsel access to the courts or did not allow the calling of defense witnesses." **[3g] (Section 1e)**

5.36 It also records that "Lawyers who wished to practice were required to maintain membership in the government-controlled bar association. The government continued to harass members of the legal profession whom it considered political opponents." **[3g] (Section 1e)**

5.37 AI, in its December 2004 report, registered its concern that the Popular Congress (PC/PNC) party members arrested in connection with the alleged March 2004 coup attempt had been tortured to extract confessions, which the defendants had later retracted. **[11u] (p38)** The report adds that "Regarding the September [2004] arrests of Popular Congress members, defence lawyers were reportedly given a list of 94 persons, including military men, who would stand trial for suspected involvement in an alleged coup attempt." **[11u] (p38)**

STRUCTURE

5.38 Article 124 of the draft INC records that "The National Judiciary shall be structured as follows: (a) A National Supreme Court, (b) National Courts of Appeal, (c) Other national courts or tribunals as deemed necessary to be established by law;" **[4a] (p48)** Article 130 of the INC states that "(1) Having regard to competence, integrity and credibility, the Chief Justice of the Republic of the Sudan, Justices of the National Supreme Court, and all Judges of the Republic shall be appointed by the President of the Republic, after consultation within the Institution of the Presidency and upon the recommendation of the National Judicial Service Commission;" **[4a] (p50)**

5.39 The USSD report of 2005 notes "The judicial system includes four types of courts: regular, military, special, and tribal courts. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters." **[3g] (Section 1e)** The August 2001 UNDP study stated that Sudan's courts of general jurisdiction had three levels: "The courts of first instance are either general ('amm) or summary (juz'i). The second level consists of appeal courts (isti'naf); the Supreme Court (al-mahkama al-'ulya) stands at the apex of the order." **[2d] (p4)**

5.40 The USSD report of 2005 also records that "Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Special courts in Darfur operated under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur capital." **[3g] (Section 1e)** The report also states that "The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the North but not by courts in the South." **[3g] (Section 1e)**

5.41 Article 156 of the draft INC states, with regard to the National Capital, Khartoum, that "(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established *Sharia* principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply," **[4a] (p62)** Article 157 continues "A special commission shall be established by the Presidency to ensure that the rights of non-muslims are protected and respected in accordance with the guidelines mentioned in Articles 154 and 156 above and not adversely affected by the application of *Sharia* law

in the National Capital. The said commission shall make its observations and recommendations to the Institution of the Presidency;" **[4a] (p62)**

5.42 The Sudan Organisation Against Torture's (SOAT) April 2004 Report on Reformatories in Sudan records that "There is an active juvenile *[sic]* court [in] Khartoum that has been established as a pilot project in 1999 in Khartoum North….Recently, there are two juveniles' courts in other states (Gadarif and Kosti)." **[23d] (p1)** SOAT's 2004 report states that "The court applied the code of criminal procedure 1991 in general because the juvenile Welfare act 1983 *[sic]* did not provide special procedures for handling the cases under it." **[23d] (p5)** The report also records that "The administrative structure of the court is the same as the structure of ordinary courts in the Sudan." **[23d] (p5)**

5.43 SOAT's 2004 report notes that "Establishing the juvenile's court has had a tremendous impact on the lives of children who came into conflict with the law in Khartoum State." **[23d] (p5)** The report also recorded that Save the Children Sweden had conducted an evaluation of the court in August 2002 and made a number of recommendations for its improvement. **[23d] (p6)**

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WEST SUDAN (DARFUR)

5.44 The USSD report of 2005 commented on the "Special criminal courts [which] operated in Darfur as authorized by presidential decree." **[3g] (Section 1e)**

5.45 "The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as with drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Attorneys could address the court." (USSD report of 2005, 8 March 2006) **[3g] (Section 1e)** In December 2004 AI released a report entitled 'Sudan: The Specialised Criminal Courts in Darfur', which states that:

"Special Courts instituted by decrees under a 2001 State of emergency in Darfur were reformed into 'Specialised Criminal Courts' in all three states of Darfur in March 2003, following another decree by the Chief Justice in Khartoum. Jurisdiction over offences such as armed robbery and *haraba* (banditry); unlicensed possession of firearms; crimes under articles 50-57 of the Penal Code (offences against the State); public order offences; and 'anything else considered a crime by the Governor of the State or the Head of the Judiciary' (Article 4) was passed onto these new Courts." **[11am] (p1)**

5.46 The same source continues:

"The Specialised Criminal Courts are defended by the Sudanese authorities as a notable improvement for the rights of defence; in particular they are now headed by only one civilian judge, compared to the Special Courts which were also headed by members of the security forces. According to the Ministry of Justice, the Specialised Criminal Courts are formally under the responsibility of the judiciary; they have been established for reasons of 'expediency'. However

lawyers in Darfur see little difference between the Special Courts and the Specialised Criminal Courts. Many of the flaws remain." **[11am] (p1)**

5.47 Whilst the USSD report of 2005 notes that:

"Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the chief justice and the head of state. Defendants could file appellate briefs with the chief justice. The defendant has seven days to appeal a decision; the decision of the appeal court is final." **[3g] (Section 1e)**

5.48 AI's December 2004 report on the Specialised Criminal Courts in Darfur recorded what the organisation considered were the main flaws that remained in the system. **[11am]** AI was concerned that "The 2003 Decree institutionalising such courts still fails to ensure that confessions extracted under torture are not used as evidence against the accused, even if they are later retracted." **[11am] (p1)** It was also concerned that proper legal representation was still not guaranteed and, while defence lawyers were frequently allowed to represent their clients, this was at the discretion of the judge, and that "Specialized Criminal Courts continue to sentence convicted persons to cruel, inhumane and degrading punishments and the death penalty, with limited rights of appeal." **[11am] (p1)**

5.49 AI also recorded, in December 2004, that:

"The Sudanese authorities also use the Specialised Courts to try ordinary people on suspicion of belonging to, or supporting, rebel groups. In Darfur, there are two opposition groups – the Sudan Liberation Army and the Justice and Equality Movement. Amnesty International is concerned that the Specialised Courts, which accept confessions extracted under torture as evidence, can be used by the Sudanese authorities to pass sentences of death or other cruel, inhumane and degrading treatment, on such detainees. The Sudanese authorities have frequently arrested and tortured civilians into confessing to belong to rebel groups." **[11am] (p1)**

5.50 Human Rights Watch's (HRW) August 2004 report 'Empty Promises, Continuing Abuses in Darfur, Sudan' recounts that "On July 19, 2004, the government of Sudan announced that it had sentenced the first ten 'Janjaweed' militia members for crimes including armed attacks, robbery and illegal possession of arms. The sentences included six years in prison and cross-amputation—amputation of the right hand and left foot. The process of these trials raises a number of concerns." **[10g] (p27)** The concerns the report referred to were that the sentence of limb amputation is contrary to Sudan's international obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the continuing doubts concerning the fairness of trials conducted in the Specialised Criminal Courts, as outlined in paragraphs 5.44 to 5.49 above, and that:

"… the identities of the convicted men and their precise connection to the government-backed Janjaweed militias remains unclear and it appears that the majority of the individuals who have been presented as militia members and leaders are in fact common criminals, many of whom have been charged with

crimes such as the illegal possession of weapons. Witnesses who visited the prison and Nyala in July 2004 and were presented to detainees alleged to be the convicted militia men told Human Rights Watch that the prisoners were often petty thieves and some individuals convicted of serious crimes, but that none had been convicted of rape, for instance, and that the vast majority of the individuals presented were convicted of crimes unrelated to the attacks by government-backed Janjaweed militias, long before July 2004." **[10g] (p27)**

5.51 The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, dated 25 January 2005, when discussing the possible mechanisms to ensure accountability for the crimes committed in Darfur, states that "Considering the nature of crimes committed in Darfur and the shortcomings of the Sudanese criminal justice system, which have led to effective impunity for the alleged perpetrators, the Commission is of the opinion that the Sudanese courts are unable and unwilling to prosecute and try the alleged offenders." **[2c] (p144)** The Commission recommended that the situation in Darfur be referred to the International Criminal Court (ICC) as "The international community must take on the responsibility to protect the civilians of Darfur and end the rampant impunity currently prevailing there." **[2c] (p145)**

5.52 In June 2005, the ICC announced the opening of an investigation into crimes against humanity in Darfur, a move welcomed by various human rights organisations and made possible by a March 2005 UN Security Council (UN SC) resolution to refer the situation in Darfur to the court. **[10o, 10u] [11ae, 11as] [15ds] [22c]** IRIN reported, in April and June 2005, on the Sudanese Government's and judiciary's objections to the ICC's decision to open the investigation, including a state-organised public protest in April 2005. **[15cn, 15co, 15ea]**

5.53 IRIN also recorded, in June 2005, that "A court set up by the Sudanese government this week to bring to trial suspects of crimes related to the conflict in the western region of Darfur was due to begin its work on Wednesday [15 June 2005], Sudan's official news agency reported. Justice Minister Ali Mohamed Osman Yassin formed the court on Monday [13 June 2005] by issuing a national decree." **[15dw]** AI criticised the Government of Sudan's move, stating that:

"'We fear that the establishment of the special court may just be a tactic by the Sudanese government to avoid prosecution by the International Criminal Court,' said Kolawole Olaniyan, Director of Amnesty International's Africa Programme. 'On the one hand, the Sudanese government is claiming that it is able to punish the crimes it is accused of condoning for the last two years; on the other hand, it continues to crack down on those who expose or criticise such human rights violations.'" **[11af]**

5.54 The UN Secretary-General's (UN SG) August 2005 report records "The Special Criminal Court for the events in Darfur, which was established by the Government on 7 June [2005], began proceedings this month. There are currently four cases before the Special Court, dealing with charges of rape, armed robbery, illegal possession of firearms and unlawful killing of persons in custody." **[2n] (p2)** The UN SG continues:

"The establishment of the Special Court is a positive development. However, none of the cases before the Special Court addresses the major violations of

human rights and international humanitarian law that took place during the conflict in Darfur during 2003 and 2004; nor do the cases address the criminal responsibility of senior officials.

"I am also concerned about procedures adopted for the Special Court. From the beginning, no special procedures have been in place for protecting minors, whether as victims or as alleged perpetrators. Each case has had to be adjourned owing to the non-attendance of witnesses who had been given insufficient notice, or no notice at all, of the hearing. Trial procedures must meet with international fair trial standards and, if the Special Court is to be true to the spirit of the mandate under which it was established, this must be reflected in the selection of cases." **[2n] (p2)**

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JUDICIARY: SOUTH SUDAN

5.55 Article 132 of the draft INC records that "Notwithstanding Article 130(1) herein, and within one week from the adoption of Interim Constitution of Southern Sudan, the President of Government of Southern Sudan shall appoint the President and Justices of Southern Sudan Supreme Court, Courts of Appeal and Judges of other courts as shall be determined by that Constitution and the law;" **[4a] (p51)**

5.56 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 23 of the ICSS states that:

"(1) An accused is presumed to be innocent until his or her guilt is proved according to the law.
(2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her.
(3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by a competent court of law in accordance with procedures prescribed by law.
(4) No person shall be charged with any act or omission which did not constitute an offence at the time of its commission.
(5) Every accused person shall be entitled to be tried in his or her presence in any criminal trial without undue delay.
(6) Any accused person has the right to defend himself or herself in person or through a lawyer of his or her own choice and to have legal aid assigned to him or her by the government where he or she is unable to defend himself or herself in serious offences." **[80b]**

5.57 An undated article on the Gurtong Peace Project website recorded that the 29 laws of the New Sudan were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. **[77a]** The article also remarks that "After the signing of the peace agreement,

the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace." **[77a]** In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that the New Sudan Judiciary Act, 2003 was enacted and is currently in use. **[2ad] (p2)** UNHCR also notes that "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." **[2ad] (p3)**

5.58 The Act itself states that "Judicial powers in the New Sudan shall be vested in an independent body to be known as 'The Judiciary' and shall in the discharge of its duties be directly responsible to the Chairman [of the SPLM and Civil Authority of the New Sudan (CANS)]." **[77a] (Judiciary Act: Chapter 1, Section 4)** As to the powers and jurisdiction of the Courts:

"1) Courts shall have powers to determine all the disputes and try all the cases other than those excepted by law.
2) Every Court shall have the power to determine matters submitted to it in accordance with the Law.
3) Courts shall not directly or indirectly adjudicate upon acts of sovereignty." **[77a] (Judiciary Act: Chapter 1, Section 6)**

5.59 The USSD report of 2005 notes that "Shari'a is applied in the North but not by courts in the South." **[3g] (Section 1e)** The report continues:

"In the South the SPLM employed a judicial system of county magistrates, county judges, regional judges, and a court of appeals. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The SPLM recognized traditional courts or 'courts of elders,' which usually heard domestic matters such as marriages and dowries and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts were particularly active in Bahr el-Ghazal. In rural areas outside effective SPLM control, tribal chiefs applied customary laws." **[3g] (Section 1e)**

5.60 Further, the United Nations (UN) Special Rapporteur reported in January 2003 that perpetrators of abuses were reportedly sometimes brought to justice, although the judiciary often acted on an arbitrary basis. **[2b] (p14)** "In parts of the South and the Nuba Mountains where civil authorities and institutions did not operate, there were no effective judicial procedures. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses against civil order." (USSD report of 2005, 8 March 2006) **[3g] (Section 1e)**

STRUCTURE

5.61 The New Sudan Judiciary Act, 2003 states that:

"The New Sudan Courts shall be classified as follows:-

a) Court of Appeal.
b) High Courts.
c) County Courts.
d) Payam Courts.

e) Regional Courts.
f) Chiefs Courts.
g) Any other Court established by law specifying its constitution, the seat and jurisdiction thereof." **[77a] (Judiciary Act: Chapter 1, Section 5)**

5.62 Chapter 2 of the Act went on to describe the establishment, constitution, powers and jurisdiction of each court. **[77a] (Judiciary Act: Chapter 2, Sections 8-19)** Chapter 3 detailed the provisions for the appointment of judges at each court level. **[77a] (Judiciary Act: Chapter 3, Sections 20-28)**

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LEGAL RIGHTS/DETENTION

5.63 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 29 of the draft INC records that "Every one has the right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention nor be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law;" **[4a] (p13)** While Article 34 of the draft INC states "(1) anyone who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her;" **[4a] (p14)**

5.64 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, states that "The law prohibits arbitrary arrest and detention without charge; however, the government continued to use arbitrary arrest and detention under the state of emergency provisions (until July 9) or under the National Security Act." **[3g] (Section 1d)** It also records that:

"Warrants are not required for an arrest. Under the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which supersedes the Criminal Code, an individual accused of violating national security may be detained for three months without charge, which the director of security may extend for another three months. Under the state of emergency, the government was not constrained by the National Security Act and reportedly detained individuals indefinitely without judicial review. The law provides for the individual to be informed of the arrest charges at the time of arrest and for prompt judicial determination without undue delay, but these provisions were rarely followed." **[3g] (Section 1d)**

5.65 The Amnesty International Annual Report for 2005 (AI 2005), reporting on events in 2004, states that "Political detainees, including many prisoners of conscience, continued to be held in prolonged incommunicado detention without trial under Article 31 of the National Security Forces Act." **[11a] (p3)** In January 2005, the Report of the International Commission of Inquiry (UN ICI) on Darfur to the United Nations Secretary-General (UN SG) was published, which reports that "The Commission noted that the National Security Force Act, as

amended in 2001, gives the security forces wide-reaching powers, including the power to detain without charge or access to a judge for up to nine months." **[2c] (p31)**

5.66 The USSD report of 2005 states that:

"The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system. Although the law provides for access to a lawyer, security forces often held persons, including criminal detainees, incommunicado for long periods in unknown locations without access to their lawyers or family members. Individuals were arbitrarily arrested and detained. In general the government detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for perceived political opponents." **[3g] (Section 1d)**

5.67 The same source continues by recording that "The government routinely mistreated persons in custody. There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors." **[3g] (Section 1c)** The AI 2005 Annual Report records that "Hundreds of people were detained without charge for political reasons by national security, intelligence and police forces; at least 100 remained in detention at the end of the year." **[11a] (p1)** The same report also states that "Torture was widespread, especially in Darfur. At least three detainees died in custody in circumstances where torture appeared to have caused their death." **[11a] (p1)** The USSD report of 2005 concurs:

"The government held an estimated 100 political detainees, such as members of opposition parties, and security forces reportedly tortured, detained without charge, and held incommunicado political opponents [during 2005]. Detentions of such persons generally were prolonged. Security forces arrested numerous persons suspected of supporting the rebels in Darfur, some of whom were tried, convicted, and sentenced to death under special courts. Security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering their return the following day—a process that sometimes continued for weeks." **[3g] (Section 1d)**

5.68 The January 2005 UN ICI report states that "In Khartoum, the Commission interviewed detainees that were held incommunicado by the security forces in 'ghost houses' under abhorrent conditions. In some cases, torture, beatings and threats were used during interrogations and so as to extract confessions. Some of the detainees had been held for 11 months without charge, access to a lawyer or communication with family." **[2c] (p31)** The USSD report of 2005 also notes that "The government routinely used house arrest without due process." **[3g] (Section 1d)**

HUMAN RIGHTS MONITORING

5.69 The Inter-Parliamentary Union (IPU) website stated that, in November 2002, Sudan had in place a permanent parliamentary body dealing with human rights, the Human Rights Committee. **[57b] (p6-7)** IPU records that "The Committee is charged with the examination of individual complaints; the supervision of compliance with relevant national and international standards; and the discussion of the human rights situations at home and abroad." **[57b] (p7)** The

Committee is reportedly responsible for, among other areas, conditions of custody. **[57b] (p7)** The IPU made no comment on the independence or effectiveness of the Committee. **[57b]**

5.70 The International Committee of the Red Cross' (ICRC) Annual Report 2003 states that "Immediately following the outbreak of conflict in Darfur, the ICRC, in accordance with its mandate, proposed its services to the government, requesting access to all those detained in connection with the fighting. This offer was declined." **[58b] (p97)** Nevertheless, the ICRC's 2004 annual report records that "The ICRC visited people held by the SPLM/A and was officially asked, as a neutral intermediary, to facilitate any release of detainees held in connection with the north-south and Darfur conflicts." **[58a] (p102)**

DEATH PENALTY

5.71 Article 36 of the draft INC states that "No death penalty shall be inflicted save as retribution or punishment for extremely serious offences in accordance with the law;" **[4a] (p15)** A Danish Fact Finding Mission of August and November 2001 reported that:

"According to the 1991 criminal law there are now nine offences in all for which the accused may be sentenced to death:

Article 50:	Attack on the power of the state and undermining the constitution
Article 51:	Making war on the state
Article 53:	Spying against the country
Article 126:	Apostasy (converting from Islam to another religion)
Article 130:	Murder
Article 146:	Adultery
Article 148g:	Homosexuality
Article 168:	Armed robbery
Article 177:	Embezzlement." **[9b] (p13)**

5.72 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, records that "While the law permits non-Muslims to convert to Islam, conversion by a Muslim is punishable by death. In practice authorities usually subjected converts to intense scrutiny, ostracism, and intimidation, and encouraged them to leave the country, and there were no reports of conversion punished by death." **[3g] (Section 1e)** Further "The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death. Spousal rape is not addressed. In most cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum." **[3g] (Section 5)**

5.73 The AI 2005 Annual Report (AI 2005), covering events in 2004, records that "More than 100 death sentences were imposed; executions were believed to have been carried out." **[11a] (p1)** Whilst a June 2005 AI press release concerning the Interim National Constitution (INC) remarked that "Amnesty International also expressed serious concern at today's failure to abolish the death penalty in Sudan – particularly as it applies to those under the age of 18." **[11ap]**

As noted in paragraph 5.67 above, "Security forces arrested numerous persons suspected of supporting the rebels in Darfur, some of whom were tried, convicted, and sentenced to death under special courts." (USSD 2005, 8 March 2006) **[3g] (Section 1e)** The report also stated that death sentences were referred to the Chief Justice and the Head of State, and that defendants were able to file appellate briefs with the Chief Justice. **[3g] (Section 1e)**

5.74 The Sudan Organisation Against Torture (SOAT) reported on a number of cases where the death penalty was imposed, including cases in which minors were sentenced to death and also the case of 88 members of the Riziegat whose sentences were overturned, during 2004 and 2005. **[23b, 23e-23l, 23at-23au]** SOAT also recorded, in March 2005, that a Christian woman belonging to the Dinka tribe, living in Darfur, had been arrested on suspicion of committing adultery (Zina) in February 2005 and that she would be at risk of the death penalty, if found guilty. **[23m]**

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LEGAL RIGHTS/DETENTION: SOUTH SUDAN

5.75 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 23 of the ICSS states that "(2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her." **[80b]**

5.76 The USSD report of 2005 records that "The SPLM/A released approximately 500 prisoners of war (POWs) within their territories during the year. The government did not acknowledge holding any POWs; the SPLM alleged that government-held POWs were killed during the years of fighting." **[3g] (Section 1g)** The International Committee of the Red Cross (ICRC) recorded in July 2005 that "Around 300 people formerly held by the Sudan People's Liberation Army (SPLA) were freed at the beginning of July and returned to Khartoum. Most of them had been held for a period of several years, and some for up to fifteen years." **[58c] (p1)**

5.77 The USSD report of 2005 also states that:

"In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and 'crucifixion'—the public display of a body after execution. According to the constitution, the government officially exempts the 10 southern states from Shari'a law. There were no reports of physical punishments carried out against non-Muslims in the North. During the year hundreds of persons, primarily southerners, were flogged, especially after the August Khartoum riots." **[3g] (Section 1c)**

HUMAN RIGHTS MONITORING

5.78 The International Committee of the Red Cross' (ICRC) 2004 Annual Report states that "It [the ICRC] was the only organization that regularly visited government soldiers detained by the SPLM/A." **[58a] (p104)**

DEATH PENALTY

5.79 Article 25 of the ICSS states that:

> "(1) No death penalty shall be imposed, save as punishment for treason, murder, armed robbery or other extremely serious offences as the law may determine.
> (2) No death penalty shall be imposed on a person under the age of eighteen or a person who has attained the age of seventy.
> (3) No death penalty shall be executed upon a pregnant or lactating woman, save after two years of lactation." **[80b]**

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INTERNAL SECURITY

5.80 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 148 of the draft INC records that "(1) The Police shall be a decentralized service, whose mission is to maintain law and order in accordance with the law, and in compliance with national and internationally accepted standards;" **[4a] (p58)**

5.81 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, notes "The National Intelligence and Security Service (NISS) and the Ministry of Interior both have security forces under their control, along with the police force that maintained internal security. The police forces included regular police units and the Popular Police Force, a parallel progovernment force that received higher pay than regular forces." **[3g] (Section 1d)**

5.82 The Report of the International Commission of Inquiry (UN ICI) on Darfur to the United Nations Secretary-General (UN SG), published in January 2005, records that:

> "The Sudanese armed force is a conventional armed force with a mandate to protect and to maintain internal security. It carries out its mandate through an army, including Popular Defence Force militia and Borders Intelligence, as well as an air force and navy. According to information received by the Commission, currently the army numbers approximately 200,000 in strength, although its logistical capacity was designed for an army of 60,000. Support, in particular air support, therefore goes primarily to priority areas and is re-deployed only after those areas have calmed down. The central command and control of armed forces operations are therefore imperative." **[2c] (p27)**

5.83 The UN ICI report also states that "According to information received by the Commission, the National Security and Intelligence Service is one of the most powerful organs in the Sudan. … National Security Forces act under the general supervision of the President." **[2c] (p27)** The USSD report of 2005 states that "The government generally maintained effective control over the security forces." **[3g] (p1)** Also, the "Effectiveness [of the various governmental forces] varied depending on the strength of the local militias and security forces. The army was responsible for external and internal security. Police corruption was a problem, and police officers supplemented their incomes by extorting bribes from the local civilians. Impunity remained a serious problem." **[3g] (Section 1d)**

See also Section 6: Human rights **for details on the treatment of individuals and specific groups, and the restriction of fundamental freedoms by the security forces.**

5.84 The International Committee of the Red Cross (ICRC) Annual Report 2003 states that:

"The first advanced course [on International Humanitarian Law (IHL)] was held for police instructors [in 2003] and, with the improved security, the ICRC conducted its first presentations, ranging from short talks to five-day courses, to police covering conflict-affected regions, including forces in Juba, Kadugli and Torit. In another positive development, Sudan's security services agreed in principle to launch, with ICRC support, a training programme for its members in 2004, covering international human rights law and humanitarian principles." **[58b] (p98)**

5.85 ICRC's 2004 Annual Report records that "Sudan's interministerial committee for the implementation of IHL, set up in 2003 by presidential decree, continued to benefit from ICRC input on technical and legal matters." **[58a] (p105)**

INTERNAL SECURITY: SOUTH SUDAN

5.86 Article 148 of the draft INC records that "(3) The services and functions of Police in Southern Sudan and the states shall be as prescribed by the constitutions of Southern Sudan, the respective state and the law;" **[4a] (p58)** The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN SG report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 160 of the ICSS states:

"(1) There shall be established a police service to be known as the Police of Southern Sudan which shall be a decentralized professional service force whose mission is to prevent, combat and investigate crime, maintain law and public order, protect the people of Southern Sudan and their properties, and uphold and enforce this Constitution and the law.
(2) The Police Service shall be organized at the level of Southern Sudan and states of Southern Sudan; its powers and functions shall be prescribed by law." **[80b]**

"(4) The duties of the Police shall, inter alia, be to:

(a) maintain law and public order;
(b) ensure the safety and security of the people of Southern Sudan including returnees, internally displaced persons and refugees and their properties;
(c) prevent and detect crime;
(d) protect government officials, executives, international dignitaries and other designated persons as required;
(e) combat illicit trafficking in narcotics, drugs, illegal trade in firearms and other organized and trans-boundary crimes and terrorism;
(f) co-operate with other security organs established under this Constitution and with the civil population generally;
(g) collect data and information on all criminal matters; and
(h) combat corruption." (ICSS, Article 160) **[80b]**

5.87 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. **[77a]** The article also remarks that "After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace." **[77a]** In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Police Act and Police General Regulation Act, 2003 were enacted and are currently in use. **[2ad] (p2)** UNHCR also notes that "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." **[2ad] (p3)**

5.88 The Police Act states that:

"The Police shall be deployed for the prevention and detection of crime and prosecution of offenders on behalf of the Attorney General and shall report back to the same on all steps taken in that regard. The Police shall also be responsible for apprehension of offenders, maintenance of public order and

public security, safety of persons and property, fulfillment of any obligations under law and regulations it shall also be responsible for the custody of any unclaimed properties." **[77a] (Police Act: Chapter 3, Section 10)**

5.89 The Police Act also records the duties and expectations of officers of the law, whilst the Police General Regulation Act details the organisation, titles and seniority within the force, and other aspects such as training and recruitment. **[77a] (Police Act) [77a] (Police General Regulation Act)**

5.90 On the subject of the effectiveness of the judiciary in the south, the USSD report of 2005 notes that "The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force." **[3g] (Section 1e)**

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PRISONS AND PRISON CONDITIONS

STRUCTURE

5.91 The Interim National Constitution (INC) was signed on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 149 (1) of the draft INC records that:

"(a) There shall be established at the National, Southern Sudan and state levels, prisons services whose functions and terms of service shall be prescribed by law;
(b) Prisons are penal and correctional institutions; consequently all acts degrading of prisoners dignity, or that may expose their health to danger shall not be permissible." **[4a]**

5.92 The Sudan Organisation Against Torture's (SOAT) Annual Report on Women Prison Conditions in Sudan, 2003 provided some background on the prison structure in Sudan. The report states that "The prisons in Sudan are divided into five sections; Federal, Provincial, Regional and Central, Open and Semi-Open and Mental Asylums." **[23c] (p1)** According to the same report, the seven different types of prisons house the following types of prisoner:

Federal: repeat offenders, prisoners with special needs such as behavioural difficulties, those imprisoned for crimes regarding hudud (crimes where physical punishment for the offence is provided in law) and unusual practices like refusing to obey orders.
Provincial: first time offenders with medium- to long-term sentences, hudud prisoners from the provinces and those with special needs.
Regional and Central: repeat offenders with medium- to long-term sentences and first time offenders.
Open and Semi-Open camp: first-time offenders, according to their jobs, age and those with a 'positive attitude'.
Mental Asylum: those who have been sectioned under Article 4 of the criminal Act of 1991 and prisoners who are too mentally unstable to carry out their sentences in normal prison conditions. **[23c] (p1-2)**

5.93 SOAT's 2003 report also recorded the size, location and layout of the mixed and women's prisons in Marawi, Al Fashir, Kousti and Omdurman. **[23c]**

PRISON CONDITIONS

5.94 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, reports that "Prison conditions remained harsh, overcrowded, and life threatening. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners." **[3g] (Section 1c)**

5.95 Marawi and Kousti prison, according to SOAT's 2003 report on Women Prisons, were mixed prisons. **[23c] (p10, 11)** SOAT's 2003 report states that "There are no health units at the prison [Marawi] as there are no medical staffs *[sic]*." **[23c] (p11)** However, in Kousti prison, SOAT reports that "There are no serious health issues amongst the prisoners….There are medical units with[in] the prison and in the past there was a medical assistance *[sic]* to overlook its operation, who looked after the health of prisoners." **[23c] (p12)**

WOMEN IN PRISON

5.96 SOAT's 2003 report included information in varying detail on the living and health conditions in each of the prisons on which it reported. **[23c]** The report recorded that, in Omdurman, blankets and sheets were not provided by the state and the prison authorities depended on charities to provide them. **[23c] (p7)** SOAT also states that "Prisoners suffering from poor health are relocated to Al Tigani Al Mahi hospital on Omdurman or the Central mental hospital in Kober (a department of the prison administration)." **[23c] (p7)**

5.97 SOAT's 2003 report notes that, in Kousti women's prison, "There are 45 inmates along with twelve accompanied children. Between the hours 5pm to 5 am only one area a room is provided for them to reside in[;] this room does not have space for a quarter of the inmates….There are only 4 beds; these are the private property of some 4 persons of the inmates *[sic]*." **[23c] (p13)** The report also noted that, in Kousti prison, "The prisoners' ankles are chained by manacles almost always, especially when they are visiting a hospital[;] they may even be chained together as a group." **[23c] (p14)**

5.98 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the majority of female inmates in Omdurman prison, Khartoum are held on charges of the illicit manufacture and distribution of alcohol, and that most of these women were internally displaced, living in camps on the outskirts of the capital: "Many are detained, in poor conditions, together with their small children, who range from newly born to 5 years of age." **[2ad] (p3)**

CHILDREN IN PRISON

5.99 The USSD report of 2005 states that "Juveniles often were held with adults and in some cases subjected to sexual abuse by the adult inmates." **[3g] (Section 1c)** UNHCR's comments to the APCI of 8 March 2006 note that "Children are being imprisoned with adults, there aren't separate holding facilities." **[2ad] (p4)** SOAT's 2003 report on Women's Prisons reports that, in Kousti's mixed prison, "There is no separate section for minors and as they are not allowed according to law) *[sic]* to mix with the adult populations, so, they have to be imprisoned in solitary confinement." **[23c] (p12)** The report also notes that, in Omdurman, "The children [imprisoned with their mothers] continue their education at Bayt al Maal Primary School (Omdurman district)." **[23c] (p9)**

5.100 SOAT's April 2004 Report on Reformatories in Sudan recorded that the two reformatories that were in operation in Sudan were Jireif Reformatory in the Jireif area in Khartoum and Kober Reformatory in Kober, Khartoum North. **[23d] (p1)** The report also records that "There is no special health facility attached to the reformatory [in Jireif]." **[23d] (p10)** When discussing the conditions in Kober Reformatory it states that "There is no medical check *[sic]* and not even a medical unit. … Juveniles in severe cases are taken to [a] security hospital which is near the reformatory." **[23d] (p12)**

5.101 The SOAT report also states that "It [Kober reformatory] lacks the help of National or International NGOs [unlike Jireif] [;] the juveniles at Jireif reformatory feel too funk *[sic]* and afraid if the officers threat[en] them by transferring them to Kober reformatory." **[23d] (p12)** Common punishments in the two reformatories included solitary confinement, lashings and being asked to perform tasks which, in Kober prison particularly, could also be considered cruel and inhuman in nature. **[23d] (p11, 13)**

5.102 The USSD report of 2005 states that "The government operated 'reformation camps' for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam." **[3g] (Section 5)**

"Children separated from their families as well as street children, who require bail in order to be released from detention, are more likely to suffer unjustly long pre-trial detention. Reports from UN Police consistently indicate that families are routinely not informed of the arrest of their children and so are unaware they must provide bail or food assistance. Children who have no families to provide bail must remain in detention until the Attorney General sanctions release. This is a process which is untimely and apparently *ad hoc.*" (UNHCR, 8 March 2006) **[2ad] (p4)**

HUMAN RIGHTS MONITORING

5.103 The Inter-Parliamentary Union (IPU) website states that, in November 2002, Sudan had in place a parliamentary body dealing with human rights, the Human Rights Committee. **[57b] (p6-7)** "The Committee is charged with the examination of individual complaints; the supervision of compliance with relevant national and international standards; and the discussion of the human rights situations at

home and abroad." **[57b] (p7)** The IPU also states that the Human Rights Committee dealt with, among other areas, the conditions of prisons, including the inspection of Kober Prison. **[57b] (p7)** The IPU made no comment on the independence or effectiveness of the Committee. **[57b]**

5.104 The USSD report of 2005 states that "The government did not permit regular visits to prisons by domestic human rights observers; however, in the latter part of the year, the government allowed limited access to UN monitors. The government granted the International Committee for the Red Cross (ICRC) limited access to some detention facilities, but the ICRC requested unrestricted access, which the government denied." **[3g] (Section 1c)**

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PRISONS AND PRISON CONDITIONS: SOUTH SUDAN

STRUCTURE

5.105 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 161 of the ICSS states:

"(1) There shall be established a prisons service to be known as the Prisons Service of Southern Sudan and it shall be a decentralized professional service; its mission shall be correctional, reformative and rehabilitative. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights. …

"(4) The functions of Prisons shall, *inter alia*, be to manage, operate and maintain the prisons of Southern Sudan, and to administer the internment and care for the health of prisoners and inmates.
(5) Organization, powers, terms and conditions of service of the Prisons Service shall be prescribed by law; and
(6) Prisons authorities shall treat prisoners humanely. Any treatment that is cruel, inhuman, degrading of the dignity of prisoners, or that may expose his or her health to danger is prohibited and punishable by law." **[80b]**

5.106 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. **[77a]** The article also remarks that "After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace." **[77a]** In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Prisons Act, 2003 was enacted and is currently in use. **[2ad] (p2)** UNHCR also notes that "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." **[2ad] (p3)**

5.107 The Prisons Act itself outlined the constitution, duties and powers of the Prisons Forces, appointment and duties of officers of the Prison Forces, and penalties of any contravention of those duties by Prison Officers. **[77a] (Prisons Act)**

5.108 The Prisons Act states that "The regulations shall specify the position of various classes of prisoners, or divisions thereof according to their sex, previous conviction, term of imprisonment and the requirements of their treatment." **[77a] (Prisons Act: Chapter 7, Section 42)**

"Prisons shall be divided into the following types:-

(a) Central Prisons
(b) County Prisons
(c) First Class Local Prisons
(d) Second Class Local Prisons
(e) Open and Closed Camps
(f) Mental Asylums
(g) Reformatories
(h) Juvenile Homes." **[77a] (Prisons Act: Chapter 7, Section 42)**

5.109 The Act goes on to specify the treatment of persons in prison depending on factors such as gender, age, good behaviour and whether a prisoner has been convicted of an offence or is being held on remand. **[77a] (Prisons Act: Chapter 7, Sections 43-54)**

PRISON CONDITIONS

5.110 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that conditions in Rumbek Prison, as of April 2005, were extremely poor:

"There are two wings (one for men, one for women), Facilities are missing: no beds, no medical ward. The women's ward has two toilets. Male prisoners are 'chained' when sitting in the open spaces of the prison compound. Food is provided by relatives of the prisoners and -sometimes- by the Church (Diocese of Rumbek). Due to lack of funding, the prison authorities are unable to provide food. Cases of malnourishment were witnessed." **[2ad] (p3)**

5.111 UNHCR's comments also note that "Pre-trial detainees and convicted criminals are not separated [as they should be according to the provisions of the Prisons Act]." **[2ad] (p3) [77a] (Prisons Act: Chapter 7, Section 51)** They also state that "Juveniles are being detained for the crimes of their family members." **[2ad] (p4)** Also "Children are being imprisoned with adults, there aren't separate holding facilities. There are no recreational or educational facilities. The youngest prisoner seen in Rumbek was a boy of (reportedly) 8 years old convicted of murder." **[2ad] (p4)**

HUMAN RIGHTS MONITORING

5.112 UNHCR's comments of 8 March 2006 further record that "Prison visits are allowed. DOR (diocese of Rumbek) and an indigenous NGO (Bahr el Gazal Women's development Council – Department Women in the Law) are visiting

prisoners regularly to undertake general monitoring and advocacy on behalf of prisoners." **[2ad] (p3)**

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MILITARY SERVICE

5.113 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 18 of the draft INC states that "Defending the Country is an honour and a duty; the State shall care for the combatants, afflicted in war and the families of the martyrs;" **[4a] (p9)**

5.114 War Resisters' International's (WRI) 1998 survey 'Refusing to Bear Arms' recorded that the law governing military service is the National Service Act 1992, which rendered all males aged between 18 and 33 liable for national service. **[19] (p1)** However, the Danish Fact Finding Mission (FFM) of 2000 reports that "Military service is compulsory for all males aged 18 and over, the recruitment age being adjusted from time to time." **[9a] (p36)** A letter from the Foreign and Commonwealth Office (FCO) dated 28 February 2005 confirmed that there had been no change to the laws governing military service since 2001. **[25c] (p1)**

5.115 WRI's 1998 Survey also records that "According to the law, women are also liable for military service, but they are not called up in practice." **[19] (p1)** It also states that "The length of military service is 24 months, 18 months, in the case of high school graduates, and 12 months in the case of university and college graduates." **[19] (p1)**

5.116 The same source continues "According to the 1992 law, those called up for military service are not allowed to follow an education or get a job. Men of conscription age are forbidden to leave the country for any reason (art. 20)." **[19] (p4)** The Danish FFM of the year 2000 reports that, at that time, virtually all students at Khartoum University had thus completed their military service and many had been deployed at the front in the south. **[9a]** Two SPLM/A representatives consulted by the Danish FFM of August and November 2001, stated that there was some possibility of obtaining an examination certificate via bribery at that time. **[9b] (p39)**

5.117 The International Committee of the Red Cross' (ICRC) 2003 Annual Report states that "The ceasefires [in central and south Sudan] meant the ICRC was able to work more in the field, giving presentations in conflict-affected regions such as Raja, Wau and the Nuba Mountains." **[58b] (p97)** The report also records that "Following longstanding discussions, the head of military intelligence gave the ICRC permission to give IHL [International Humanitarian Law] presentations to pro-government militias. A three-day seminar was held in Raja for 35 officers of the South Sudan Defence Forces [SSDF], followed by introductory IHL talks for pro-government militias in Equatoria." **[58b] (p98)**

5.118 ICRC's 2004 Annual Report states that "The Sudanese national security forces signed an agreement on 5 June [2004] to launch a training programme on IHL and international human rights law." **[58a] (p105)** The report continues:

"In the field, improved access in the south meant the ICRC gave more presentations and workshops on IHL and international human rights law to military, security and police forces stationed in conflict-affected areas. In Darfur, ICRC staff seized every opportunity to give ad hoc briefings on IHL and international human rights law to armed, security and police forces. As its mandate became better known, it organized comprehensive presentations on IHL, such as a three-day workshop in El Fasher for high-ranking army officers. The ICRC also conducted sessions on IHL and the ICRC for newly arrived African Union troops." **[58a] (p106)**

POPULAR DEFENCE FORCES (PDF)

5.119 The report of the Danish FFM of 2001 states that "Besides the regular Sudanese army the National Congress (NC) party has its own military branch called the Popular Defence Forces (PDF)." **[9b] (p35)** The PDF was created by the Government in 1990 and has its legal basis in the Popular Defence Forces Act 1989. (WRI, 1998) **[19] (p2-3)** The Danish 2001 FFM report records that, "Under the 1989 Popular Defence Forces Act (attached as Annex 5 [of the report]), PDF recruits must be at least 16 years old and Sudanese citizens. In 1992 service in the PDF became obligatory for all students, both male and female. Completion of service was a precondition for entering further education." **[9b] (p37)**

5.120 The January 2005 Report of the International Commission of Inquiry (UN ICI) to the United Nations Secretary-General (UN SG) states that "For operational purposes, the Sudanese armed forces can be supplemented by the mobilization of civilians or reservists into the Popular Defence Forces (PDF). … According to information gathered by the Commission, local government officials are asked by army Headquarters to mobilize and recruit PDF forces through tribal leaders and sheikhs. The Wali is responsible for mobilization in each State because he is expected to be familiar with the local tribal leaders." **[2c] (p28)**

5.121 WRI's 1998 Survey states "PDF training involves military training, civil defence training and patriotic and cultural education (1989 law, art. 14) and is considered to be an instrument of religious indoctrination." **[19] (p3)** The Danish FFM report 2001 concurs "The PDF training contained a considerable element of Islamisation, and many Christian students therefore had serious problems when they were recruited to the PDF." **[9a] (p37)** According to the same report, although women were recruited into the PDF on a voluntary basis, they were not sent on active service, although "There were women's battalions which stayed behind the front lines where recruits worked as nurses, etc." **[9b] (p39)** The UN ICI recorded that "One senior commander explained the recruitment and training of PDF soldiers as follows:

"'Training is done through central barracks and local barracks in each state. A person comes forward to volunteer. We first determine whether training is needed or not. We then do a security check and a medical check. We compose a list and give it to the military. This is done at both levels – Khartoum and state or local level. We give basic training (for example, on the use of weapons, discipline, …) *[sic]* which can take two weeks or so, depending on the individual.'

"'A person may come with a horse or camel – we may send them into military operations on their camel or horse. [...] Recruits are given weapons and weapons are retrieved again at the end of training.'" **[2c] (p28)**

5.122 The 2001 Danish FFM report records that "Students who go into the PDF before entering further education have to serve 12 months, while those who have not yet been accepted for further education or who have not completed secondary school have to serve for 18 months. State employees and those working in state-owned companies have to undergo a 45-day training programme." **[9b] (p37)** The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, states that "In the [government-run] camps [for vagrant children], the PDF often conscripted teenage males (and, in the South, some females). Conscripts faced significant hardship and abuse in military service, often serving on the frontline." **[3g] (Section 5)**

EXEMPTIONS, PARDONS AND POSTPONEMENTS

5.123 The National Service Act 1992, contained at annex 4 of the Danish 2001 FFM report, detailed the conditions to be met by Sudanese citizens to qualify for an exemption, pardon or postponement of their military service. **[9b] (p69-72)**

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CONSCIENTIOUS OBJECTION, DESERTION AND EVASION

5.124 WRI's 1998 Survey records that "The right to conscientious objection is not legally recognised." **[19] (p3)** It also states that "Avoiding military service is punishable by two to three years' imprisonment (National Service Law, art. 28)." **[19] (p4)** The Danish FFM report 2001 reports that:

"A well-informed local source in Cairo said that deserters were not normally punished with imprisonment. [In 2001] If a deserter was caught he would be sent to the front under genuine threat of harassment and under close supervision. Otherwise the sentence for desertion was three years, but there had been very few examples of deserters being sentenced to three years in prison." **[9b] (p51)**

5.125 The FCO stated in its letter of February 2005 that, although they were not aware of specific cases of draft evaders/deserters facing inhuman, degrading or persecutory treatment, they would not be surprised to find that this was the case. **[25c] (p1)** WRI's 1998 Survey reports that "Draft evasion and desertion seem to be widespread." **[19] (p4)** The 2001 Danish FFM report states "The source [see paragraph 5.124] also explained that a person's ability to avoid military service in Sudan [in 2001] would depend very much on his and his family's connections to the regime, and the social and economic position of his family in Sudan." **[9b] (p51)**

5.126 In the same report, various sources including representatives of the SPLM/A, Bahr el-Ghazal Youth Development Agency (BYDA) and the Deputy Head of Mission at the Embassy of the Federal Republic of Germany had varying opinions on the possibility of using bribery to avoid military service. **[9b] (p51-53)**

RECRUITMENT/CONSCRIPTION

5.127 War Resisters' International's 1998 Survey states that "The 1992 National Service Law was introduced in an attempt to meet [the] increasing personnel needs of the armed forces." **[19] (p2)** The USSD report of 2005 recorded that the government continued to forcibly conscript male citizens for mandatory military service. **[3g] (Section 1f)** The FCO, when commenting on the Government's current recruitment/conscription practices in its letter of February 2005, stated that "The relevant authority puts an advertisement in the local media calling for young people to sign up." **[25c] (p1)** The Danish FFM report of 2000 states that "The UNHCR [United Nations High Commission for Refugees] pointed out that there are three common forms of recruitment to the Popular Defence Force (PDF) and the armed forces." **[9a] (p36)** In the year 2000, these were:

- students (at secondary school) faced with the need to collect their examination certificates. **[9a] (p36)**
- round-ups in the street. **[9a] (p36) [9b] (p35, 37-40)** SPLM/A representatives told the 2001 Danish FFM that "This happened at checkpoints, in people's homes, in schools and in public places." **[9b] (p39)**
- call-up via employers (in both the public and private sector). **[9a] (p36)**

5.128 The Danish FFM report of 2001 stated that during round-ups military personnel in civilian clothing stopped vehicles and "The authorities forced those passengers who were believed to be the right age for conscription and who could not prove that they had in fact already performed their military service to go with them to military training camps. Many of those who were recruited did not even have an opportunity to contact their parents or relatives to inform them of what had happened." **[9b] (p35)**

5.129 A December 2002 Canadian Immigration and Refugee Board (IRB) Research Directorate enquiry response described "The process for reporting for military service; how recruitment calls are made; [and] exemptions from service." **[31a] (p1)** In addition to the above methods of call-up the chairman of the Sudan Human Rights Group (SHRG), who was consulted by the IRB, stated that local radio and television announcements occurred asserting that all men eligible for military service should gather together at a specific place, on a certain hour and date. **[31a] (p1)**

5.130 The same report relayed "As well, he [the Chairman of the SHRG] stated that '[i]n case of emergency, that is to say, [an] urgent need for fighters, the Military Police usually close main highways and roads and check the passengers and arrest those persons who are eligible for…service.'" **[31a] (p1)** However, in comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that:

"Some three years ago the government stopped rounding up young men in the cities to conscript them into National Service. Students are now required to undergo 45 days to 2 months military training prior to entering University and then serve one year National service upon graduation. National service can be in the army or in governmental institutions depending on profession and state of health." **[2ad] (p4)**

5.131 A professor of Islamic and Sudanese history at Georgetown University was consulted by the IRB in December 2002. **[31a]** He stated that "In practice, for the areas outside of the major urban areas, I would think that the primary means for recruitment is what it was in older times – the local notables who speak for the local people when dealing with the government ('tribal' chiefs and heads of clan) would be responsible for making sure that appropriate young men reported at the right place and the right time." **[31a] (p1)**

5.132 The Danish FFM report 2001 states that "Both southern and northern Sudanese were recruited. A well-informed source in Cairo explained that besides the recruitment of northern Sudanese for the regular Sudan Army there was also significant recruitment of internally displaced men from the war zones in Sudan [during 2001]. They were often recruited as volunteers as it was a means for them to support themselves in Sudan." **[9b] (p40)**

FORCED CONSCRIPTION

5.133 The USSD report of 2005 records that "While there were no reports of child conscription into the government military, there were reports that government and allied militias conscripted children and accepted children as soldiers and reports of children participating in hostilities in northern Darfur." **[3g] (Section 2d)** It also reported on Government-operated camps for vagrant children and states that "In the camps, the PDF often conscripted teenage males (and, in the South, some females). Conscripts faced significant hardship and abuse in military service, often serving on the frontline." **[3g] (Section 5)**

WEST SUDAN (DARFUR)

5.134 Save the Children (UK) published a report, 'Child Protection in Darfur', in September 2005, in which the organisation expressed its concerns regarding the apparent forced conscription of children by Government/Government-allied forces and rebel groups in Darfur. **[45a] (p5)** The report also stated that some children might also have 'volunteered' in an effort to protect themselves or their families but stressed that even the 'voluntary' recruitment of minors is a violation of their rights and, in the case of children under 15, such a practice constitutes a war crime. **[45a] (p5)** The USSD report of 2005 also notes that "The government continued forcibly to conscript citizens for military service as part of mandatory military service for male citizens, and government-allied forces and rebels continued to recruit and accept child soldiers in Darfur. Community leaders relayed unconfirmed reports that all sides to the conflict in Darfur recruited child soldiers." **[3g] (Section 1f)**

5.135 "The ICRC conducted ad hoc briefings in Sudan and abroad on IHL [International Humanitarian Law] and the ICRC for members of government-allied militia and the opposition JEM, SLM/A and National Reform and Development Movement." (ICRC, Annual Report 2004) **[58a] (p106)**

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MILITARY SERVICE: SOUTH SUDAN

5.136 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General's report on the Sudan, 21 December 2005) **[2w] (para 4)** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong Peace Project website. **[80b]** Article 45 of the ICSS states that "(1) Defence of Southern Sudan is an honour and a duty of every citizen in Southern Sudan. (2) The Government of Southern Sudan shall care for the combatants, the wounded, the families of martyrs and those missing in action." **[80b]**

5.137 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. **[77a]** The article also remarked that "After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace." **[77a]** In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan SPLA (Sudan People's Liberation Army) Act, 2003 was enacted and is currently in use. **[2ad] (p2)** UNHCR also notes that "The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development." **[2ad] (p3)**

5.138 The SPLA Act, 2003 describes the structure of the force:

"(1) The SPLA shall comprise of:-

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

"(2) The SPLA shall be divided into:-

(a) An Active List;
(b) A Reserve List." **[77a] (SPLA Act: Chapter I, Section 4)**

5.139 Chapter II of the Act contains the provisions for commissioning, enrolment, enlistment, appointments and transfers, whilst Chapter III describes the provisions for dismissal and discharge from the SPLA. **[77a] (SPLA Act: Chapters II & III, Sections 7-15)** Chapters IV and V refer to the offences members of the SPLA could be charged with, and the respective punishment of each offence. **[77a] (SPLA Act: Chapters IV & V, Sections 8-46)** Whereas Chapter VI prescribes the various types of punishment in more general terms, which include but are not confined to:

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

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

"(c) Fine (which may be in the form of money, cattle or any other property current in each area);
(d) Forfeiture of property (the ownership of which passes to the Civil Authority of New Sudan (CANS);
(e) Field punishment (which may be passed in lieu of or in addition to any other lawful sentence);
(f) Whipping (which may be passed in lieu of any other sentence)." **[77a] (SPLA Act: Chapter VI, Section 47)**

5.140 The ICRC's 2003 Annual Report records that "Thanks to the ceasefires and easing of travel restrictions, the ICRC conducted IHL [International Humanitarian Law] sessions, sometimes combined with first-aid training, for SPLM/A members in areas previously restricted or off-limits in Eastern Equatoria, Upper Nile, western Upper Nile/Unity state and the Nuba Mountains." **[58b] (p98)**

5.141 The ICRC's Annual Report for 2004 states that "The SPLM/A taught IHL at its main training centre, the Institute for Strategic Studies, but had not yet integrated the subject into all its training programmes. As support, the ICRC trained 30 SPLA officers as IHL instructors." **[58a] (p106)** It also records that, "On the basis of a 2003 agreement with the Sudanese authorities, the ICRC continued to give IHL presentations to pro-government militia in the south, including, for the first time, members of the South Sudan Unity Movement [SSUM] and South Sudan Independence Movement [SSIM]." **[58a] (p106)**

FORCED CONSCRIPTION

5.142 The United Nation's Special Rapporteur's (UN SR) January 2003 report notes that "Forced recruitment is reportedly ongoing [in SPLM/A-controlled areas as of January 2003]." **[2b] (p15)** A July 2005 UN Integrated Regional Information Networks (IRIN) report records that "'We estimate that there are about 4,000 child soldiers remaining in the SPLM/A' Una McCauley, child protection officer with the UN Children's Fund (UNICEF) Operation Lifeline Sudan, said." **[15ed]**

5.143 The USSD report of 2005 states that "Unlike in the previous year, there were no reports that southern militias recruited child soldiers. Credible observers stated that southern tribal chiefs delivered children to the militias for recruitment goals in an effort not to give up their able-bodied fighters. The ICRC and UNICEF worked to remove child soldiers from the South." **[3g] (Section 5)** In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that:

"In the Protection working Group, 17 June 2005, UNICEF reported that [the] SPLA believes there are still 3500 child soldiers in their ranks. UNICEF also reported that Commander Salva Kiir had prepared a policy document to declare the recruitment of child soldiers a criminal offence. He also pledged that the SPLA would continue the demobilisation of child soldiers. It should be noted that due to the fact that military training centres are under civilian command, community leaders – when asked to provide people for military training – are /

were sending children to the training centres. UNICEF is working with the SPLM on ways to exclude children from military training." **[2ad] (p4)**

5.144 An IRIN report of July 2005 recorded that "Some 10,000 other children are thought to be associated with other armed groups in southern Sudan, mainly pro-government militia. Many were selected by local chiefs in their home areas who arrange their recruitment." **[15ed]**

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MEDICAL SERVICES

5.145 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 19 of the draft INC states that "The State shall promote public health and provide basic medical services and facilities;" **[4a] (p9)**

5.146 Prior to the signing of the INC, UNICEF's 'At a glance: Sudan – Statistics' contained numerical indicators from 2003 which estimated that the average life expectancy at birth for a Sudanese person was 56 years and that approximately 93,000 children had died before reaching the age of five in the same year. **[68b] (p1)** The *Encyclopaedia Britannica* (EB) 2004 records that "Varying ecological conditions in The Sudan, poor hygiene, and widespread inadequacies of diet result in a high incidence of fatal infectious disease. The most common illnesses are malaria, dysentery and other gastrointestinal diseases, and tuberculosis." **[6c] (p5)** In July 2005, the World Health Organisation (WHO) released a 'Health Update' on Sudan that covered health issues in areas such as east Sudan, south Sudan and Darfur. **[29e]**

5.147 The Foreign and Commonwealth's (FCO) August 2005 Country Profile stated that "Medical facilities [in Sudan] are not comparable to Western standards." **[25f] (p5)** A July 2004 WHO Summary Country Profile for HIV/AIDS Treatment states that "In general, Sudan's health system suffers from a weak infrastructure in terms of human resources, health service coverage and funds. It is characterized by major disparities in the distribution of services and resources between and within states, between rural and urban areas and in states affected by conflict." **[29a] (p2)** Whilst an April 2005 WHO Country Profile on Sudan states that:

"In the North, the infrastructure network and the workforce are quite developed in absolute num-bers. However, up to a third of health facilities are reported not to be fully functional. The low sectoral performance is due to a combination of causes: limited utilization of health services (at aggregate level, 40-60%) also due to financial barriers, large regional and economic access inequalities; facilities and equipment deterioration resulting from lack of maintenance. Services and coverage are worst in the South where there is absence of infrastructure, poor transport, and low technical and managerial capacity of local authorities. Public health financing is low and skewed towards hospital services and urban areas; decentralization has not been supported by transfer of resources nor capacity." **[29f] (p2)**

5.148 EB 2004 concurs "Most of the country's small number of physicians are concentrated in the urban areas of the north, as are the major hospitals. Medical assistants, who can provide simple treatment and vaccination, also are in short supply. Most trained nurses and midwives also work in the north." **[6c] (p5)** A September 2004 report by the UN's Integrated Regional Information Networks (IRIN) recorded that Sudan suffered from "High maternal mortality rates due to inadequate services." **[15b]** The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, records that "There were significant inequalities in access to health services for children living in different areas of the country. UNICEF reported an under-5 mortality rate of 93 per 1,000, a low birth weight rate of 31 percent, and immunization rates of approximately 50 percent. In the South, infant mortality was 150 per thousand births, and approximately 21 percent of children under age 5 suffered severe malnutrition." **[3g] (Section 5)**

5.149 Reliefweb reproduced extracts from WHO's April 2004 report 'Health Services in Darfour [Darfur] States', which state that "There is an acute shortage in the number of health facilities, health personnel and supportive services in the three states of Darfour [Darfur] as compared to other northern states." **[29d] (p2)** Save the Children (UK)'s September 2004 report, 'Child Protection in Darfur', notes that "Access to primary health care remains low, with just 50% of needs covered." **[45a] (p6)** The same source also reports that "A recent inter-agency assessment in Dar Zagawa, North Darfur has noted that people have to travel up to 12 days by donkey to receive medical care and drugs, subject to insecure conditions on the road." **[45a] (p6)** WHO released weekly reports on the health situation in the three Darfur states. **[29h]**

HIV/AIDS

5.150 The Joint United Nations Programme on HIV/AIDS' (UNAIDS) June 2004 Report on the global AIDS epidemic states that "Sudan is by far the worst-affected country in the region [North Africa and the Middle East]. Its overall HIV prevalence is nearly 2.3% (range: 0.7 – 7.2%); the epidemic is most severe in the southern part of the country. Heterosexual intercourse is the principal mode of transmission. The virus is spreading in the general population, infecting women more rapidly than men." **[21] (p34)**

5.151 A July 2004 World Health Organisation (WHO) Summary Country Profile for HIV/AIDS Treatment reports that "According to national sources, at the end of December 2003, 10 959 cases of HIV/AIDS had been reported to the Sudanese National AIDS Control Programme [SNACP] since the beginning of the epidemic." **[29a] (p1)** A September 2004 IRIN report recorded that, according to the United Nations Population Fund (UNFPA), a national prevention and care programme was being implemented to combat HIV/AIDS. **[15b]**

5.152 The WHO HIV/AIDS Treatment Profile states that "The current cost of a first-line treatment regimen is US$ 516 per person per year, using zidovudine + lamivudine + nevirapine." **[29a] (p1)** Information provided by the Foreign and Commonwealth Office (FCO) in April 2004 notes that "No ART [antiretroviral therapy] is available in Sudan through the state medical scheme." **[25d] (p1)**

5.153 Further information on cost and availability was supplied by the FCO in July 2004. **[25e]** The FCO advised that a "Dr Hamdoun [Elbushra] [an importer of

ART drugs in Khartoum] has no problem importing the [ART] drugs and supply more than matches demand. He maintains a residual stock at all times." **[25e]** The six treatment regimes Dr Hamdoun supplied to his customers, in descending order of preference, were:

	Name of drug	Strength of drug (mg)	No of tablets/strip	Wholesale price of strip (Sudanese Dinars)	No of tablets/day
1	Zidovir	100	10	1,700	6
2	Lamivir	150	10	1,000	2
3	Nevimune	200	10	1,800	2
4	Douvir	Comb. 1+2	10	2,500	2
5	Indival	400	30	4,750	6
6	Tri-Immunal	N/K	N/K	13,900 for 1 month	N/K

5.154 The FCO information of July 2004 stated that these drugs were available from three different pharmacies in Khartoum and one in Omdurman, "However if the treatment is obtained at the pharmacy the retail price is 20% more than the wholesale price." **[25e]** A June 2005 report by WHO notes that "The current cost of a first-line treatment regimen is US$ 516 per person per year, using zidovudine + lamivudine + nevirapine. Recent discussions with key suppliers have indicated there may be potential for reducing the prices of antiretroviral drugs as demand increases with treatment scale-up." **[29c] (p1)**

MENTAL HEALTH CARE

5.155 The World Health Organisation (WHO) Mental Health Atlas: Country Profile on Sudan 2005, reported that most major initiatives of the mental health care system in Sudan were formulated in the mid- to late-1990s. **[29b] (Mental Health Resources)** It recorded that there were few psychiatric beds or professionals in relation to the population, with only 0.2 psychiatric beds per 10,000 population, 0.09 psychiatrists and 0.17 psychologists per 100,000 population in 2005. **[29b] (Psychiatric Beds and Professionals)** It also states that "Many mental health professionals including most psychiatrists have left for other countries." **[29b] (Psychiatric Beds and Professionals)** And that "Sudan has the experience of using traditional healers for provision of mental health services. … Community care is absent due to the lack of proper transportation, lack of social workers and poor health education." **[29b] (Mental Health Facilities)**

5.156 The WHO Country Profile 2005 also records that "Since mental health is not integrated in primary care level, most of the [therapeutic] drugs are not available at primary care level." **[29b] (Therapeutic Drugs)** WHO's Profile claims that "Special attention has been given to migrants, [the] elderly, refugees, [the] displaced and homeless and children." **[29b] (Non-Governmental Organizations)** However, in comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that "Contrary to the cited WHO report, there are **no** special programmes in Sudan for the mental health of refugees." **[2ad] (p1)**

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MEDICAL SERVICES: SOUTH SUDAN

5.157 On 17 June 2004 IRIN reported that a study, conducted by the New Sudan Centre for Statistics and Evaluation (NSCSE), in association with the UN Children's Fund (UNICEF), had ranked southern Sudan as the worst in the world in many of the key indicators, including health, of the wellbeing of women and children. **[15ai]** A British and American Friends of Southern Sudan (BAFOSS) conference report from July 2005 found that "The health status in Southern Sudan is far worse, than other regions in Sudan. The health indicators, high prevalence of endemic and epidemic diseases as well as the new challenges that will be created by the Internally Displaced Persons (IDP) and the returning refugees will intensify the magnitude of the problem." **[78] (p2-3)**

5.158 The BAFOSS conference went on to discuss the health system and health service delivery, infections and endemic diseases, health expenditure, human resources and disparity of health care within south Sudan. **[78] (p4-5)** WHO's April 2005 Country Profile on Sudan records that "In the South, overall coverage is estimated at only 25% of the population. Infrastructure is inadequate, geographically concentrated and in poor conditions. Most health services are supported by international NGOs under humanitarian programmes." **[29f] (p2)** The USSD report of 2005 states that "There were significant inequalities in access to health services for children living in different areas of the country. UNICEF reported an under-5 mortality rate of 93 per 1,000, a low birth weight rate of 31 percent, and immunization rates of approximately 50 percent. In the South, infant mortality was 150 per thousand births, and approximately 21 percent of children under age 5 suffered severe malnutrition." **[3g] (Section 5)**

5.159 The International Committee of the Red Cross' (ICRC) Annual Report for 2003 did state that "The ICRC continued to develop its community-based, primary health-care (PHC) programme, launched in 1998 to prevent public health from deteriorating in vulnerable areas of southern Sudan." **[58b] (p96)** Whilst in its 2004 Annual Report, the ICRC records that "The ICRC supported 16 primary-health-care facilities in the south, which served some 235,000 people in five regions (Juba, Raja and Wau in then government-controlled areas and Chelkou and Yirol in opposition-controlled areas). Most of the facilities offered curative, antenatal and mother-and-child care, vaccinations and health education." **[58a] (p104)** In July 2005, WHO released a 'Health Update' for south Sudan on issues such as post-conflict rehabilitation, health infrastructure, and disease outbreaks and risks. **[29g]**

HIV/AIDS

5.160 UNAIDS' June 2004 Report on the global AIDS epidemic stated that the infection level was at its most severe in the southern part of the country and records that "Among pregnant women in the south, HIV prevalence is reported to be six-to-eight times higher than around Khartoum in the North." **[21] (p34)** A February 2004 IRIN PlusNews Report reports that "Southern Sudan was thought to have a higher prevalence than the north as a result of conflict, frequent movement across borders, severe economic disparity and poverty, said Hind [Hassan, the Sudan focal point with UNAIDS]." **[15q]**

5.161 IRIN reported in October 2003 that "Condoms are not freely available and at the price of 500 Ugandan shillings (25 cents) for a packet of three, they are a luxury many can't afford." **[15f] (p3)** However, a February 2004 IRIN PlusNews report states that "Sudan's first free voluntary counselling and testing (VCT) centre for HIV/AIDS is being established in Juba, a southern garrison town." **[15q]**

5.162 The July 2004 WHO Country Profile for HIV/AIDS Treatment states that "The Health Secretariat of the Sudan People's Liberation Army [SPLM/A] drafted an HIV/AIDS policy in 2001 for the south that was endorsed by the leadership of that movement. In 2002, the New Sudan National AIDS Council was created to monitor and evaluate the implementation of the policy." **[29a] (p1)** However, the Country Profile also records that "Blood-banking facilities and regulations for blood testing do not exist in the south, which also suffers from a serious lack of health care personnel trained in antiretroviral therapy." **[29a] (p2)**

5.163 IRIN's October 2003 PlusNews Web Special Report on HIV/AIDS mentions that "Inevitably, the provision of treatment [in south Sudan] is still a distant reality." **[15f] (p3)** It also states that "Funding is another issue." Applications for HIV/AIDS activity funding in 2002 and in May 2003 were reportedly turned down by the Global Fund for HIV/AIDS, Tuberculosis and Malaria. **[15f] (p3)** A year later, in October 2004, IRIN reported that the same concerns about a sharp increase in infection rates in south Sudan due to improved mobility, ignorance and social attitudes, and the lack of supplies remained. **[15d]**

5.164 Nevertheless, in comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that "VCT centers are now established in several areas under SPLM control. Rumbek, Billing, Malualkon, Yei, Yambio to name a few." **[2ad] (p1)**

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EDUCATION

5.165 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 13 (1) of the draft INC records that:

> "(a) The State shall promote education at the primary, secondary and tertiary levels, all over the Sudan and shall ensure free education at the primary level and in illiteracy eradication programme The State, within the limits of its economic capacity, shall make education affordable at other levels;
> (b) Any person or group of persons shall have the right to establish and maintain private schools and other educational institutions at all levels in accordance with the conditions and standards provided by law;" **[4a] (p7)**

5.166 Prior to the signing of the INC, the *Encyclopaedia Britannica* (EB) 2004 recorded that "A modern educational system was established in The Sudan in the 1970s when the government reorganized a haphazard system of schools inherited from the British colonial government." **[6c] (p3)** EB 2004 also reports:

"It [the national educational system] consists of a six-year curriculum for primary (or elementary) schools and a three-year curriculum for junior secondary schools, from which students can progress to any of three types of schools: a three-year higher secondary school to prepare students for higher education; a four-year commercial, agricultural, or other technical school; or a four-year teacher training school." **[6c] (p3-4)**

5.167 The US State Department's (USSD) report on human rights practices 2005, released on 8 March 2006, records that:

"While education was legally compulsory through grade eight, UNICEF reported that only half of school-age children attended primary school. The law provides for free basic education, but students have been expelled from class for failing to pay school fees. On August 8 [2005], the government issued a decree prohibiting dismissal of students for nonpayment of school fees. There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the North boys and girls generally had equal access to education (enrollments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school." **[3g] (Section 5)**

5.168 The report further states that "UNICEF reported that educational access for school-age IDP children in Darfur improved considerably compared with the preceding year. UNICEF, supported education for nomadic groups, also reported a significant increase in nomadic group education." **[3g] (Section 5)**

5.169 EB 2004 further states that "The primary language of instruction in the nation's primary schools, in both the north and south, is Arabic." **[6c] (p4)** And that "English was formerly the medium of instruction in the nation's universities and secondary schools but has now been largely replaced by Arabic." **[6c] (p4)** The USSD report of 2005 records that "Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas." **[3g] (Section 5)** Also:

"While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that 'the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment and full participation in society.' … The law requires equal educational opportunities for persons with disabilities." **[3g] (Section 5)**

See also Section 6.B: Children

5.170 Europa 2005 recorded that, according to the United Nations Educational, Scientific and Cultural Organisation's (UNESCO) Institute for Statistics, 200,538 people were studying at university in Sudan in 1996/97. **[1] (p1111)** According to the Sudan-American Foundation for Education (SAFE), which donates to various organisations and institutions in Sudan, there are over 30 universities, colleges and other educational institutes in Sudan. **[53] (p1, 3-4)** Among those institutions that SAFE has assisted are the Ahfad University for Women in Omdurman, the International African University, Al Neelain University and Omdurman Islamic University. **[53] (p3-4)** Also benefiting were Sennar University,

the Sudan University for Science and Technology in Khartoum, University of Juba, University of Khartoum and the El Zaiem El Azhari University College. **[53] (p3-4)**

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EDUCATION: SOUTH SUDAN

5.171 On 17 June 2004 the UN's Integrated Regional Information Networks (IRIN) reported that a study, conducted by the New Sudan Centre for Statistics and Evaluation (NSCSE), in association with the UN Children's Fund (UNICEF), had ranked southern Sudan as the worst in the world in many of the key indicators, including education, of the wellbeing of women and children. **[15ai]** *Encyclopaedia Britannica* 2004 (EB 2004) states that "The south remains the most educationally deprived region of the country, with less than one-seventh of the total number of primary schools, despite having one-fourth to one-third of the country's total population." **[6c] (p4)** The USSD report of 2005 records that "In the urban areas of the South, class size reached 120 students, with fewer than 27 percent of primary school age children in basic education and a basic education gender disparity of 3 boys for each girl." **[3g] (Section 5)** EB 2004 also reports that "The southern partisans operate schools in the areas they control, but their resources are extremely limited." **[6c] (p3)**

5.172 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that, according to an Education Base-Line study (UNICEF/Secretariat of Education (SoE), Dec. 2003), "30 % of school-aged children in Upper Nile are enrolled in primary education; 31 % in Bahr el Gazal and 39 % in Equatoria." **[2ad] (p1)** UNHCR also stated that the SoE was currently attempting to update the data available and that the most recently received figures were for Ceuibet, which is a county close to Rumbek, where total enrolment was only 5 per cent. **[2ad] (p1)**

5.173 IRIN reported in April 2005 that "According to aid workers in southern Sudan, there are few schools in the region and the quality of education offered is low, mainly because of the lack of trained teachers." **[15cy]** Also in April 2005, the news organisation recorded that school attendance, particularly for girls, was low in the south and, in June 2005, IRIN reiterated that there were too few trained teachers in the south to provide an adequate education system. **[15cz, 15ee]**

"Nina Hjellegjerde, data and statistics Unit, SOE, Rumbek HQ stated that (south) Sudan has the highest gender gap in the world regarding primary education enrolment. Girls are only representing 20-30 % (depending on the region) of the total number of children enrolled in primary education. [Nevertheless,] UNICEF has started [a] community-based girls' schools in order to attempt to combat the serious under-representation of girls in primary education." (UNHCR's comments to the APCI, 8 March 2006) **[2ad] (p1)**

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6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

6.01 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 27 of the draft INC states that:

"This Bill of Rights is a covenant between the Sudanese people and between them and their governments at every level and also a commitment to respect and promote the human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan; the State shall guarantee, protect, and fulfil this Bill; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill;" **[4a] (p13)**

6.02 In 2004, 2005 and 2006, the abuse of individuals and groups, and the severe restriction of fundamental freedoms, were reported in detail by various international governments and agencies, and both international and national human rights groups such as the United States Department of State (USSD), United Nations (UN), Human Rights Watch (HRW), Amnesty International (AI), the Sudan Organisation Against Torture (SOAT) and the Sudan Human Rights Organisation-Cairo (SHRO-Cairo). **[2c, 2e-2ac] [10a-10ac] [11a-11bh] [23a-23br] [61a-61s, 61t]**

FREEDOM OF SPEECH AND THE MEDIA

6.03 The Interim National Constitution (INC) was signed on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 39 of the draft INC states that:

"(1) Every citizen shall have the right to the freedom of expression, reception of information, publication, and access to the press without prejudice to order, safety and public morals as determined by law;
(2) The State shall guarantee the freedom of press and other media including the right to information in a competitive environment as shall be regulated by law in a democratic society;" **[4a] (p16)**

6.04 However, the Sudan Human Rights Organisation-Cairo's (SHRO-Cairo) Human Rights Quarterly of January 2006 pointed to the various laws that had undermined the provision of freedom of expression and the media contained in the 1998 Constitution that, still being in place, would also undermine the equivalent articles in the July 2005 Constitution. **[61t] (Freedom of Expression, Association and Assembly)** Human Rights Watch (HRW) states in its March 2006 report, 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan' that "During the year since

the CPA was signed, security agencies continue to play the lead role in preventing opposition to the NCP from developing. They persist in attacking and dispersing demonstrators and political gatherings, monitoring and arbitrarily arresting opposition suspects, conducting searches and seizures of opposition property, intimidating journalists and editors, and a range of other activities." **[10ad] (p15)**

6.05 SHRO-Cairo Human Rights Quarterly reported on various incidents of repression against news organisations and individual journalists in the period October 2004 to February 2005. **[61j] (The Freedom of Publications and Expression)** The US Department of State (USSD) report on human rights practices 2005, published on 8 March 2006, states that "The government exercised control of news reporting, particularly of political topics, the war, and criticism of the government—particularly regarding government actions and policies in Darfur through the National Press Council and security forces." **[3g] (Section 2a)**

6.06 The Committee to Protect Journalists (CPJ) recorded three incidents in 2005, at the time of writing. **[32a-32c]** Whilst Reporteurs Sans Frontières (RSF) reported on ten separate incidents of harassment or censorship between May 2004 and January 2006. **[33b-33k]**

6.07 In a July 2005 press release, RSF noted the apparent improvement in media freedom, following President al-Bashir's 10 July 2005 announcement that press censorship would be lifted, when the ban on the Khartoum Monitor was removed stating that "'The end of censorship of this newspaper, which follows the lifting of the state of emergency, seems to herald a new era for the Sudanese press,' the organisation said." **[33i]** Nevertheless, in August 2005, the same organisation reported on the repressive measures taken against two Arabic newspapers, recording that "The printing press that produces the Al Watan and Al Wan newspapers was raided at around 4 a.m. on 6 August by members of the security forces, who ordered the presses to stop and confiscated all available copies. No official explanation was given by the Sudanese intelligence services." **[33j]**

6.08 Additionally, SOAT produced a newsletter every two months that detailed various human rights abuses, including incidents involving the suppression or denial of freedom of expression. **[23e-23l]** Between May 2004 and August 2005, every issue contained information on the restriction of the media, or on the harassment, detention or arrest of members of the press. **[23e-23l]**

6.09 Freedom House's (FH) 'Freedom of the Press 2005: Global Survey of Media Independence' reports that "National security legislation and other laws empower authorities to conduct prepublication censorship, confiscate or ban publications, and detain and fine journalists. As a result, many journalists practice self-censorship." **[54a] (p190)** Amnesty International noted, in April 2005, that "The Sudanese media received a circular instructing them not to comment in favour of the resolution which refers the situation in Sudan to the Prosecutor of the International Criminal Court. The media coverage has been predominantly of criticism of the resolution. Reporting about Darfur is also heavily censored." **[11at] (p2)** "'It seems the lifting of censorship in July has not meant the end of police monitoring of the press, the organisation [RSF] said [in response to the December 2005 arrest of an *Al-Sahafa* columnist]." (RSF, 3 January 2006) **[33k]**

6.10 FH's 2005 Survey ranked Sudan as 45th of the 48 countries in Sub-Saharan Africa and joint 185th out of 194 countries worldwide in terms of press freedom. **[54a] (p13, 14)** FH's 2005 Survey recorded numerous incidents of repression and states that "In 2004, the government instituted even harsher legal restrictions under the Sudanese Press and Printed Materials Act, which the press freedom organization Article 19 decried as rendering 'independent and critical journalism virtually impossible.' The quasi-official National Press Council is responsible for applying the press law and has the power to license and suspend newspapers." **[54a] (p190)** SOAT also reports that "The newspaper [*Al-Mushahid*] was confiscated [on 18 January 2005] following the publication of a poem by the poet Hashim Siddig on 17 January 2005." **[23i] (p5)**

6.11 The UN's Integrated Regional Information Networks (IRIN) recorded on 24 May 2005 that the "Sudanese authorities on Saturday [21 May 2005] shut down the Khartoum Monitor (KM), a newspaper located in Arkawait town near the capital, Khartoum, following a disagreement over two articles that the paper had planned to publish." **[15dm]** SOAT also reported on the incident. **[23k]** The paper was able to resume business the following day, IRIN reported. **[15dm]** FH's 2005 report notes that "Domestic broadcast media are directly controlled by the government and are required to reflect official views, though some foreign programs are available." **[54a] (p190)**

JOURNALISTS

6.12 CPJ, RSF and the Sudanese human rights organisation, SOAT, all reported on incidents of varying levels of censorship and harassment, including the imprisonment of the editor of the daily *Al-Sahafa*, during 2004, 2005 and 2006. **[32a-32c] [33b-33e, 33g, 33k] [23e-23l]** CPJ's 'Attacks on the Press 2004' states that "Sudanese authorities went to great lengths to suppress reports of atrocities in Darfur, including imprisoning journalists. Security forces admonished or threatened other journalists over reporting about the situation." **[32b]** Whilst RSF's Annual Report 2005 records that "Opposition journalists were often thrown into jail in Sudan under repressive laws that permit inordinately long periods of preventive custody." **[33a] (Introduction Africa/The repressive reflexes of aging regimes)**

6.13 In June 2005, SHRO-Cairo reported its belief that the "Continuous harassment, including intimidating arbitrary arrests and meaningless security interrogation of journalists, besides a distasteful suspension of Afaq journal and a license withdrawal from the Khartoum Monitor by abusive legal decisions, clearly testifies to the aggressive, non-compromising methods of the government vis-à-vis the public efforts to pursue normal life in the transition to permanent peace and democratic governance." **[61p]** RSF reported in January 2006 that the *Al-Sahafa* columnist Zuhair Al-Sarraj had been detained two and a half days for criticising the president's apparent lack of concern for the problems of Sudan's citizens; prior to his release, Al-Sarraj and his editor, Adil Albaz, were interrogated by the Khartoum prosecutor for five hours. **[33k]** "The prosecutor finally freed them on bail after notifying them that they would be prosecuted for 'insulting the president.'" **[33k]**

FREEDOM OF SPEECH AND THE MEDIA: SOUTH SUDAN

6.14 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. **[15fn]** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong website. **[80b]** Article 28 of the ICSS states that:

"(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
(2) All levels of government in Southern Sudan 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." **[80b] (p12-13)**

6.15 The US Department of State (USSD) report on human rights practices in Sudan 2005, published on 8 March 2006, noted that the Sudan People's Liberation Movement/Army allowed reporting on its activities, and there were no reports that the movement restricted the freedom of speech of the populations it presided over. **[3g] (Section 2a)**

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FREEDOM OF RELIGION

6.16 The Interim National Constitution (INC) was signed on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article five of the draft INC records that:

"The State shall respect the following religious rights:

(a) To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes,
(b) To establish and maintain appropriate charitable or humanitarian institutions,
(c) To make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief,
(d) To write, issue and disseminate religious publications,
(e) To teach religion or belief in places suitable for these purposes,
(f) To solicit and receive voluntary financial and other contributions from individuals and private and public institutions,
(g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief,
(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of religious beliefs,
(i) To communicate with individuals and communities in matters of religion and belief at national and international levels;" **[4a] (p4-5)**

6.17 Article 38 of the draft INC states that:

"Every one shall have the right to the freedom of conscience and religious creed, and shall have the right to declare his/her religion or creed and manifest the same, subject to requirements of law and public order, by way of worship, education, practice or performance of rites or ceremonies; no one shall be coerced to adopt such faith, as he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent;" **[4a] (p15)**

6.18 The US Department of State (USSD) report on religious freedom 2005, published on 8 March 2006, states that:

"Both the Constitution of 1998 and the draft of a new constitution provide for freedom of religion; however, in practice the Government considered itself an Islamic government, and Islamization was an objective of the governing party. The Government continued to favor those that support the ruling party regardless of religion; however, Muslims from different traditions other than the ruling party, those not associated with the National Islamic Front (NIF), and non-Muslims faced discrimination when applying for government jobs." **[3f] (Section II - Legal/Policy Framework)**

ABUSE AND RESTRICTION OF RELIGIOUS FREEDOM

6.19 The USSD religious freedom report of 2005 notes that "Although the Constitution provides for religious freedom, the Government considered itself an Islamic government, and Islamization was an important objective of the governing party. Muslims may proselytize freely in government-controlled areas, but non-Muslims were forbidden to proselytize. The Government continued to restrict the movement of some Christian missionaries." **[3f] (Section II - Restrictions on Religious Freedom)**

6.20 Freedom House's (FH) Freedom in the World Country Report for 2005, on events in 2004, states that "Under the 1994 Societies Registration Act, religious groups must register in order to legally gather. Registration is reportedly difficult to obtain." **[54c] (p599)** The report also records that "The government denies permission to build churches and sometimes destroys Christian schools, centers, and churches." **[54c] (p600)** Whilst the USSD religious freedom report of 2005 states that "The problems non-Muslims have encountered in obtaining legal permits for new church construction continued. The SIRC [Sudan Inter-Religious Council] reported that the Guidance and Endowment Ministry has new regulations for church construction permits. No permits had been requested under the new regulations by the end of the period covered by this report." **[3f] (Section II - Restrictions on Religious Freedom)**

6.21 FH's 2005 World Country Report on Sudan states that "Roman Catholic priests face random detention and interrogation by police." **[54c] (p600)** The USSD religious freedom report of 2005 also records that:

"The Government monitors some religious and quasi-religious Islamic groups, particularly those that oppose the Government through political platforms or violence against government-affiliated mosques. The group Ansar a Sunna, a small but vocal group that is reportedly funded by Saudi and Gulf sources, adheres to the teachings of the Saudi Wahhabi tradition of Islam. The Government restricts at least one Islamic group, Taqfir al-Hijra, which conducted violent acts against other Muslims." **[3f] (Section II - Restrictions on Religious Freedom)**

6.22 Further, "Security forces hold wide authority and monitored both churches and mosques. Security and police forces have not detained persons for practicing their religious beliefs and have not interfered with actual religious worship, which are not illegal activities." (USSD religious freedom report of 2005) **[3f] (Section II - Abuses of Religious Freedom)**

6.23 The same source continues "Sunday is not recognized as the Sabbath for Christians, although employees are ostensibly given 2 hours before 10 a.m. to be used for religious purposes. In practice, for the great majority of non-Muslims, this time is not granted. Employers sometimes prevent Christians in the north from leaving work to worship, and many worship on Friday or Sunday evenings." **[3f] (Section II - Restrictions on Religious Freedom)**

VOLUNTARY AND FORCED RELIGIOUS CONVERSION

6.24 The USSD religious freedom report of 2005 notes that:

"While non-Muslims may convert to Islam, Shari'a makes apostasy (conversion from Islam to another religion) punishable by death. However, according to the SIRC, the Government has never taken a case of apostasy to court. In practice, authorities have subjected converts to intense scrutiny, ostracism, and intimidation, and encouraged them to leave the country. Social and familial pressure on converts from Islam is also reportedly common. There have also been reports that individuals from the Coptic community who convert to Islam face strong family and social pressure to renounce their decision." **[3f] (Section II - Restrictions on Religious Freedom)**

6.25 The same source also notes that "There were reports that some conversions were taking place in order to secure jobs and more equal treatment, especially as to food, housing, and social support services, which are largely available only through Islamic charities. There were also reports that some Christian humanitarian groups distributing food in Darfur were seeking to convert Muslims to Christianity." **[3f] (Section II - Restrictions on Religious Freedom)** Furthermore, "There were complaints from Muslims that some Western church organizations operating humanitarian programs in Darfur had coupled relief assistance with distributing bibles in an effort to convert Muslims to Christianity." (USSD religious freedom report of 2005) **[3f] (Section II - Forced Religious Conversion)**

"…some church leaders say that security forces in the south, in an attempt to garner votes for the referendum on north-south unity scheduled to be held in 6 years, are rewarding persons for converting to Islam and that the Government's military forces are forcing some conversions to Islam. Some Christians report pressure on their children in school, as the teachers and other parents ask them why they are not Muslims. Teachers and media characterize non-Muslims as non-believers." **[3f] (Section II - Forced Religious Conversion)**

See also Annex G: Religions of Sudan

FREEDOM OF RELIGION: SOUTH SUDAN

6.26 Following the signing of the Comprehensive Peace Agreement on 9 July 2005, Freedom House's Center for Religious Freedom released a statement "'This is a time of jubilation for the people of southern Sudan, and it is also a victory for

religious freedom,' said Center Director Nina Shea. 'For the first time in a generation, the south Sudanese people have guaranteed rights to worship. Critical to the peace deal is Khartoum's agreement to stop forcing Islamic sharia law on the south—the initial trigger for the 22 year-old civil war.'" **[54d]**

6.27 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. **[15fn]** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong website. **[80b]** Article 27 of the ICSS states that:

"The following religious rights are guaranteed by this Constitution:

(a) the right to worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes;
(b) the right to establish and maintain appropriate faith-based charitable or humanitarian institutions;
(c) the right to acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of religion or belief;
(d) the right to write, issue and disseminate religious publications;
(e) the right to teach religion or beliefs in places suitable for these purposes;
(f) the right to solicit and receive voluntary financial and other contributions from individuals, private and public institutions;
(g) the right to train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief;
(h) the right to observe days of rest, celebrate holidays and ceremonies in accordance with the precepts of religious beliefs; and
(i) the right to communicate with individuals and communities in matters of religion and beliefs in Southern Sudan and at national and international levels." **[80b] (p12)**

6.28 The USSD report of 2005 states that, "In SPLM/A-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents had departed voluntarily over the years. Although the SPLM officially favored secular government, Christians dominated the SPLM. Local SPLM authorities often had a very close relationship with local Christian religious authorities." **[3g] (Section 2c)**

6.29 The USSD religious freedom report of 2005 notes "In the south, there are reportedly three television stations featuring a number of Christian programs." **[3f] (Section II - Restrictions on Religious Freedom)** Also, "… non-Muslim widows whose husbands were killed in the war receive no benefits, while Muslim widows may qualify for land and government benefits or for assistance from Islamic charities; some women are believed to have converted to be eligible for such private or governmental assistance." **[3f] (Section II - Forced Religious Conversion)**

See also Annex G: Religions of Sudan

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FREEDOM OF ASSEMBLY AND ASSOCIATION

6.30 The Interim National Constitution (INC) was signed on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 40 of the draft INC states that:

"(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
(2) The right to establish political parties, associations and trade or professional unions shall be guaranteed, the law shall regulate the exercise of this right as is necessary in a democratic society;
(3) No association shall function as a political party at the national level unless it:
  (a) has its membership open to all Sudanese irrespective of religion, ethnic origin, sex or place of birth,
  (b) has a programme that upholds the Comprehensive Peace Agreement, and conforms to this Constitution,
  (c) has a democratically elected leadership and institutions,
  (d) has disclosed and transparent sources of funding;" **[4a] (p16)**

6.31 The United States' Department of State (USSD) report on human rights practices 2005, published on 8 March 2006, states that "Although the constitution provides for freedom of assembly, the government severely restricted this right in practice." **[3g] (Section 2b)** The report also notes that "The law provides for freedom of association, but the government severely restricted this right in practice." **[3g] (Section 2b)** Human Rights Watch (HRW) released a report in March 2006, 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan' , which noted that:

"Political parties are beginning to test the limits of the commitments in the CPA for respect for human rights, and the SPLM has opened political party offices in certain northern cities. However, the political climate is nowhere near the open atmosphere that is needed for a genuine multiparty political system with respect for human rights. No progress has been made in drafting or passing the CPA-promised Political Parties Act or the National Security Act." **[10ad] (p15)**

6.32 The same source states that "During the year since the CPA was signed, security agencies continue to play the lead role in preventing opposition to the NCP from developing. They persist in attacking and dispersing demonstrators and political gatherings, monitoring and arbitrarily arresting opposition suspects, conducting searches and seizures of opposition property, intimidating journalists and editors, and a range of other activities." **[10ad] (p15)**

MEETINGS AND DEMONSTRATIONS

6.33 The USSD report of 2005 records that:

"The government banned all rallies and public demonstrations in the country and issued no permits authorizing such rallies. The authorities generally permitted only government-authorized gatherings and routinely denied

permission for or disrupted gatherings they perceived were politically oriented. Before July 9, the government used the state of emergency as an excuse to restrict gatherings; after July 9, the government continued to restrict demonstrations under the pretext of security concerns for drivers and pedestrians." **[3g] (Section 2b)**

6.34 The same source states that "Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations." **[3g] (Section 2b)** For example, in late January, early February 2005 and March 2005, the BBC, SHRO-Cairo, AI, IRIN and SOAT all reported on the killings and arrests of demonstrators in Port Sudan, east Sudan when a demonstration against socio-economic and political marginalisation turned violent. **[14z] [61f] [11c, 11e, 11ai, 11aq] [15be] [23i]** SHRO-Cairo's 'Human Rights Quarterly' of May 2005 records that "In February [2005], the Governor of the Red Sea State issued Decree No. 4/2004 prohibiting all assemblies or demonstrations 'to ensure the public safety of the state' based on the Sudan's Constitution 1998 and the Emergency Law 1998." **[61j] (Public Freedoms)**

6.35 An SHRO-Cairo report records that "In the city of Omdurman today, the 6th of April, 2005, the government's police and security forces launched an aggressive attack to frustrate the Umma Party's peaceful celebration of the national anniversary of the April Popular Uprising, which ended the dictatorial rule of the Sudan in 1985." **[61l]** SOAT and the USSD report of 2005 recorded the deaths and injuries caused by the excessive use of force by the security forces to suppress two student demonstrations later the same month. **[23j] [3g] (Section 2b)**

6.36 In April 2005, AI reported on the release of four men who "… were detained on 21 April [2005] because they had allegedly been planning an event to commemorate the fifteenth anniversary of the execution." **[11av]** In addition, SOAT reported on the death of a student who was a member of the Beja students association and belonged to the Bani Aamir tribe. He was reportedly beaten with sticks and guns by the police whilst attending a demonstration in Khartoum and later died in hospital. **[23e]** The USSD report of 2005 recounts how, "On April 11, army and police fired on student demonstrators protesting rigged student elections at Deling University, killing student Nagemeldin Gafar Adam Eisa. Subsequently police fatally injured Khalid Mohamed Nour, a student at Neilien University in Khartoum who was demonstrating against the killing at Deling University." **[3g] (Section 2b)**

6.37 IRIN reported on the April 2005 demonstrations against a UN resolution calling for those accused of crimes in Darfur to be tried by the International Criminal Court (ICC): "The demonstration, organised by the ruling National Congress Party, came two days after the Sudanese government rejected UN Security Council resolution 1593, adopted on 31 March." **[15co]** The following day, IRIN recorded that "The [news] agencies said security forces surrounded the party's headquarters on Wednesday morning [6 April 2005], to stop a rally to celebrate the 20th anniversary of the fall of a previous regime. Scores of officials and party members were arrested." **[15cq]**

6.38 During the latter half of 2005, and early 2006, organisations such as AI, the International Federation for Human Rights (FIDH) and SOAT recounted how the security forces continued to disrupt meetings and demonstrations. **[11bc, 11be-bf] [22f] [23k, 23l, 23u, 23be, 23bm] [52c] [61t]**

POLITICAL ACTIVISTS

6.39 According to numerous reports by human rights organisations, including Amnesty International (AI), the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) and the Sudanese Organisation Against Torture (SOAT), throughout 2004, 2005 and into 2006, the arrest of political opponents, including party members of Darfurian origin, and of persons believed to support the rebel groups in Darfur, continued. **[11b-11c, 11d-11e, 11o-11q, 11s-11t, 11ab-11ac, 11al, 11at, 11ay-11bc, 11be-11bg] [23b, 23e-23l, 23bd-23bf, 23bh, 23bm, 23bo-23bq] [42a-42b, 42c, 42e, 42h, 42k, 42m-42n, 42q] [61b, 61f, 61h, 61i-61j, 61m, 61t]**

6.40 "The President of Sudan on 30 June promised to release political prisoners. Amnesty International has repeatedly called on Sudanese authorities to release all prisoners of conscience immediately and unconditionally and to release other political prisoners unless they are to be charged promptly with a recognisably criminal offence and given a fair trial." (AI, 1 July 2005) **[11t]** The statement also asserted AI's view that, despite the Government's claim that all political prisoners had been released, its own published list of known political detainees demonstrated that this was not the case and that this list was not even representative of the true number of detainees held in Sudan: "Families do not often know where detainees are being held. Prisoners are transferred from one place to another, while families must search for any information at all about their relative's whereabouts. There is no public registry of detainees that relatives can consult." **[11t]**

6.41 Human Rights Watch's (HRW) March 2006 report argues that:

"The political class in Sudan—which ranges from Islamists critical of the government (Ansar al-Sunna and the Popular Congress Party of Dr. Hassan al Turabi) to secular democrats (including many southern parties) to sect-based parties (the largest political parties have been the Umma and Democratic Unionist Parties) to regional parties (Union of Southern African Parties and Sudan National Party) and many others (including the Sudan Communist Party)—is capable of a high level of activity if it is not hemmed in by fear of the torture and repression used by the NCP-controlled security services since 1989 up to the present day." **[10ad] (p15)**

STUDENT ACTIVISTS

6.42 SOAT recorded the deaths and injuries caused by the excessive use of force by the security forces to suppress two student demonstrations in April 2005. **[23j]** SOAT also reported on the arrest of students in connection with the same demonstrations, and the arrest of students – also in April – who were believed to have participated in a demonstration in support of the referral of the Darfur crisis to the International Criminal Court. **[23j]** SHRO-Cairo reported that on "Wednesday the 15th of June [2005], students supporting the ruling National Congress Party exercised acts of violence in the Omdurman Ahliya University against students supporting democratic organizations, as well as faculty members." **[61o]** It continues:

"Regrettable reports indicated that the large destruction of the Ahlia *[sic]* University was carried out before eyes of the police and the security forces that did not move in any possible way to prevent the crime commission until a

number of students and a few faculty members tried their best to stop the aggression. Strangely enough, the police force arrested a number of these students and staff members, including student Adison Joseph Garang and the faculty members Tariq Osman and Abd al-Rafi' Mustafa who were further battered and abandoned in a remote area in the suburbs of Khartoum." **[61o]**

6.43 AI published a list of known political detainees in Sudan in June 2005 which contained a number of persons listed as students and an accompanying public statement dated 1 July 2005 remarks that "Students and members of marginalised groups, like the Nuba and people from Darfur, are most likely to be beaten and otherwise tortured after arrest." **[11s-11t]** AI, SOAT, OMCT SHRO-Cairo also recorded a number of incidents of arrest, detention, and suspected or actual cases of torture – some of which resulted in death – against politically active students, many of whom were of Darfuri origin, in 2004, 2005 and 2006. **[11s, 11u, 11bg] [23b, 23e-23l, 23n, 23u, 23w, 23aa, 23bb, 23be, 23bm] [42q] [61t]**

6.44 SOAT reports that "On 17 October 2005 at 17.10hrs, security officers and security guards at Omdurman Islamic University, detained and reportedly tortured eight student activists from Khartoum University, Gazeera University, Omdurman Islamic University and Alahlia University." **[23bm]** At least six of the eight were members of the Sudanese Students Democratic Front (SSDF). **[23bm]** SHRO-Cairo's Human Rights Quarterly notes that "Tens of citizens were severely beaten and subjected to tortures and degrading or inhumane treatment in detention [between March and November 2005]. Students from the marginal regions of the Nuba Mountains and Darfur were most vulnerable to these atrocities." **[61t] (Tortures and deaths in detention)**

6.45 AI reported on the February 2006 raid by armed police and security forces at Juba University in Bahri, Khartoum on students that were gathered peacefully in front of the administration building awaiting a response to a letter concerning the relocation of the university back to Juba in south Sudan:

"According to a credible source, the detainees have been taken at night to unofficial National Security detention sites known as 'ghost houses', where they have been tortured. The detainees have reportedly also been deprived of food and denied access to legal counsel and their families.

"Reasons given for the continuing detention of the remaining 51 male students include destruction of public property, arson, public disturbance, and crimes against the state – which potentially carries the death penalty. They have not yet been brought before a judge to have the lawfulness of their detention reviewed." **[11bf]**

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THE POPULAR/PEOPLE'S NATIONAL CONGRESS (PNC/PC)

6.46 IRIN, SHRO-Cairo, the BBC, AI and SOAT all reported on the September 2004 government accusation that members of the Popular National Congress (PNC) were conspiring to overthrow the ruling regime. **[15m-15n] [61h] [14k, 14r-14s, 14ag] [11u] [23g]** The reported number of those arrested in connection with the alleged coup plot ranged from 14 to 70 including members of the security forces. **[11u] (p20) [14ag] [15m] [61h] [23g]** AI states that "Those targeted for arrest include high-profile members of the Popular Congress and lower-profile members of the Popular Congress, in particular students. Students and people from marginalised areas such as Darfur are particularly at risk of torture: two students from the Popular Congress died in custody after their arrest in September 2004." **[11u] (p20)**

6.47 At the end of June 2005, AI released a list of known political detainees in the Sudan. **[11s]** The human rights organisation's accompanying public statement of 1 July 2005 states that "Of 355 political detainees known to Amnesty International, only Shaikh Hassan al-Turabi, the founder of the Popular Congress, is known to have been released so far, after 15 months under house arrest in Khartoum without charge or trial." **[11t]** However, a SOAT press release of 5 July 2005 reported that seven other members of the PNC had also been released. **[23aw]**

6.48 IRIN also reported on the release of al-Turabi, recording the President's claim to have released all political detainees and that the "Security authorities released Turabi, secretary-general of the Islamist opposition party, the Popular National Congress, and all other political detainees shortly after the President's announcement, the official Sudanese news agency reported." **[15ec]** After his release, Turabi was reported to have promised to only engage in peaceful opposition to the Khartoum government, although "Analysts say the ghosts of a rift in 1999 between Turabi and Bashir still haunt the government, which is not sure who within its ranks might still be loyal to Turabi and who is loyal to the president. Turabi was secretary-general of the ruling National Congress Party's (NCP) predecessor, the National Islamic Front." (Reuters, 11 July 2005) **[18b]**

6.49 AI remarked that "For most of the 69 Popular Congress members on the list, arrested during mass government round-ups in September 2004, even the nine months detention period without access to a judge allowed in Sudanese law has now expired. The government linked these arrests to a plot against the State, but few of those still detained have been brought to trial; many have not even been charged." **[11t]** The USSD report of 2005 states that "…an appeals court upheld a judge's October 2004 ruling that banned lawyers from representing 28 defendants on trial for allegedly plotting a coup and ordered them to pick new counsel or accept government-appointed lawyers. Thereafter 43 additional persons were charged. On May 15 [2005], 49 out of the 81 defendants were convicted of plotting a coup and sentenced to 5 to 15 years in prison. The others were released." **[3g] (Section 1e)** SOAT also reported on individual cases of PNC members being arrested, detained and tortured – sometimes resulting in deaths – during 2004 and 2005. **[23b, 23e-23l]**

THE UMMA/UMMAH PARTY (UP)

6.50 SOAT's newsletter of March - April 2005 recorded the arrest of three student members of the Umma Party (UP), stating that "Reportedly, the detainees were

badly beaten by security agents. The students were distributing posters announcing a UNP Conference to be held in Khartoum State on 24 April 2005." **[23j] (p10-11)**

6.51 The UN's Integrated Regional Information Networks (IRIN) and the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) both reported on the disruption of a UP celebration to commemorate the anniversary of the April Popular Uprising, which ended the dictatorial rule of the Sudan in 1985. **[15cq] [61l]** Additionally, IRIN reported that "Subsequently, [UP] officials received a notification banning all political activities by the party, claiming it had not been properly registered." **[15cq]** "Ummah's leader, Sadiq al-Mahdi, had on Friday [1 April 2005] expressed support for a UN resolution calling for those implicated in crimes in Darfur to be tried by the International Criminal Court. 'The Ummah Party is being targeted for their public support of the ICC resolution,' a Sudanese official, who declined to be named, told IRIN on Thursday." (IRIN, 7 April 2005) **[15cq]**

6.52 Nevertheless, subsequent reports appeared to indicate that the UP was still an active and important opposition political force, despite the reported banning of its activities. **[2m] (p2) [10ad] [15eu] [18b-18c] [63h] (p4)** For instance, an IRIN report of 22 September 2005 noted that the UP of Sadiq al-Mahdi was not represented in the new Government of National Unity (GoNU), and a Human Rights Watch (HRW) report of March 2006 referred to the UP as one of the two largest political parties in Sudan, the other being the Democratic Unionist Party (DUP). **[10ad] [15eu]**

ARMED OPPOSITION FACTIONS - WEST SUDAN (DARFUR)

6.53 The US Department of State, Amnesty International (AI), the Sudan Human Rights Organisation-Cairo (SHRO-Cairo), the Sudan Organisation Against Torture (SOAT) and the World Organisation Against Torture (OMCT) all reported on allegations that the Government was responsible for the arrest, detention and disappearance of persons suspected of supporting rebels in the Darfur region during 2004, 2005 and 2006. **[3g] (Section 1c-1e) [11a-11b, 11d-11e, 11o, 11s-11t, 11ab-11ad, 11at, 11ba-11bb] [61b, 61j, 61m, 61t] [23b, 23e-23l, 23n, 23p-23t, 23x-23y, 23aa-23ac, 23ag, 23aj, 23am, 23ax, 23bd-23bf, 23bh, 23bo-23br] [42a-42c, 42e, 42h, 42k, 42m-42n]** AI's public statement of 1 July 2005, which accompanied the publication of a list of known political detainees, records that:

"At least a third of detainees [named on the list] were arrested in Darfur, most of them held arbitrarily in connection with the conflict. Many are still detained in Darfur; others have been transferred to Khartoum. They include community leaders, critics of government policy and people – including members of Arab groups – seeking to engage in reconciliation. Most have been arrested on suspicion of sympathising with the Darfur armed groups, however only 26% have been charged or brought to trial." **[11s-11t]**

6.54 Amnesty International (AI) and the Sudan Organisation Against Torture (SOAT) recorded in October and December 2004, and January 2005, that Darfuris residing in Khartoum and other areas of north Sudan were arrested and detained, apparently on suspicion of supporting the armed opposition groups in Darfur. **[11u] (p14-16) [23g-2i]** The vast majority of the cases reported by AI and SOAT involved students, educated persons, or influential members of a tribe or community, such as Sheiks and Omdas. **[11u] (p14-16) [23g-23i]** AI recorded in

This Country of Origin Information Report contains the most up-to-date publicly available information as at 10 March 2006. Older source material has been included where it contains relevant information not available in more recent documents.

June and July 2005 that many detainees of Darfuri origin in Khartoum were detained in connection with events in Soba Aradi in May 2005. **[11s]** SOAT also reported on the Soba Aradi detentions, torture and trial outcomes. **[23e-23f, 23ad, 23af, 23ah-23ai, 23aq]** The public statement produced by AI in July 2005 reports that:

"Some 106 named in the list [of political detainees] were arrested in Soba Aradi squatter camp south of Khartoum, after clashes with the police that killed at least 14 policemen and possibly up to 50 residents. More than 100 others from Soba Aradi are believed to be detained. Some summary trials of those arrested in Soba Aradi have been held, where for the first time lawyers were able to meet the detainees who reported receiving daily beatings in police stations. Amnesty International is urging that these detainees be brought to fair trial on recognizable criminal charges or released, and that their reported torture be ended immediately." **[11t]**

ARMED OPPOSITION FACTIONS - EAST SUDAN

6.55 AI, the BBC, IRIN, SOAT and SHRO-Cairo all reported on the killing and arrest of demonstrators in Port Sudan, east Sudan in January 2005. **[11c, 11e, 11m, 11ai] [14z] [15be] [23i] [61f, 61n, 61t]** The BBC states that "Security forces are said to have opened fire after protesters demanding greater autonomy for the local Beja community began rioting in Port Sudan." **[14z]** SHRO-Cairo stated on 30 January 2005 that "Further reports indicated that the murdered citizens were hunted by the police even inside their own dwelling areas where 2 women and a number of children were killed by police firearms." **[61f]** AI condemned the use of excessive force to quell the demonstration and also reported that houses were attacked using grenades. **[11c]** In February 2005 SOAT recorded the details of those killed, the number of demonstrators who had been detained, and the locations of where the detained were thought to be held. **[23i] (p5-6)**

6.56 AI's May 2005 report, 'Political Repression in Eastern Sudan', states that "Scores of Beja were subsequently arrested between 29 January and 13 February by members of the National Security and Intelligence Agency in Port Sudan and Kassala. While the exact number of arrests is unknown, the semi official Sudanese Media Centre stated on 3 March that 199 of those arrested had been released and that four would be sent to court." **[11ai] (p1)** However, AI went on to list 16 members of the Beja Congress party who had remained in detention, without charge, for more than three months. **[11ai] (p1)**

6.57 "In the meantime, SHRO-Cairo received reliable reports that the Sudan Government has escalated military action against the Beja forces in Tandli and al-Gash as well as Makali and Degain in the neighborhoods of Jebel Await near the Mokram Mountains of Kassala." (SHRO-Cairo, 30 January 2005) **[61f]** A February 2005 *Sudan Tribune* article reproduced interviews with an official of the Beja Congress and the leader of the Free Lions Association, acquired from BBC Monitoring, that supported SHRO-Cairo's assertion that military action between government forces and Beja rebels had occurred. **[12]** The interviewees also stated that Port Sudan was still under curfew and that "Arrests are continuing among Beja Congress students, leaders, and activists in Kassala, Port Sudan, and Al-Qadarif." **[12] (p3, 1)**

6.58 AI, SOAT and SHRO-Cairo all recorded the release of the remaining Beja Congress detainees, including General Secretary Abdullah Mosa, on 30 June 2005. **[11m] [23aw] [61t]**

See also Section 6.B: Ethnic groups/East Sudan**;**
Annex C: Beja Congress **and** National Democratic Alliance

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FREEDOM OF ASSEMBLY AND ASSOCIATION: SOUTH SUDAN

6.59 The UN's Integrated Regional Information Networks (IRIN) recorded the signing of the Interim Constitution of Southern Sudan (ICSS) on 5 December 2005. **[15fn]** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong website. **[80b]** Article 29 of the ICSS states that:

"(1) The right to peaceful assembly is recognized and 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 or 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 Southern Sudan or state level unless it has:-

- its membership open to any Sudanese irrespective of religion, gender, ethnic origin or place of birth;
- a programme that does not contradict the provisions of the Interim National Constitution and this Constitution;
- democratically elected leadership and institutions; and
- disclosed and transparent sources of funding." **[80b] (p13)**

6.60 The UN's Integrated Regional Information Networks (IRIN) reported that, on 29 September 2005, "The Interim Legislative Council of Southern Sudan, which brings together many former military and political adversaries, is officially inaugurated in Juba, the southern Sudanese capital." **[15fr] (September)** HRW's report, 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan' of March 2006 records that:

"One of the most successfully executed aspects of the CPA appears to be putting the regional government of the south into southern ex-rebel hands and having NCP-appointed personnel in the south recognize the superior authority of the SPLM civilian authorities. Former rebels and their supporters from the diaspora have established residence in Juba and taken up work in government offices there: they are clearly in charge. Not only the SPLM is present: several other southern political parties are represented in the Southern Sudan Parliament pursuant to the CPA." **[10ad] (p9)**

6.61 The report also states that, according to the residents of Juba, "Security and military intelligence are invisible for the time being, and gatherings of citizens, spontaneous or planned, take place without restrictions [in the city]." **[10ad] (p9)**

"In Southern Sudan the regional government is forging ahead of the northern states and region in participatory democratic practices. As Southern Sudan's President (and national First Vice President) Salva Kiir directed shortly after his August 11, 2005 inauguration in Juba, the representatives for the southern regional and state assemblies (and even the national assembly) were to be chosen by means of local consultations. The intention was to draw in hundreds of people in each location to participate in choosing their representatives from the candidates—local men (and a few women)—who put themselves forward to their communities. On short notice and with little formality, this experiment went well, although it was limited in scope. It reflected the customary participation of men in southern community decision-making that even the war could not entirely destroy." (HRW, March 2006) **[10ad] (p10)**

6.62 HRW noted that this process was not perfectly implemented or infallible, "On the whole, however, the broadened participation in selection of officials was an encouraging indication to southerners of the intentions of the new southern government to encourage popular participation in government." **[10ad] (p10)**

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EMPLOYMENT RIGHTS

6.63 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 40 of the draft INC records that:

"(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
(2) The right to establish political parties, associations and trade or professional unions shall be guaranteed, the law shall regulate the exercise of this right as is necessary in a democratic society;"

6.64 The US Department of State's (USSD) report on human rights practices 2005, published on 8 March 2006, notes "Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice." **[3g] (Section 6a)** Also, "The law denies trade unions autonomy to exercise their 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." **[3g] (Section 6b)**

6.65 The same source stated that "… non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas." **[3g] (Section 2c)**

TRADE UNIONS

6.66 The USSD report of 2005 states that:

"The Trade Union Act established a trade union monopoly in the government. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) could function legally; all other unions were banned. The International Labor Organization (ILO) has frequently noted that the trade union monopoly contravened the principles of freedom of association. The International Confederation of Free Trade Unions [ICFTU] continued to recognize the 'legitimate' Sudan Workers Trade Union Federation—the national trade union center that functioned prior to the ban—which operated in exile." **[3g] (Section 6a)**

6.67 Freedom House's (FH) 2005 report on 'The World's Most Repressive Societies' concurred, stating that "There are no independent trade unions [in Sudan]." **[54b] (p79)** The ICFTU's 'Annual Survey of Violations of Trade Union Rights (2004)' states that "There were no improvements [in 2003]. Sudanese legislation does not allow for any genuine trade union activity and none is tolerated outside the state-controlled SWTUF. Violations of labour decrees can be punished by death." **[56] (p1)**

6.68 The 2004 Survey also stated that the situation of activists in Sudan was one of grave concern and that trade unionists, among others, had been harassed, intimidated, arbitrarily arrested, detained and tortured. **[56]** "Trade unionists who do not tow *[sic]* the government's line live under constant fear." **[56] (p2)** The Sudan Human Rights Organisation-Cairo (SHRO-Cairo) reported in May 2005 that "On December 30 [2004], the authorities arrested al-Zain Qinawi, a trade unionist leader, who was suffering many illnesses at the time of arrest." **[61j] (Arbitrary Arrests)**

6.69 FH's 2005 report on repressive societies records that "A lack of labor legislation limits the freedom of workers to organize or bargain collectively." **[54b] (p79)** The 2004 ICFTU Survey notes that "The government has never given its approval for strike action, hence any strikes that do take place are illegal. In most cases workers who try to go on strike are sacked." **[56] (p3)** The USSD report of 2005 concurs, "In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year [2005] and were not terminated." **[3g] (Section 6b)**

WAGES AND CONDITIONS

6.70 The USSD report of 2005 records that:

"The minimum wage was $48 (SDD 12,500) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Workers who were denied the minimum wage could file a grievance with the local labor ministry field office, which then was required to investigate and take appropriate action. There were reports that some workers, including postal and health workers, were not paid their regular wages." **[3g] (Section 6e)**

6.71 The same source also notes:

"The law, which was generally respected, limits the workweek to 48 hours—an 8-hour day, with a day of rest on Friday. Overtime should not exceed 12 hours per week or 4 hours per day. There was no prohibition on excessive compulsory overtime. Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized." **[3g] (Section 6e)**

SLAVERY AND FORCED LABOUR

6.72 Article 30 of the draft INC recorded that "Slavery and the slave trade in all their forms shall be prohibited; no one shall be held in slavery or servitude. No one shall be required to perform forced or compulsory labour except as a penalty by a court of law for certain crimes as determined by law," **[4a] (p13)** The USSD report of 2005 notes that "The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued." **[3g] (Section 6c)** Also, "Although the government continued to deny that slavery and forced labor existed, CEAWAC acknowledged that abductions had occurred." **[3g] (Section 6c)**

6.73 "The ILO Committee of Experts reported that abduction, forced labor, and sexual slavery of women and children continued [during 2005]." (USSD 2005) **[3g] (Section 6c)** USSD's June 2005 report on people trafficking states that:

"The government made progress on identifying victims of abduction and reuniting them with their families. The government took over funding of the Committee for the Eradication of Abduction of Women and Children (CEAWC) in 2004. Given the conditions within which it operates, CEAWC is making a notable effort to seriously address trafficking, particularly through its efforts to identify victims of abduction and reunite them with their families. Of the 7,328 cases of abduction documented, 2,708 of those identified were returned to their families." **[3c] (p202)**

WEST SUDAN (DARFUR)

6.74 The USSD report of 2005 notes that "…non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas." **[3g] (Section 2c)** In relation to the conflict in Darfur, USSD's June 2005 report on people trafficking records that "Women, after being raped, were sometimes mutilated or abducted for further sexual exploitation. Some children may also have been abducted, mostly to care for looted livestock." **[3c] (p201-202)**

EMPLOYMENT RIGHTS: SOUTH SUDAN

6.75 The UN's Integrated Regional Information Networks (IRIN) recorded the signing of the Interim Constitution of Southern Sudan (ICSS) on 5 December 2005. **[15fn]** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong website. **[80b]** Article 29 of the Interim Constitution of Southern Sudan (ICSS) states that:

"(1) The right to peaceful assembly is recognized and 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 or 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." **[80b] (p13)**

6.76 The USSD June 2005 report on 'Trafficking in Persons' report states that "Victims [of abduction] frequently became part of the abductor's tribal family, with many women marrying into the new tribe; however, some victims of abduction were used for forced domestic labor and/or sexual exploitation." **[3c] (p201)** The same source continues, "Due to the ongoing peace process and the cessation of conflict in the south, abductions in the region have significantly decreased; during the year, there were no known cases of new abductions in the south." **[3c] (p201)** The USSD report of 2005 notes that "Some SPLM/A commanders and affiliated forces continued to force southern men to work as laborers or porters." **[3g] (Section 6c)**

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PEOPLE TRAFFICKING

6.77 The US State Department's (USSD) June 2005 'Trafficking in Persons' report noted that Sudan is both a source and destination country for trafficked persons, stating that "The government's anti-trafficking law enforcement efforts throughout Sudan were limited in 2004, and ineffective in Darfur. Articles 162 through 165 of the Sudanese Criminal Code outlaw all forms of trafficking in persons, including abduction, luring, forced labor, and illegal detention." **[3c] (p202)** "In early 2005, the Ministry of Interior outlawed the trafficking of children outside of the country for camel jockeying; the law was implemented by the Department of Passports and Immigration on March 1, 2005, leading to interrogations of adults attempting to board outbound airplanes or boats without the proper exit visa for accompanying children." **[3c] (p202)**

6.78 The report continues:

"Although Sudan's laws appear adequate to cover the full scope of trafficking in persons, the official court system handled no trafficking-related prosecutions during the year. Based on an agreement with the Dinka Chief's Committee to allow opportunity for amicable tribal return and reconciliation efforts to occur, the government is not pursuing legal action against abductors who cooperate with CEAWC and voluntarily return their abductees. If, however, an abductor refuses to comply, the government has committed to prosecuting such an individual as a trafficker. In 2004, all identified abductors reportedly cooperated to the extent of surrendering their abductees to CEAWC." **[3c] (p78)**

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FREEDOM OF MOVEMENT

6.79 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 42 of the draft INC records that "(1) Every citizen shall have the right to the freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law; (2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law;" **[4a] (p17)**

6.80 The US Department of State's (USSD) 2005 report on human rights practices states that:

> "The law provides for these rights, but the government restricted them in practice. Movement generally was unhindered for citizens outside the war zones; however, before the lifting of the emergency laws on July 9, travelers who failed to produce an identity card at checkpoints risked arrest. After July 9 road checkpoints were removed. At times foreigners needed government permission for domestic travel outside of Khartoum; such permission could be difficult to obtain and was sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and reregister at each new location within three days of arrival." **[3g] (Section 2d)**

6.81 Furthermore, "The government detained persons, particularly opposition political figures, at the airport and prevented them from traveling due to 'security concerns.' For example, in March Ali Hussan Dossa, a member of the Darfur Forum for Dialogue and Peaceful Co-Existence, was denied permission to leave the country." **[3g] (Section 2d)**

PASSPORTS

6.82 According to the Danish 'Report on Fact Finding Mission to Cairo, Khartoum and Nairobi in 2001', the Passports and Immigration Department in Khartoum issued national passports and "Any Sudanese citizen could have a national passport issued to him if he can produce valid proof of nationality and an identity card." **[9b] (p56)** The report continues "Sudanese citizens who were staying abroad and whose passport had expired could apply to the nearest Sudanese embassy or to the passport issuing authorities in Khartoum for a new passport." **[9b] (p56)**

6.83 The Danish 2001 Fact Finding Report states that "There were two types of passport which were normally used, one for business travellers (pale blue cover) and one for ordinary travellers (green cover)." **[9b] (p56)** "From 2002 new technically improved passport types would be issued to replace the above, which were relatively easy to falsify." **[9b] (p56)** The Foreign and Commonwealth Office (FCO), in a letter dated 28 February 2005, described Sudanese passports as follows: "It's green, has 64 pages and is initially valid for 2 years." **[25c] (p2)**

EXIT VISAS

6.84 The 2001 Danish report recorded that two types of exit visa had been in use since May 1998; one type was issued to Sudanese nationals travelling abroad

to work and the other type of exit visa was issued to everyone else. **[9b] (p56)** FCO's letter of February 2005 noted that Sudanese nationals who wished to leave the country were still required to obtain an exit visa. **[25c] (p2)**

AIRPORT SECURITY

6.85 The embarkation process at Khartoum Airport, at that time, was explained to the Danish Fact Finding Mission of 2001. **[9b] (p56-57)** Colonel Ismail H Rasoul of the Khartoum Airport Police told the mission that, after the first baggage check, the traveller has to present his passport with an exit visa, which is then stamped and the traveller himself completes a departure form, which is then registered on computer. **[9b] (p56)** The airport security police at Khartoum airport have a list of wanted persons, which is checked at this point of the embarkation process. **[9b] (p56-57)** The report states that "His baggage is then checked by the customs authorities. Before a person gains access to the plane his passport is checked again." **[9b] (p57)** The USSD report of 2005 states that, "After the signing of the peace agreement, the minister of interior announced the cancellation of the lists of persons that should be denied exit visas." **[3g] (Section 2d)**

6.86 Three sources consulted by the Danish mission in 2000 agreed that, apart from those on the Government's list of wanted persons; Sudanese citizens were easily able to resort to bribery to obtain passports and exit visas, and to pass by border control officers at that time. **[9a] (p27-28)** It also states that "The authorities are not very well able to check on all departing passengers." **[9a] (p28)** And that "This is due to shortage of financial resources and a general casualness about checks on departure." **[9a] (p28)** The FCO letter of February 2005 stated that, whilst it was probable that bribery was used to obtain passports and visas, and to facilitate passage through immigration control, the FCO itself was unable to source or verify such assumptions. **[25c] (p2)**

WEST SUDAN (DARFUR) AND EAST SUDAN

6.87 The USSD report of 2005 notes that, "Although foreign NGO staff more easily obtained entry visas and work or travel permits for Darfur, there were numerous reports of continuing delays and restrictions. The government generally implemented its policy of issuing humanitarian visas within 48 hours, but nationals of specified countries encountered difficulties in obtaining visas to work with NGOs." **[3g] (Section 2d)** "NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas." **[3g] (Section 2d)** UNHCR's comments to the Advisory Panel on Country Information of 8 March 2006 also stress that the internally displaced persons (IDPs) in Darfur also suffer from a lack of freedom of movement due to the ongoing insecurity in the region, and lack of security in and around the IDP camps. **[2ad] (p5)**

6.88 A January 2006 International Crisis Group (ICG) report, 'Sudan: Saving Peace in the East', states that "Security is tight in the major cities [in east Sudan]. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea." **[63j] (p13)**

RETURNING SUDANESE NATIONALS

6.89 Article 42 of the draft INC records that "(2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law;" **[4a] (p17)** The USSD report of 2005 notes that "The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year [2005]." **[3g] (Section 2d)** A February 2005 IRIN report recorded a UNHCR estimate that 600,000 Sudanese refugees had already returned to Sudan, including over 200,000 non-registered refugees from neighbouring countries, possibly as many as 400,000 IDPs, and that thousands more were expected to return in the following months. **[15bj] (p1)** The report states that "The returnees were, however, arriving in an area lacking basic infrastructure – from roads, schools, clinics and buildings for the local civil authorities, to protection for the returnees." **[15bj] (p1)**

FREEDOM OF MOVEMENT: SOUTH SUDAN

6.90 The UN's Integrated Regional Information Networks (IRIN) recorded the signing of the Interim Constitution of Southern Sudan (ICSS) on 5 December 2005. **[15fn]** Although no copies of the final version of the ICSS were available at the time of writing, a draft constitutional text, dated October 2005, was reproduced on the Gurtong website. **[80b]** Article 31 of the ICSS states that:

"(1) Every citizen and any person lawfully in the Sudan shall have the right to freedom of movement and the liberty to choose his or her residence in Southern Sudan except for reasons of public health and safety as shall be regulated by law.
(2) Every citizen shall have the right to leave and/or return to Southern Sudan." **[80b] (p14)**

6.91 The USSD report of 2005 notes that:

"Since the January 9 [2005] CPA signing, the SPLM has not restricted the freedom of movement among populations under its control. The SPLM and government-related militias enforced illegal taxation for citizens entering or leaving the area under their control. For example, the CPMT concluded that government-aligned militias maintained checkpoints illegally to collect taxes from local residents and returning IDPs in Abyei. Insurgent movements in the South also required foreign NGO personnel to obtain permission before traveling to areas under their control; however, the insurgents generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas." **[3g] (Section 2d)**

6.92 HRW's March 2006 report on 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan' states that "According to residents, since the SPLM's official appearance in Juba in May 2005, the previous climate of repression of southern culture, religion and everyday life in Juba has loosened. A curfew was lifted and people could move more freely about the town." **[10ad] (p9)**

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6.B HUMAN RIGHTS: SPECIFIC GROUPS

ETHNIC GROUPS

6.93 The British Broadcasting Corporation (BBC) Timeline recorded the signing of the Interim National Constitution (INC) on 9 July 2005. **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 13 of the draft INC records that:

"(4) The State shall recognize the richness of the Sudan's cultural diversity and shall encourage such multiple cultures to harmoniously flourish and find expression, especially through the official media and education;
(5) The State shall protect the Sudan's cultural heritage, such as monuments and places and objects of national, historic or religious importance, from destruction, discretion, unlawful removal or illicit export;" **[4a] (p7)**

6.94 Article 47 of the draft INC stated that "Ethnic and cultural communities shall have the right to freely enjoy and develop their particular cultures, practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures;" **[4a] (p17)** Article 156 of the draft INC states that:

"Without prejudice to the competency of any national institution to promulgate laws, judges and law enforcement agents shall, in dispensing justice and enforcing laws in the National Capital, be guided by the following:

(a) tolerance shall be on the basis of peaceful coexistence between the Sudanese people of different cultures, religions and traditions,
(b) behaviour based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law shall be deemed in the eyes of the law as an exercise of personal freedoms," **[4a] (p62)**

6.95 The US State Department's (USSD) report on human rights practices 2005, published on 8 March 2006, reports that:

"The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. The fighting in Darfur was between Muslims who self-identify as either Arab or non-Arab.

"The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas." **[3g] (Section 5)**

See also Annex E: Main ethnic groups **and Annex F:** Languages of Sudan

6.96 An article in the November 2005 *Forced Migration Review* (FMR), produced by the Refugee Studies Centre of the University of Oxford, recorded that:

"While the North has been labelled Arab, even those who can trace their genealogy to Arab origins are a hybrid of Arab and African races and even their culture is an Afro-Arab mix. Significant portions of the country in the Nuba and Ingassana or Funj areas bordering the South are as African as any further south in the continent. The Beja in the Eastern part of the country are also indigenously Sudanese. The Fur and several other ethnic groups in Darfur to the far west are black African. And, in most cases, these non-Arab pockets of the North, though predominantly adherents of Africanised Islam, have been almost as marginalised as the people of the South." **[84] (p6-7)**

NORTH SUDAN - NUBIANS

6.97 The International Crisis Group (ICG) published a report, 'Sudan's Other Wars', in June 2003 which stated that the Nubian community had never fully recovered from its mass relocation from the banks of the Nile in the 1960s as part of the then government's Aswan Dam programme. **[63d] (p18)** In September 2004, SHRO-Cairo stated that the Nubian people of north Sudan were at risk of ethnic and cultural cleansing by the Government of Sudan as "The two governments of Egypt and Sudan are working actively to suffocate Nubia and change its identity to an Arabized one." **[61g] (p1)** The 'Urgent Action', published on 29 September 2004, outlined the threat of new dam-building projects:

"GOS [the Government of Sudan], like GOE [the Government of Egypt] is waging a secret war against Nubians in the north. Its deliberate policies to de-populate the Nubian lands through the persistent ! *[sic]* lack of economic and social development and making plans to construct more dams on Nubian land is meant to disrupt the stability of the area and an attempt to change the structure of the Nubian society by forcing Nubians to abandon their ancestral homes. In fact, an attempt to build Kajbar dam in the heartland of Nubia was suspended temporarily when the Nubians protested loudly and sent their out cry abroad to alert the international community to come to their help and stop the plans to construct the dam….GOS is actively working now to construct another dam in Hamadab area (Merowe Dam), which will devastate the Nubian antiquities and historical sites that have yet to be fully excavated." **[61g] (p1)**

6.98 A December 2004 press release by the group the Movement of Displaced by Hamadab Dam (MOD) published on the International Rivers Network (IRN) website stated that three persons had been detained by the government's security forces and that "MOD openly declares that these persons are innocent people and have no relation whatsoever with the movement. It has become clear that the Security Organ believes that, just being from the dam affected area warrants arrest." **[69a]** IRN and the Corner House also published a Fact Finding Mission report in May 2005 that recorded the details of the Merowe/Hamadab Dam Project, and its environmental, social and archaeological impact. **[69b]**

6.99 A UN Integrated Regional Information Networks (IRIN) report briefly summarised the IRN/Corner House report's findings and quoted the response of Ibrahim Mahmud Hamid, the Sudanese minister of humanitarian affairs: "'They [free services and compensation] will come, but they will come later. They will come in phases. Some groups in the opposition want to use it as a

political issue,' the minister told IRIN. 'All the problems now are with those who are very far from the dam, and they will be affected later on, in 2007. They think that they have to get the same things as those who are in the direct site of the dam.'" **[15dk]**

6.100 The Sudan Organisation Against Torture (SOAT) reported in July 2005 on the release of six leaders of the Manaseer tribe who had resisted relocation from their homeland as part of the mass clearance for the Marawi (Merowe/Hamadab) Dam project. **[23aw]** The report states that "The men had complained of the lack of consultation between the government and the local population and the lack of fair compensation for loss of homes and livelihoods." **[23aw]** A May 2005 Inter Press Service (IPS) article, reproduced on the *Sudan Tribune* website on 6 May 2005, also reported on the effects of the dam project stating that "One of Africa's largest dams, now under construction in Sudan, carries a hefty price for the environment and threatens intensified social unrest, project critics say." **[82]**

6.101 The ICG's report of June 2003 remarks that the "Nubians are concerned that the ruling Islamist party remains intent on suppressing their cultural heritage. The government promotes Sudan's Islamic heritage to the near exclusion of all others." **[63d] (p18)** A May 2005 *New York Times* article, reproduced on the *Sudan Tribune* website on 31 May 2005, states that "Also to be submerged [by the Merowe/Hamadab dam] are some of Sudan's ancient sites, where archaeologists are working feverishly to find what they can while they still can. The affected locations, according to government scientists, include the noted towns and cemeteries from the Pharaonic period and the Napato-Meroitic era, which stretched from 900 B.C. to A.D. 350, at Gebel Barkal, the post-Meroitic tumuli, or grave mounds, of Zuma and the Christian monastery of Ghazali, among others." **[83]** An article in the November 2005 FMR, which briefly noted the increased trend toward their original cultures by the marginalised and – wholly or partially – 'Arabised' tribes in north, east and west Sudan, stated that "Even the Nubians of the North, in recent generations close to Egypt and the Arab world, are reviving their pride in their ancient Nubian civilisation and disavowing the Arab label." **[84] (p8)**

6.102 A November 2005 IRN report recorded the escalation of tensions in the region, as a result of the dam authorities and Chinese contractors' disregard for the humanitarian needs and rights of the Manasir (Manaseer) tribe:

> "On November 29 [2005], according to reports from the area, violence erupted on Sherri Island, a Nile island in the Manasir area. Since August 2004, the islanders had asked that the dam authorities close down their office on the island, which had been a constant source of tension. When representatives of the villagers delivered an ultimatum to close down the office, security forces attempted to arrest them. As the security forces searched houses and terrorized villagers, scuffles broke out. The dam offices in the area were set afire and destroyed. Large demonstrations against the dam authorities are currently taking place on the island. According to unconfirmed reports, the government has dispatched three army battalions to the area in an attempt to bring the situation under control." **[69c]**

6.103 Human Rights Watch's March 2006 report, 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan', also noted the situation in the North, stating that:

"Security (Internal and External Security) and military services (particularly military intelligence) have continued to play a role in suppressing other civil and political rights and perpetrating abuses. … In northern Sudan they attempted to replace locally-elected representatives through arrests, and called out the armed forces against local farmers who opposed the wholesale confiscation of land and wells for the (Chinese) construction of the Hamadab/Meroe dam in November-December 2005." **[10ad] (p15)**

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EAST SUDAN - BEJA AND RASHAIDA

6.104 In its May 2005 report 'Political Repression in Eastern Sudan', Amnesty International records that "Eastern Sudan, with the Red Sea State, which capital is Port Sudan, and Kassala State, with Kassala town as its capital, is one of the poorest regions of Sudan. It is inhabited mainly by the Beja and the Rashaida, two nomadic ethnic groups, southern and western Sudanese internally displaced as a result of conflict and refugees from neighbouring Eritrea and Ethiopia." **[11ai] (p1)**

6.105 The 'World Directory of Minorities', 1997, claimed that the ruling party, the National Islamic Front (NIF), was disturbed by the Beja's pride in culture and traditions, which it perceived to be incompatible with Arab-Islamic identity. **[37] (p461)** The June 2003 ICG report states that "The Beja practise a more traditional and tolerant form of *Sufi* Islam than what the government has sought to impose on the rest of the country." **[63d] (p16)** An article in the FMR of November 2005 noted that the traditionally nomadic Beja who are in conflict with the Arab centre — like the various tribes of Darfur — "Though Muslim and Arabised in varying degrees, … now see themselves as non-Arab, marginalised and discriminated against on racial grounds." **[84] (p8)**

6.106 The ICG report of June 2003 also recorded that "Decades of negligence of their community, under both democratic and autocratic governments, has left the Beja highly vulnerable to malnutrition, famine and contagious disease." **[63d] (p16)** A January 2006 report by the same organisation notes that "…the East, like other mostly rural parts of the country, has received only paltry government investments for education, health and other services. The highly centralised nature of government in Sudan gives federal authorities a near monopoly on revenue collection and control over both how much money is distributed to the states and how it is used." **[63j] (p3)**

6.107 "The Beja have been the victims of decades of racist and discriminatory policies. Ongoing human rights violations by the Sudanese authorities in eastern Sudan are fuelling tensions and discontent." (Forced Migration Review, November 2005) **[84] (p62)** The executive summary of a September 2005 paper produced by Save the Children (UK) set out in detail the origins of, and factors that still feed the conflict:

"These include underlying grievances such as historical feelings of exclusion and marginalisation, demands for fair sharing of power between different groups, inequitable distribution of economic resources, underdevelopment, the

absence of a genuine democratic process and other governance issues, including the failure of national leaders to address grievances dating back to independence. In the last few years, though, environmental factors have contributed to aggravate the already dire socio-economic conditions of the population in eastern Sudan and led long-standing discontent and grievances to erupt into conflict. There are a number of flash points which have exacerbated feelings in the region, such as the loss of traditionally owned land to mechanised agricultural schemes and the mechanisation of the port in Port Sudan. Rampant poverty and shockingly high malnutrition and mortality rates have created widespread anger amongst the community, who feel that the region is excluded from the national context notwithstanding the fact that it is very rich in strategic and natural resources. Most recently, the fallout from the violence that occurred during the demonstrations in Port Sudan in January 2005 has itself become a factor of further resentment." **[45b]**

6.108 The paper went on to examine the historical trends; actual and perceived causes of unrest; humanitarian and socio-economic issues behind the tensions in the east, which — the paper asserts — need to be addressed not only by greater political inclusion and development in the region, but also confidence-building measures and the opening of dialogue between the Government and the various affected communities. **[45b]**

6.109 AI's May 2005 report states that:

"Since the 1990s, there has been sporadic armed conflict in Eastern Sudan between the government army and the armed wing of the opposition, composed of the largest southern armed group SPLM, the National Democratic Alliance (NDA, an umbrella of northern opposition parties hosted by Eritrea including the eastern-based Sudan Alliance Forces and one segment of the Beja Congress which supports armed opposition). Some areas, in particular round Hameshkoreb and near the Eritrean border, are under the armed opposition." **[11ai] (p1)**

6.110 An August 2004 *Reuters* report, reproduced by the *Sudan Tribune*, records that "[Salah] Barqueen [the Beja Congress spokesman] alleged that the Sudanese government had over the last year been arming and training Janjaweed militia in eastern Sudan and urged both the government and the international community to tackle the issue before it worsened as in Darfur." **[18a]**

6.111 In late January and early February 2005, the BBC, SHRO-Cairo, AI, IRIN and SOAT all reported on the killings and arrests of demonstrators in Port Sudan, east Sudan. **[14z] [61f] [11c, 11e] [15be] [23b] (p16, 20)** The BBC recorded on 29 January 2005 that "Members of eastern tribes – mainly Beja – presented a list of demands to the governor three days ago, including greater wealth and power sharing, Reuters news agency reported." **[14z]** The report did not state whether those who presented the list of demands were members of the political party, the Beja Congress, but it did note that "The Beja also want the government to recognise the Beja Congress as the only representative of the people of eastern Sudan, reports say." **[14z]**

6.112 The same report also records that "Security forces are said to have opened fire after protesters demanding greater autonomy for the local Beja community began rioting in Port Sudan." **[14z]** SHRO-Cairo recounted that "Further reports indicated that the murdered citizens were hunted by the police even inside their

own dwelling areas where 2 women and a number of children were killed by police firearms." **[61f]** AI condemned the use of excessive force to quell the demonstration, which had turned violent, and also said that houses were attacked using grenades. **[11c]** On 1 February 2005 SOAT recorded the details of those killed, the number of demonstrators who were detained, and the locations of where the detained were thought to be held. **[23b] (p16, 20)**

6.113 SOAT noted in a May 2005 report that the Justice and Equality Movement (JEM) was part of the Eastern Front of the Beja Congress and the Free Lions, and was militarily active in the East. **[23an]** IRIN reported, also in May 2005, that "A small rebel group from the non-Arab Beja tribe has been active in the poor region near the Eritrean border, but fighting has been sporadic and on a small scale." **[15de]** While in June 2005 IRIN recorded that "Sudanese rebels who recently clashed with government forces in the east have accused Khartoum of using planes to bomb civilians near the Eritrean border." **[15eb]** In January 2006, the BBC reported on unconfirmed rebel claims that government forces had launched aircraft and artillery attacks against their main stronghold, Hamesh Koreb, resulting in the deaths of two children. **[14t]** In addition, an article published in Issue 30 of the Institute for Security Studies' (ISS) African Security Review, 2005, also stated that "Beja allegations that indiscriminate aerial bombardment of civilians had also occurred have as yet been unconfirmed by independent sources." **[65a] ('Sudan: All Quiet on the Eastern Front?')**

"Since the Port Sudan massacre in January 2005, the government has been spending a lot of money in the East. In February, it dispatched a committee, led by the former minister for roads and bridges and now governor of Red Sea State, Mohamed Tahir Aila, to promise development aid. At an April meeting in Kassala attended by most of the tribal, religious and political leaders and sponsored by the National Congress Party, Minister of Finance al- Zubeir Ahmed al-Hassan pledged $88 million over three years." (ICG, Sudan: Saving Peace in the East, 5 January 2006) **[63j] (p11-12)**

6.114 ICG also reported on the attempts of the authorities to undermine the position of the region's leading political group the Beja Congress and to sow distrust between the Beja and non-Beja communities, and between the different Beja tribes themselves, for example, "Government agents and media intimate to the former [Tigre-speaking Beja] that the Beja Congress is solely a TuBedawiye-speaking organisation that will not represent their interests." **[63j] (p12)**

6.115 The same source continues:

"The NCP [National Congress Party] is also resorting to potentially more violent tactics. There are persistent reports of efforts to encourage tribal leaders to recruit militiamen in exchange for money and weapons, in order to create a rural force that can monitor the Eastern Front's activities and serve as a first line of resistance. Most of these attempts to form Janjaweed-like groups have not yet succeeded, probably because despite their communal divisions, the eastern tribes have an acute sense of their social and economic inter-dependence as part of the Beja nation. Such tribal militias as exist are weak, with members showing up once a month only to collect pay. The policy, and the rumours it engenders, have nevertheless contributed to the spread of weapons and fear among civilian populations." **[63j] (p12)**

6.116 The *Sudan Tribune* reported on 7 March 2006 on the temporary ceasing of operations by the International Rescue Committee (IRC), and rebel claims that this was as a result of Government pressure:

"In a letter shown to journalists by the Eastern Front, the IRC said that Khartoum had ordered the organisation to suspend its humanitarian activities in the region. 'This sudden move creates a humanitarian disaster for the 45,000 people directly benefiting from the health, education, veterinary, water and local-capacity building programmes of IRC,' the rebel statement said. No reason was given for the explusion *[sic]* and officials at Sudan's Humanitarian Affairs Ministry declined to comment." **[18f]**

6.117 However, an IRC press release of the same day stated that:

"The International Rescue Committee has decided to suspend humanitarian aid programs in an opposition-controlled region of northeastern Sudan while new access routes to the area are negotiated. Up until now, the IRC has been delivering basic health care, clean water, sanitation and education services for the area's ethnic Beja population via neighboring Eritrea, which has been the only humanitarian route available. The IRC's decision to temporarily halt programs follows a request by the UN Mission in Sudan to cease cross-border activities from Eritrea in light of negotiations underway with Sudanese authorities to gain access to the region from Sudan." **[62d]**

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WEST SUDAN (DARFUR) - FUR, MASSALEIT AND ZAGHAWA

6.118 According to major reports by various organisations, the three main non-Arab groups in Sudan's Darfur region are the Massaleit (Masalit), the Fur (Four) and the Zaghawa (Zaghewa). **[2c, 2j] [3e] [10c, 10e] [17] [22a]** Human Rights Watch (HRW) noted in January 2005 that "Numerous smaller ethnic groups, such as the Tama, Eringa, Berti, Bergit, Dorok and Tunjur, have also been targeted by the government-militia forces, especially as the conflict has broadened geographically over time." **[10e]** An article in the FMR of November 2005 noted that the mostly sedentary tribes of Darfur who are in conflict with the Arab centre – like the Beja in east Sudan – "Though Muslim and Arabised in varying degrees, … now see themselves as non-Arab, marginalised and discriminated against on racial grounds." **[84] (p8)**

6.119 The Sudan Organisation Against Torture (SOAT) and the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) reported throughout 2004, 2005 and into 2006 on the insecurity in the region, and human rights abuses committed in connection with the Darfur conflict. **[23b, 23e-23l, 23n-23t, 23v, 23x-23ac, 23ae, 23ag, 23aj-23ak, 23am, 23ar-23av, 23ax, 23bc-23bk, 23bn-23br] [61b, 61d, 61j, 61t]** SHRO-Cairo's Human Rights Quarterly, detailed the human rights abuses that occurred in the region between March and November 2005, whilst a statement released by SOAT in September 2005 asserted that:

"Regardless, of who or whom initiates these attacks, SOAT appeals to the rebel groups and to the government to bring an immediate end to all military activities and to immediately cease the continual violations of the Ceasefire Agreement.

Failure by all parties to abide by their commitment will result in far ranging consequences which are unacceptable not least the complete breakdown in peace negotiations which are currently taking place in Abuja, the Nigerian Capital. Most importantly, the deteriorating security situation will further worsened *[sic]* the large population of displaced persons in Darfur further contributing to the climate of impunity which has produced widespread criminality, banditry and lawlessness." **[23bi]**

6.120 The UN Secretary-General (UN SG) continued to report on the situation in Darfur throughout 2005 and, as of April 2005, was submitting monthly reports to the Security Council on the security and humanitarian situation, and human rights abuses and the accompanying issue of protection. **[2k-2l, 2n-2r, 2t-2v, 2x-2z]** The March 2006 monthly report notes that "The security problems witnessed during the previous reporting period escalated in January, with banditry, armed clashes and tensions along the border with Chad contributing to a dangerous and volatile situation in Darfur." **[2z] (p1)** The report also states that "The situation in Western Darfur in particular has worsened." **[2z] (p1)**

6.121 Some of these reports have also highlighted the oversimplification of the conflict in Darfur as, although there is certainly a marked division along ethnic lines, this is not always the case. **[2c] [10c, 10e]** For example, some Arab groups are fighting with the rebels and some African tribes have joined the Government's militia forces. **[2c] (p32)** There is also a marked suggestion of affiliation based on a tribe's land ownership and access to Darfur's scarce natural resources. **[2c] (p22-24)** Members of those tribes without their own Dar (homelands) appear to have mainly sided with the Government, whilst those tribes with a Dar have generally allied themselves with the rebels. **[2c] (p20, 24)**

6.122 A Médecins sans Frontières (MSF) report of October 2004 concludes that:

"Whatever the origins of the conflict – it is clear that the use of violence has been massive, indiscriminate (largely targeting civilians) and disproportionate. There has been massive loss of life due to direct violence (mainly amongst men aged 15 – 50). Around 1.6 million people have been displaced, settling in ad-hoc displacement sites in major towns and villages throughout Darfur. An additional 200,000 people have sought refuge in Chad. It can be safely concluded that a prime objective of the violence was to move certain sectors of the population out of the areas in which they were living." **[26a] (p19)**

6.123 The report of the International Commission of Inquiry (UN ICI) on Darfur to the UN Secretary General listed a number of differing uses of the term 'Janjaweed' in connection with the conflict in Darfur, which further detailed that the conflict was not solely one of ethnicity:

"The fact that the Janjaweed are described as Arab militias does not imply that all Arabs are fighting on the side of the Janjaweed. In fact, the Commission found that many Arabs in Darfur are opposed to the Janjaweed, and some Arabs are fighting with the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. At the same time, many non-Arabs are supporting the Government and serving in its army. Thus, the term 'Janjaweed' referred to by victims in Darfur certainly does not mean 'Arabs' in general, but rather Arab *militias* raiding their villages and committing other violations." **[2c] (p32)**

6.124 A HRW report, dated November 2004, recorded that the Sudan Liberation Army (SLA) had targeted particular groups ostensibly because the Janjaweed draw their forces, including leaders considered to be responsible for Janjaweed abuses, from groups of the same ethnic origin. **[10e] (p32-38)** The UN ICI report noted that official and unofficial government actors, rebel actors, traditional tribal conflicts and armed persons committing acts of banditry have all been cited in reported violations, "However, it should be noted that the number of reported violations allegedly committed by the Government forces and the Janjaweed by far exceeds the number of cases reported on rebels." **[2c] (p55)**

"Hundreds of incidents have been reported involving the killing of civilians, massacres, summary executions, rape and other forms of sexual violence, torture, abduction, looting of property and livestock, as well as deliberate destruction and torching of villages….Except in a few cases, these incidents are reported to have occurred without any military justification in relation to any specific activity of the rebel forces. This has strengthened the general perception amongst observers that the civilian population has been knowingly and deliberately targeted to achieve common or specific objectives and interests of the Government and the Janjaweed." **[2c] (p54)**

6.125 The UN ICI report also notes that "It is reported that amongst the African tribes, members of the Zaghawa, Fur and Masaalit tribes, which have a marked concentration of population in some areas, have been particularly targeted. This is generally attributed to the fact that the two main rebel groups in Darfur are ethnically African and are largely drawn from these three tribes. It is for this reason that some observers have concluded that a major objective of destruction and depopulation of targeted areas is to eliminate or pre-empt any possibility of support for the rebels." **[2c] (p54)** The UN SG's March 2006 monthly report on the situation in Darfur states that:

"Civilians living close to rebel territory and who share the same ethnicity as the rebels are particularly vulnerable to human rights violations by the Sudanese Armed Forces. A preliminary joint assessment, carried out by the Office for the Coordination of Humanitarian Affairs and the United Nations Mission in the Sudan (UNMIS) from 7 to 10 January in Golo, Eastern Jebel Marra (Western Darfur), identified human rights violations by the Sudanese Armed Forces, including arbitrary arrests and detentions, intimidation of the civilian population and limitations on freedom of movement." **[2z] (p2)**

6.126 HRW's January 2005 report, 'Targeting the Fur: Mass Killings in Darfur', stated that:

"Many of the abuses against these groups amount to crimes against humanity and war crimes, as the attacks are deliberately and systematically directed against civilians on account of their ethnicity. Some abuses stand out for the extraordinary level of brutality shown by the perpetrators, suggesting an intention to destroy the civilian group targeted in a given locality. All these incidents should be investigated in depth, and prosecuted as exceptionally serious international crimes, including potentially the crime of genocide." **[10e] (p3-4)**

NOMADIC GROUPS

6.127 In September 2005 and October 2005 respectively, the BBC and IRIN reported on the ongoing difficulties faced by Darfuri nomads due to the conflict. **[14an] [15fi]** Both reports noted that their nomadic way of life was being threatened because their freedom of movement had been restricted by the insecurity, that these nomadic communities were at risk of attack by the rebels because they were believed to be members of the Janjaweed, or at least considered supporters of the Government. **[14an] [15fi]**

"'Ninety percent of North Darfur, especially the countryside, is controlled by the SLM/A,' a local observer noted, 'so there is very little freedom for nomads to move around and they are frequently being attacked.' [Abdul Abasar] Soror [wakir or deputy chief of the Riziegat-Aregat] indicated that there were many reasons why the SLM/A attacked nomadic communities so often: 'They take our animals to feed their war and they clear us from the land so that they can control it.'

"'They also see us as the Janjawid, as killers, rapists and people who abduct women and children,' he continued. 'And we are seen as supporters of the government and are therefore denied access to grazing grounds and water, which leads to fighting. 'We have groups of young people who take care of the defence of our community,' Soror added. 'We don't depend on the government. We have our guns to protect ourselves.'

"He stressed, however, that there was no relation between the nomadic defence groups and the Janjawid, as the latter were mere bandits who attacked farmers and nomads, alike. 'The Aregat have been attacked by the Janjawid many times. They are thieves. They don't differentiate between the tribes. When they see the opportunity to steal, they will,' he said." (IRIN, 19 October 2005) **[15fi]**

THE QUESTION OF GENOCIDE

6.128 The Government of Sudan established a Commission of Inquiry, which accepted that the serious violation of human rights had occurred in Darfur but found that the abuses were not as widespread or systematic as claimed by news reports, international organisations and other countries. **[4c]** The report's executive summary, published on the Sudan Embassy in London website in February 2005, pointed to the culpability of all actors in the conflict for such abuses. **[4c]** The US Department of State's (USSD) report on its investigation of the human rights abuses being committed in Darfur in September 2004 concluded that genocide had been committed, and the USSD report of 2005 states that "While all sides in Darfur violated international law and international humanitarian law, the government and the *janjaweed* continued to bear responsibility for genocide that occurred in Darfur." **[3e] [3g] (Section 1g)** However, the January 2005 United Nations' ICI report concluded that, although serious human rights abuses were committed and some of the perpetrators may have acted with genocidal intent, genocide itself had not occurred:

"There is no doubt that some of the objective elements of genocide materialized in Darfur. As discussed above, the Commission has collected substantial and reliable material which tends to show the occurrence of systematic killing of civilians belonging to particular tribes, of large-scale causing of serious bodily or

mental harm to members of the population belonging to certain tribes, and of massive and deliberate infliction on those tribes of conditions of life bringing about their physical destruction in whole or in part (for example by systematically destroying their villages and crops, by expelling them from their homes, and by looting their cattle). However, two other constitutive elements of genocide require a more in depth analysis, namely whether (a) the target groups amount to one of the group[s] protected by international law, and if so (b) whether the crimes were committed with a genocidal intent." **[2c] (p129)**

6.129 With regard to the first constitutive element, the report points to the shared religion (Islam), language (Arabic) and high incidence of intermarriage and coexistence that has blurred the ethnic lines along which the 'Arabs' and 'Africans' in Darfur are divided. **[2c]** However, the report also states that "As noted above, in recent years the perception of differences has heightened and has extended to distinctions that were earlier not the predominant basis for identity. The rift between tribes, and the political polarization around the rebel opposition to the central authorities, has extended itself to issues of identity." **[2c] (p130)** Consequently the report concluded that the victims of attacks in Darfur were a subjective protected group. **[2c] (p130)**

6.130 As to the second constitutive element, whether there was genocidal intent, the report states that "Some elements emerging from the facts including the scale of atrocities and the systematic nature of the attacks, killing, displacement and rape, as well as racially motivated statements by perpetrators that have targeted members of the African tribes only, could be indicative of the genocidal intent. However, there are other more indicative elements that show the lack of genocidal intent." **[2c] (p130)** The report noted that the indicative elements included the selectivity of, and apparent reasons for, attacks and killings, and the ability of internally displaced people (IDPs) to collect in camps in which the government allowed humanitarian organisations to administer aid. **[2c] (p130-132)**

6.131 Nevertheless, the UN ICI did stress that:

"The above conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or though the militias under their control, should not be taken as in any way detracting from, or belittling, the gravity of the crimes perpetrated in that region. As stated above genocide is not necessarily the most serious international crime. Depending upon the circumstances, *such international offences as crimes against humanity or large scale war crimes may be no less serious and heinous than genocide*. This is exactly what happened in Darfur, where massive atrocities were perpetrated on a very large scale, and have so far gone unpunished." **[2c] (p132)**

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CENTRAL SUDAN - NUBA

6.132 Europa 2005 recorded that the SPLM/A and the Government had agreed to a six-month renewable military ceasefire in the Nuba Mountains area after six days of negotiations in Switzerland during January 2002. **[1] (p1094)** IRIN reported that the ceasefire resulted in the establishment of an international

presence; a cessation of hostilities and reduction in violence; humanitarian access and aid; and a check on the alarming decline of the food insecurity situation in the SPLM/A-controlled areas of the region. **[15a] (p1-2)** A June 2005 *Associated Press* news report, reproduced on the *Sudan Tribune* website, recorded that:

"The 1983-2005 civil war was calamitous for the people of the Nuba Mountains in south-central Sudan. Squeezed between the pro-government northerners and the pro-rebel southerners, more than half of the local population fled. But during the past three years of cease-fire, life has returned almost to normal and the population doubled from 720,000 people to more than 1.4 million.
Under the Jan. 9 peace agreement, the U.N. is taking over from the Joint Military Commission this month by deploying peace monitors in southern Sudan, the Nuba Mountains and the areas known as Blue Nile and Abyei." **[20]**

6.133 The USSD report of 2005 notes that "… non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas." **[3g] (Section 2c)** Whilst an article in the November 2005 issue of FMR states that "… marginalised groups in Kordofan, including those who have been generally labelled as 'Arab' though reflecting strong African features and cultural characteristics, still identify with the Arab centre, dissident voices are complaining about their marginalisation." **[84] (p8)**

6.134 The Sudan Human Rights Organisation-Cairo (SHRO) released its Human Rights Quarterly, detailing human rights abuses committed between March and November 2005, which states that "Tens of citizens were severely beaten and subjected to tortures and degrading or inhumane treatment in detention. Students from the marginal regions of the Nuba Mountains and Darfur were most vulnerable to these atrocities." **[61t] (Tortures and deaths in detention)**

6.135 The United Nation's Secretary General (UN SG) reported in June 2005 that "… in the Nuba Mountains, the Government has lodged 19 complaints with the joint military commission, of which six were sustained and three remain unresolved. SPLA lodged 10 complaints, of which two were sustained and two are unresolved. The complaints pertain primarily to troop movements, harassment and violence directed at civilians and arbitrary detentions." Nevertheless, in his September 2005 report, the UN SG noted that, whilst localised tensions persisted in the Nuba Mountains, the overall situation remained calm. **[2s] (p11)**

6.136 The USSD report of 2005 states that "In parts of the South and the Nuba Mountains where civil authorities and institutions did not operate, there were no effective judicial procedures. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses against civil order." **[3g] (Section 1e)**

SOUTH SUDAN - DINKA, NUER AND SHILLUK

6.137 The Dinka's close proximity to cattle-herding Arabic tribes has made them vulnerable to attacks, which have resulted in the death of their men and the abductions and slavery of many of their women and children. ('World Directory of Minorities', 1997) **[37] (p458)** The US Library of Congress's (LoC) 1991 country study on Sudan states that "Sections of the Dinka have fought sections of the

Nuer and each other….The Nuer absorbed some of the Dinka and some present-day sections of the Nuer have significant Dinka components." **[35a] (p7)**

"There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and 'chose' to 'marry' their abductors, rather than return home where they would be stigmatized. There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes." (USSD report of 2005) **[3g] (Section 5)**

6.138 The Civilian Protection Monitoring Team (CPMT), which was created as a result of US-mediated negotiations between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) in March 2002, investigated reported abuses committed by and against the Dinka, Nuer and Shilluk tribes in southern Sudan. **[60]** However, as of September 2005, the CPMT ceased the investigation of reported abuses in south Sudan. **[60]** A CPMT report of June 2005 states that:

"In 2003, these attacks [against the Dinka Bor and Lou Nuer tribes] seemed to take a new twist. No longer did the Murle just seek cattle to secure their economic base by looting cattle, but the raids, using more effective military tactics, became increasingly violent in nature. Although cattle raids continued, the focus, more often than not, seemed to be the indiscriminate targeting of civilians, including women and children. The Murle continued to use such indiscriminate tactics despite the agreement on the cessation of hostilities and the Comprehensive Peace Agreement (CPA) between the GoS and the SPLM/A signed on January 9, 2005." **[60a] (p2)**

6.139 In July 2005, the CPMT also recorded, as background to the practice of cattle looting, that:

"Historically, tribes of the Nuer, Murle and Dinka peoples have seasonally relied on the tradition of cattle raids into the Toich areas to conduct rites of passage practices to manhood for male adolescents. The Toich is an area in which cattle herders have been forced to concentrate their herds due to severe shortages of water and grazing land. … The traditional raids have occurred across the breadth and depth of Southern Sudan. Nevertheless, these rites of passage have increasingly turned more deadly in the past 15 years in light of the proliferation and added lethality of automatic weapons systems in South Sudan. These raids do not distinguish among the many tribes. Despite what would otherwise be thought of by outsiders as senseless crimes involving the use of dangerous weapons, to tribesmen these actions are appreciated as normal and seasonal displays of bravado of one tribe against another." **[60b] (p1)**

6.140 It was reported by the British Broadcasting Company (BBC), IRIN, the International Federation for Human Rights (FIDH), SOAT and the Foreign and Commonwealth Office (FCO) that, following the Government's announcement of the death of John Garang in an air crash at the end of July 2005, three days of deadly clashes in the capital Khartoum, Juba and other towns between southern African Sudanese and northern Arab Sudanese ensued. **[14g] (p4) [15c, 15ek] [22d] [23ay-23az] [25f]** Garang was succeeded by Salva Kiir. (BBC Timeline,

10 December 2005) **[14g] (p4)** IRIN recorded on 5 August 2005 that "Calm has returned to the Sudanese capital, Khartoum, after three days of bloody riots that left a total of 130 people dead in the city and a number of other towns, the International Committee of the Red Cross (ICRC) reported on Friday." **[15c]**

6.141 The UN SG's December 2005 report on the situation in Sudan states that "In Abyei, UNMIS hosted the first meeting in many years between Dinka Ngok and Missiriya leaders to discuss the seasonal migration of Missiriya nomads through Dinka Ngok farming areas, and other issues that could lead to conflict between the two tribes. The leaders agreed to revive the biannual tribal conferences that used to be held in the 1960s to solve problems between nomads and farmers." **[2w] (p4)** UN SG also reported that:

"In Equatoria, a number of intertribal conflicts have erupted into alarming violence, increasing insecurity across southern Sudan. Dozens of civilians were killed in clashes between Zande and Bor Dinka in Yambio, Western Equatoria, at the beginning of November. Further clashes, this time between Dinka and Moru tribes, claimed the lives of 18 civilians in Mundri county, Western Equatoria, in mid-November. Fifteen civilians were killed in fighting between Moro and Mbororo tribes in the first week of December near Mundri." **[2w] (p4)**

6.142 The BBC and IRIN reported on the continuing insecurity in various regions of south Sudan during 2005 and into 2006. **[14aa, 14ai, 14as, 14au, 14ay] [15fu, 15fs, 15fl, 15fh, 15eq-15er, 15et, 15ey]** "Recent clashes [which resulted in the death of civilians] between armed militia and the southern Sudanese army in the greater Upper Nile region demonstrate the need to resolve issues of alignment between various armed groups in the area, a spokeswoman for the United Nations said." (IRIN, 9 February 2006) **[15ey]**

THE COMPREHENSIVE PEACE AGREEMENT (CPA)

6.143 Human Rights Watch (HRW), the Sudan Human Rights Organisation-Cairo (SHRO-Cairo), Amnesty International (AI) and IRIN continued to report on the challenges facing the implementation of the Comprehensive Peace Agreement (CPA) during 2005. **[10q, 10v] [61r] [11k, 11n, 11aj] [15aw]** IRIN and SHRO-Cairo both produced reports, in August and July 2005 respectively, on the progress made in implementing the CPA. **[15aw] [61r]** In July 2005, SHRO-Cairo stated its belief that "One of the biggest shortcomings of the peace agreements is that the agreements do not mention a word about the gross human rights violations committed by the two peace partners in the conflict, or those committed under a state of emergency solely imposed upon the country by the Sudan Government for decades to pursue war activities in the South or the other regions of Sudan." **[61r]** Whilst IRIN reported that the differences within the SPLM/A might prove to be a significant barrier to the successful implementation of the CPA. **[15aw]**

6.144 However, the Sudan Organisation Against Torture (SOAT) remarked in June 2005 that "Six months after the signing, SOAT has noted changes, which while not overwhelming, are significant in the Equatorial states as a direct consequence of the signing of the CPA. These states, which were government-controlled during its two decades war with the SPLA has *[sic]* seen the lifting of curfew and a lessening in the severity of human rights violations committed by government forces." **[23k] (p6)**

6.145 A March 2006 report by HRW, 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan' states that "… the CPA does not provide accountability for the gross abuses and war crimes that were committed during the more than two decades of war, in which an estimated two million died and four million were forcibly displaced. The SPLM did not advocate any accountability provisions, perhaps in part because other southern rebel factions accused not just government forces but the SPLA of committing abuses against southerners." **[10ad] (p16)**

6.146 The same source continues "Tribal or ethnic origin continues to be a major issue in the south, as it does elsewhere in Sudan. The Southern Sudan government is already being criticized from many quarters as engaging in ethnic discrimination." **[10ad] (p19)** The UN SG report on Sudan of December 2005 notes that "Although the Government of Southern Sudan includes a number of small southern parties, the new cabinet, which includes many of the senior leaders of SPLM, has been criticized by some as lacking adequate representation of women and not being fully representative of the south. Some members of the Southern Sudan Legislative Assembly have alleged an ethnic imbalance in the Government of Southern Sudan." **[2w] (p2)**

"During the two-decades' long civil war, the government-supported militias in the south were mostly Nuer, and were excluded by the government and the SPLM from the Naivasha peace talks that led to the CPA. It is in the interest of future southern stability (including the holding of elections and the referendum on time) that the SPLM has been urged to make agreements with these militias. To leave them under Khartoum's supervision and funding would be to leave a historically powerful destabilization weapon in the hands of Khartoum." (HRW, 8 March 2006) **[10ad] (p20)**

6.147 HRW's March 2006 report also briefly detailed the efforts of south Sudan President, Salva Kiir, to placate the concerns of the Nuer tribes by appointing Riek Machar – the highest-profile Nuer leader – as his Vice-President and pursuing talks with government-backed Nuer militia leaders. **[10ad] (p20)** Nevertheless, his actions in reaching an agreement with Paulino Matiep of Western Upper Nile have reportedly led to some dissatisfaction in Matiep's areas of control, and "Several Equatorian groups also have complained about their lack of participation." **[10ad] (p20)** The report also states that:

"The most frequently-blamed group is the Dinka, the most numerous group in Southern Sudan with perhaps three million members; the Dinka may be the most numerous ethnic group in all of Sudan, but by no means close to even 10 percent of the total population. Within the Dinka, the Bor Dinka most often are the objects of antagonism and even hatred. Many of the south's leaders including the late John Garang have been Bor Dinka. The Dinka, with some exceptions, were strong SPLM/A supporters and Dinka volunteers provided the bulk of the SPLA officer corps and large numbers of soldiers. Their representation in Southern Sudan's government is traceable in part to their long-term participation in the SPLM/A." **[10ad] (p20-21)**

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GENDER

6.148 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 15 of the draft INC states that:

"(1) The family is the natural and fundamental group unit of society and is entitled to the protection of law; the right of men and women of marriageable age 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 the intending spouses;
(2) The State shall emancipate women from injustice, promote gender equality and encourage the role of women in family and public life;" **[4a] (p7-8)**

6.149 Article 32 of the draft INC states that "The equal rights of men and women to the enjoyment of all civil and political rights and all social, cultural and economic rights, including the right of equal pay for equal work, shall be ensured;" **[4a] (p14)** An article in the *Forced Migration Review* (FMR) of November 2005, produced by the Refugee Studies Centre of Oxford University, stated that "Women make up the majority of Sudan's population and in some conflict-affected areas three quarters of the surviving inhabitants are women. Women head households, yet they do not have legal access to land or resources due to discrimination in Sudanese statutory and customary law." **[84] (p44)**

6.150 The US State Department's (USSD) Human Rights Report 2005, published on 8 March 2006, recorded that violence and discrimination against women persisted and the means for social redress were ineffectual. **[3g] (Section 5)** The report added that reliable statistics on the prevalence of violence against women did not exist and:

"Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. The government launched its Violence Against Women Action Plan in November [2005]; the program included awareness posters and a media campaign of zero tolerance for violence against women, increased the number of female police officers, and expanded training for police in Darfur." **[3g] (Section 5)**

6.151 The report further states:

"The police arrested unmarried pregnant women who claimed to have been raped. Unless she could provide proof of the crime, a rape victim could be charged with the capital offense of adultery. For example, from August 17 to 19 [2005], police in Mukjar, Darfur, detained 18 pregnant women for adultery and physically abused them. The victims said that the police slapped and kicked them and called them prostitutes. Most victims were released after the first night of detention but were forced to pay $30 (10 thousand dinars). The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death. Spousal rape is not addressed. In most cases convictions were not

publicized; however, observers believed that sentences often were less than the legal maximum." **[3g] (Section 5)**

6.152 The Sudan Organisation Against Torture (SOAT) released a report in 2003 that detailed conditions in women's prisons in Omdurman, Kousti, Al fashir and Marawi. **[23c]**

6.153 Ms. Asha El-Karib, Director and Program Manager, Gender Centre for Research and Training and ACORD (Agency for Co-operation in Research and Development), Sudan who addressed Canada's Standing Senate Committee on Foreign Affairs in May 2005 stated that, in the mid-1990s:

"Creatively, and keeping a low profile at the beginning, women's groups emerged at all levels working on issues of poverty alleviation, women's cooperatives and so on. Later, women's advocacy groups started also to formulate research and advocacy organizations such as the gender centre, women's networks, women's peace groups and women's solidarity groups. The first movement that actually worked in an organized way for peace was established in the mid-1990s through the civil society women's network for peace." **[79] (p3)**

6.154 The USSD report of 2005 states that "Some aspects of the law discriminated against women, including many traditional law practices and certain provisions of Shari'a as interpreted and applied by the government." **[3g] (Section 5)** For instance, while a Muslim man could marry a non-Muslim as their children would be considered Muslim, a Muslim woman could not marry a non-Muslim unless he converted to Islam, although the report noted that "This prohibition usually was neither observed nor enforced in areas of the South or among Nubans (most of whom are Muslims)." **[3g] (Section 5)**

6.155 The same report also notes that "Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly for NCP members. To obtain an exit visa, children must receive the permission of their father or their paternal uncle. Women cannot apply for exit visas for their children." **[3g] (Section 5)**

6.156 The Inter-Parliamentary Union (IPU) website published statistics on 'Women in National Parliaments' and, as of 27 February 2006, Sudan was ranked 72nd of 187 countries in terms of the percentage of women participating in the State Assembly, which equated to 14.7 per cent in its lower senate. **[57a] (p1, 3)** An article in the FMR of November 2005 noted that "Only five of the 74 positions in Sudan's new government are held by women. The new minister of health, Tabita Shokai – a nurse and long-time Nuba activist formerly based in the UK – welcomes the fact that there are 60 women in the 274-member National Assembly but argues that this is not enough." **[84] (p51)**

"Although women generally were not discriminated against in the pursuit of employment, they were not legally permitted to work after 10 p.m., in theory limiting their employment opportunities. Nonetheless, many women did work after 10 p.m., and in official positions such as airport security. Women were accepted in professional roles; more than half the professors at Khartoum University were women." (USSD report of 2005, 8 March 2006) **[3g] (Section 5)**

FEMALE GENITAL MUTILATION (FGM)

6.157 The Sudanese Organisation Against Torture's (SOAT) 1999 report, 'Female Genital Mutilation in Sudan', contained a World Health Organisation (WHO) definition of female genital mutilation (FGM): "[FGM] Comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural, religious or other non-therapeutic reasons." **[23a] (p8)**

6.158 A March 2005 IRIN report records the different types of Female Genital Mutilation practised around the world and stated that type 3 – infibulation – was the most common in Sudan. **[15do] (p4)** The report continues, "Type 3, also known as pharaonic circumcision, is extremely severe and involves binding a woman's legs for approximately 40 days to allow for the formation of scar tissue. Many of these communities use adhesive substances such as sugar, eggs, and even animal waste on the wound to enable it to heal." **[15do] (p4)**

6.159 SOAT's 1999 report recorded that the common word for the FGM operation was 'tahur', meaning purification, and the girl enduring the procedure was referred to as the bride, 'al-arus'. **[23a] (p14)** Families celebrated the operation with great festivity as the day of the operation was considered the most important day in the girl's life. **[23a] (p14)** Girls often had no choice about undergoing FGM and were stigmatised if they did not submit to the procedure. **[23a] (p14)** SOAT stated that "The girls who have not undergone FGM are placed under enormous societal pressure to do so and are ridiculed with taunts of 'ghalfa' (uncircumcised) and 'nigisha' (unclean)." **[23a] (p14)** The report also recorded that traditional, rural practitioners typically performed the practice of FGM in improvised, unsanitary conditions; causing severe pain, trauma and risk of infection to the girl, who was usually aged between four and seven. **[23a] (p15)**

6.160 SOAT explained that "Custom and tradition are by far the most frequently cited reason[s] for FGM and defines who is in the group; this is reinforced in Sudan where FGM is carried out as an initiation into adulthood." **[23a] (p14)** It also stated that FGM had also attained a religious element, despite being practised by peoples of all faiths and having no recognisable root in Islam or any other religion. **[23a] (p13)** A United Nations Children's Fund (UNICEF) Innocenti Digest 2005 report, 'Changing a harmful social convention: Female Genital Mutilation/Cutting', quoted a 2004 statement signed by 30 Sheikhs from the eight largest Sufist groups in Sudan, "It has been proven to us with authenticated religious evidence that there is no rightful Shariat evidence on which to base the legitimacy of any form of FGM/C. Moreover any type has associated harm, as stated by trusted doctors." **[68d] (p12)**

6.161 The practice was apparently rooted more in Sudanese culture and tradition than any particular religion and was also considered to be of importance in controlling a woman's sexuality, for a variety of reasons. **[23a] (p14-15)** SOAT's report states that "FGM symbolises the woman as obedient, docile, faithful and the upholder of tradition." **[23a] (p15)** UNICEF's FGM/C Profile on Sudan notes:

"FGM/C varies across regional and ethnic lines in Sudan. With the exception of two regions, 95% of women have undergone genital cutting. These levels are significantly lower in Darfur (65%) and in the Eastern region (87%), indicating that the practice is not universal throughout Sudan's various ethnic groups. The

prevalence of FGM/C also varies significantly according to religion – with 47% among Christian women, compared to 90% among Muslim women." **[68c]**

6.162 A September 2004 IRIN report recorded that, according to the United Nations Population Fund (UNFPA), FGM remained a widespread practice, "But the percentage of women approving female circumcision had declined from 79 percent in 1989/90 to 67 percent in 1999." **[15b] (p1)** The USSD report of 2005 records that "FGM remained widespread, particularly in the North, although it was becoming less common as a growing number of urban, educated families abandoned the practice. In a compromise with tradition, some families adopted clitoridectomy, the least severe form of FGM, as an alternative to infibulation." **[3g] (Section 5)**

"Support for FGM/C varied significantly according to region, religion, and educational status. Urban, Christian and higher educated women were less likely to favour the continuation of FGM/C compared to rural, Muslim, and uneducated women. Support for FGM/C was lowest among women from Darfur (67%) and Khartoum (68%) and highest among women from the Central (86%) and the Kordofan (90%) regions. Among those who supported continuation, the type of circumcision preferred was influenced by tribal affiliation." (UNICEF, FGM/C Profile) **[68c]**

6.163 According to Ms. Asha El-Karib, who addressed Canada's Standing Senate Committee on Foreign Affairs in May 2005:

"Female genital mutilation in Sudan is a serious challenge for women and girls in the country. The rate of prevalence of female genital mutilation in Sudan is still over 80 per cent, despite years of work from activists, civil society and women's groups to fight the practice. It has, of course, very serious impacts on women in different aspects. First, there are serious impacts on the health of girls and women. In most cases, the environment is very bad, the utensils used are unhygienic, and girls often die through or because of the effect of the practice. During adolescence and early marriage and throughout their reproductive lives, when women give delivery and also in situations where the health service is very poor, they suffer from bleeding and difficult labour and they die because of those.

"Female genital mutilation is psychologically harmful to women and girls. They live the trauma throughout their lives. They get very little support and assistance in this area. There are many incidents of psychological stress, depression and even mental breakdown because of the practice of female genital mutilation. It is a serious violation of girls' rights, as it is practiced on very small girls. In some areas of Sudan, female genital mutilation is practiced on seven-day-old babies." **[79] (p12)**

GOVERNMENT ATTITUDE/POLICY TO FGM

6.164 SOAT's 1999 report recorded that "Sudan was the first African country to outlaw FGM. It was first condemned by the Sudanese Medical Service as long ago as the 1930's *[sic]* and in 1944 the Sudan Ministry of Health launched an intensive campaign to put an end to the practise *[sic]* of infibulation." **[23a] (p12)** The report continues "Legislation to proscribe FGM was finally enacted in the 1946 Penal Code, which prohibited infibulation, but permitted 'Sunna'. The law was ratified again in 1957, when Sudan became independent." **[23a] (p8)**

This Country of Origin Information Report contains the most up-to-date publicly available information as at 10 March 2006. Older source material has been included where it contains relevant information not available in more recent documents.

6.165 "In 1991 the Sudanese government affirmed its commitment to the eradication of the traditional form of FGM, however, the 1993 Penal Code, does not mention FGM, leaving its status unclear. Originally punishment for carrying out infibulation was a seven years imprisonment and/or a fine, this sentence was reduced to 5 years in 1974, but no one has yet to be found guilty. *[sic]*" (SOAT, 1999) **[23a] (p8)**

"In Sudan, the National Plan of Action on FGM/C, endorsed by the Ministry of Health in 2001, has promoted the establishment of mechanisms at all levels to end FGM/C. At the federal level, a steering committee ensures coordination among government departments, networks of NGOs and civil society groups. At the state level, there are councils and steering committees for FGM/C, while at the community level, community-based organizations bring together women's groups, religious leaders, midwives, community leaders, as well as children and youth to promote behavioural change. Media campaigns are promoted at the federal and state levels, while at the community level, radio programmes featuring key community members are broadcast in local languages." (UNICEF Innocenti Digest, 2005) **[68d] (p32)**

6.166 In September 2003, the Government reaffirmed its commitment to eradicate the practice of FGM and, according to a September 2003 IRIN report, Sudanese newspapers contained articles stating that the national Human Rights Advisory Council had said it would support the drafting of a specific law to criminalise FGM. **[15g]** The USSD report of 2005 stated that the government actively campaigned against the practice and notes that, "Although no form of FGM was illegal, the health law prohibited doctors and midwives from performing infibulation." **[3g] (Section 5)**

6.167 IRIN's March 2005 report states that "In Sudan, where 89 percent of women are infibulated, steps have been taken to prohibit only the most drastic types of circumcision. The 1946 Sudanese Penal Code prohibited infibulation, but allowed the practice of 'Sunnah circumcision' (the removal of the clitoral hood) to continue." **[15do] (p10)** IRIN also reported in May 2005 that:

"At a workshop in Khartoum, he [Sudanese Health Minister Ahmed Osman Bilal] said Sudan would produce a legislative framework banning the practice, which would be supported by a public statement by the president of Sudan and accompanied and followed up by education and awareness programmes. The minister stated that FGM was now prohibited for all medical practitioners. He endorsed a recommendation to widely publicise and implement the ban and introduce stiff penalties for those who continue to perform the operations. The practice *[sic]* has, however, continued." **[15dn]**

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WEST SUDAN (DARFUR)

6.168 Amnesty International (AI) released two reports in July and August 2004 that specifically dealt with the systematic rape of women in Darfur. **[11l, 11z]** In August 2004 the Integrated Regional Information Networks (IRIN) reported on a three-man UN mission to Darfur led by Dennis McNamara, special adviser on displacement to the UN Emergency Relief Co-ordinator. **[15v]** IRIN reported that rapes were still widespread in Darfur, and that the perpetrators of these and other abuses continued to act with impunity. **[15v]** IRIN reported McNamara's comments; "He said the overall response to sexual crimes had been ineffective and perpetrators acted with impunity. 'There has been no serious attempt to prosecute,' said McNamara, whose mission visited IDP camps in four locations in South Darfur – Kass, Kalma, Nyala and Otash – on 25 and 26 August." **[15v] (p1)**

6.169 The USSD report of 2005 concurred stating, "Women in Darfur were particularly vulnerable to abuse and rape." **[3g] (Section 5)** The report continues:

> "Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for 'illegal pregnancy.' Local authorities often exacerbated the problem by requiring rape victims to file a police report before receiving medical treatment, despite an August 21 [2005] decree that waived the requirement. On October 24, the minister of justice formally declared that victims need not file a police report to receive medical treatment. UN and NGO sources confirmed that the decree was not regularly observed because police at the working level were not informed of it. Women distrusted the police and rarely filed a police report. Although slow to acknowledge the magnitude of violence against women, in December the government did participate in the UN's '16 Days of Activism Campaign' to combat violence against women, which included multiple workshops." **[3g] (Section 5)**

6.170 During 2004 and 2005, AI and the Sudan Organisation Against Torture (SOAT) released reports on the abuse of women and girls in Darfur. **[11l, 11z, 11ag, 11aw] [23b, 23e-23l, 23o, 23z, 23ao, 23as, 23av, 23bg, 23bi, 23br]** The UN's February 2005 'Report of the independent expert on the situation of human rights in the Sudan, Emmanuel Akwei Addo' recorded that, according to other UN and human rights groups' reports, thousands of women had been raped during the 20-month conflict in Darfur. **[2j] (p14)** A March 2005 Medecine Sans Frontieres report on sexual violence in Darfur concludes:

> "Rape destroys individual lives, traumatises the population and fractures society. Rather than care, the women and children who are subjected to sexual violence receive rejection. The horrific practice we have seen in Darfur of actually imprisoning the victims of rape rather than providing them medical care, adds to an already appalling pattern of neglect and abuse. All too frequently the victims of rape find inadequate care even when they do make their way to a clinic. In many places the fear of mistreatment and stigma stops people from searching for necessary assistance." **[26b] (p7)**

6.171 In September 2005, the United Nation's Children's Fund released a report based on a survey of conflict-affected persons in Darfur, "This situational analysis aimed to gain a deeper understanding of the how the conflict in Darfur has affected the health and well-being of girls and women." **[68e] (p5)**

"Generally there was an overall sense that the community was helpless and not able to do anything to improve safety and security and that it was the task of the international organizations and the Government to ensure their safety. Some of the health problems mentioned by women were: physical injuries due to beatings, rape, miscarriages, excessive bleeding or injuries sustained during flight from the enemies. Sexually transmitted diseases, malnutrition, irregular menstrual cycles and psychological disturbances such as nightmares were mentioned frequently by women as some of the health problems they were experiencing due to the conflict." **[68e] (p6)**

6.172 MSF reported in December 2005 that "Rape and sexual violence remain pervasive [in Darfur], inflicted on women and girls who must venture beyond the borders of camps to find firewood, water and food for their families." **[26c]** An article in the FMR of November 2005 concurs, "Women comprise the majority of Sudanese IDPs and refugees. Even when housed in refugee and IDP camps, women are not safe from gender-based violence. Reports abound of women being abducted and/or raped while collecting firewood near camps while little or nothing is done to bring perpetrators to justice." **[84] (p44)**

6.173 As of April 2005, the UN Secretary General (UN SG) began producing monthly reports on the situation in Darfur in which he reported on issues such as the insecurity in the region, the protection of civilians, the humanitarian situation, forced returns and relocation, and the peace process. **[2n-2r, 2t-2v, 2x-2z]** In his March 2006 report, the UN SG remarks that:

"The attitude of high-level state authorities towards sexual and gender-based violence appears to have shifted, with the Governors of the three Darfur states acknowledging the existence of the problem. However, there is still no evidence that systematic measures are being taken on the ground, including legal proceedings against suspected perpetrators. Children remain targets of sexual violence. In particular, UNMIS was following up on five separate cases in Northern and Western Darfur between late November 2005 and January 2006, in which strong evidence has emerged that children under 15 years of age were raped." **[2z] (p3)**

GENDER: SOUTH SUDAN

6.174 A Study of Customary Law in Contemporary Southern Sudan of March 2004 notes that:

"Within southern Sudanese society the role and status of women is seen as a reflection of a culture that places a premium on the cohesion and strength of the family as a basis of society. The male is the undisputed head of the family and marriage as [a] means of strengthening the bonds between families and clans within tribes. The role of women in this social pattern is that of cementing family ties through 'bride-wealth' and of producing children. To the outside observer, particularly one whose culture is based upon the rights of the individual, the status of women in this role is that of property. Notwithstanding the fact that these cultural practices have evolved over countless generations and survived twenty years of war, some in the international arena view their effects upon the status and role of women to be repugnant and clamour for change." **[77c] (p7-8)**

6.175 An August 2003 IRIN news 'Special report on women in the south' stated that the situation of women had worsened due to underdevelopment, over 20 years

of war and inequalities in power structures. **[15e] (p1)** Additionally, southern women shouldered extra burdens placed upon them due to the large reduction of the male population. **[15e] (p1)**

6.176 Two of the main problems identified by IRIN's special report were marriage and education. **[15e] (p1)** IRIN stated that the former, which was often entered into at a young age, was an indicator of the virtually powerless position of women. **[15e] (p1)** According to the same IRIN report, the bride dowry, paid by the groom to the bride's family, meant marriage was more a material transaction between the two families than a personal bond between husband and wife. **[15e] (p1)** The report continued by recording that education was out of the reach of most girls as they were expected to work at home and then to marry not long after reaching puberty, where they are expected to continue working. **[15e] (p2)** The IRIN special report did state that the situation was slowly improving but emphasised that long-held societal and familial attitudes would be difficult to overcome. **[15e] (p2)**

6.177 The March 2004 study on customary law in southern Sudan states that:

> "There is no doubt the current status and role of women and children in southern Sudanese society must and will change. There are however, considerable questions concerning how best to bring these changes about. Much of southern Sudanese customary law has evolved to deal with personal issues of family, marriage[,] children and wealth. To attempt to impose revolutionary change in human and individual human rights, particularly those of women, would come in direct conflict with most customary law systems and impact upon the very foundations of the majority of southern Sudanese tribal societies." **[77c] (p8)**

6.178 A May 2005 IRIN report records that "Women activists have demanded…more involvement in the implementation of the southern Sudanese peace process that followed the 9 January [2005] agreement between Khartoum and the Sudan People's Liberation Movement/Army (SPLM/A)." **[15dj]** The report went on to record that women were under-represented in most areas of civil society, including the Constitutional Review Commission (CRC), the judiciary and politics. **[15dj]** The USSD report of 2005 states "Displaced women from the South were particularly vulnerable to harassment, rape, and sexual abuse while returning home." **[3g] (Section 5)** Whilst the November 2005 FMR report records that "During resettlement, women face specific challenges including increased burdens as female heads of household, little access to healthcare and education, and few economic opportunities." **[84] (p44)**

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CHILDREN

6.179 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 10 December 2005) **[14g]** Although no copies of the final version of the INC were available at the time of writing, a draft constitutional text, dated 16 March 2005, was reproduced on the Reliefweb site. **[4a]** Article 14 of the draft INC states that "(1) The State shall direct policies and provide facilities for youth welfare and ensure that they develop morally and physically; the State shall also protect children from moral and physical abuse and abandonment;" **[4a] (p7)**

6.180 The US State Department's Report (USSD) on Human Rights Practices for 2005, published on 8 March 2006, records that "A large number of children suffered abuse, including abduction, enslavement, and forced conscription." **[3g] (Section 5)**

"The law provides for free basic education, but students have been expelled from class for failing to pay school fees. On August 8 [2005], the government issued a decree prohibiting dismissal of students for nonpayment of school fees. There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the North boys and girls generally had equal access to education (enrollments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school." **[3g] (Section 5)**

6.181 The report also states that "Although mandated by the constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy." **[3g] (Section 6d)** Save the Children (UK)'s September 2004 report recorded that "According to recent assessments, some children in North Darfur have been abducted to drive looted animals." **[45a] (p5)** In comments to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR pointed to the exacerbation of child labour by the conflict in Darfur and "… notes that in the IDP camps children are working who would not have worked at home." **[2ad] (p5)**

6.182 The USSD report of 2005 notes that "FGM [Female Genital Mutilation] on girls was performed commonly in rural areas and less in the cities" **[3g] (Section 5)** Also that "The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage." **[3g] (Section 5)**

6.183 The United Nations Children's Fund's (UNICEF) report entitled 'At a glance: Sudan - The big picture' states that "The committee noted that street children are effectively criminalized and called for policy amendments to ensure that such children are seen as victims of their circumstances. It called for the protection of children living on the streets and to ensure their access to education and health services." **[68a] (p2)** The USSD report of 2005 notes that:

"The government operated 'reformation camps' for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam.

"In the camps, the PDF often conscripted teenage males (and, in the South, some females). Conscripts faced significant hardship and abuse in military service, often serving on the frontline. There were reports that abducted,

homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam." **[3g] (Section 5)**

FORCED CONSCRIPTION

6.184 The USSD report of 2005 recorded that "In the [government-run] camps [for vagrant children], the PDF often conscripted teenage males (and, in the South, some females). Conscripts faced significant hardship and abuse in military service, often serving on the frontline." **[3g] (Section 5)** The Coalition to Stop the Use of Child Soldiers (CSC) Annual Report for 2004 records that "Both the government and government-backed militias recruited child soldiers in the north and the south. Recruitment took place predominantly in Western and Southern Upper Nile, Eastern Equatoria and the Nuba Mountains." **[59a]** The Spring 2005 issue of CSC's 'Child Soldiers' newsletter discussed the challenges that faced those involved in the disarmament, demobilisation and reintegration (DDR) of the thousands of children used in the north-south conflict. **[59b] (p1, 12-13)**

6.185 Save the Children (UK)'s September 2004 report states that "In North Darfur, there is evidence of children having been recruited by armed groups and forces, and in some areas children have been seen wearing uniforms and bearing arms." **[45a] (p5)** Whilst the report accepted that there was little information concerning the patterns of recruitment it did state that there was evidence of conscription by all parties to the conflict, either to act as combatants or servants. **[45a] (p5)** The CSC's 2004 report concurs; "In Darfur, children as young as 14 were observed serving with government armed forces and police. Children also fought with the government-supported *Janjaweed* militias, which reportedly abducted children as young as nine from their villages." **[59a]**

6.186 The USSD report of 2005 notes that "Government-allied militias and rebel forces conscripted or accepted young men and boys into the allied militias in Darfur." **[3g] (Section 5)** CSC's report also states that "In Darfur, all armed groups, including the opposition groups JEM [Justice and Equality Movement] and the SLA/M [Sudan Liberation Army/Movement], were reported to use child soldiers." **[59a]** Save the Children (UK)'s September 2004 report stated that the organisation was concerned that children were being forced or 'volunteering' to join armed groups in Darfur, the latter in an effort to defend themselves or their families. **[45a] (p5)** The report added that "The main targets appear to be boys between the ages of 14-18. Ominously, this age group is less represented than other age groups at displaced sites." **[45a] (p5)**

WEST SUDAN (DARFUR)

6.187 The USSD report of 2005 notes that "UNICEF reported that educational access for school-age IDP children in Darfur improved considerably [during 2005] compared with the preceding year. UNICEF, supported education for nomadic groups, also reported a significant increase in nomadic group education." **[3g] (Section 5)**

6.188 Save the Children (UK) released a report, 'Child Protection in Darfur', in September 2004. **[45a]** The report detailed the human rights abuses children have been subjected to in Darfur, which included attacks and physical abuse, sexual abuse including rape, and abduction. **[45a] (p3)** The report also stressed that "Because of their age and developmental stage, children suffer disproportionately in conflict and are less able to protect themselves." **[45a] (p3)**

During 2004 and 2005, Amnesty International (AI), the Sudan Organisation Against Torture (SOAT) and the World Organisation Against Torture (OMCT) released reports detailing the abuse of children's human rights in Darfur. **[11o-11p] [23b, 23e-23l, 23z, 23ao] [42a, 42c]**

CHILDREN: SOUTH SUDAN

6.189 The USSD report of 2005 states that, "In the urban areas of the South, class size reached 120 students, with fewer than 27 percent of primary school age children in basic education and a basic education gender disparity of 3 boys for each girl." **[3g] (Section 5)** "Child labor existed in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers." **[3g] (Section 6d)**

FORCED CONSCRIPTION

6.190 The USSD report of 2005 also notes that "Although rebel factions forcibly conscripted citizens, including children, the SPLM/A also continued to demobilize child soldiers. Unlike in the previous year, there were no reports that southern militias recruited child soldiers. Credible observers stated that southern tribal chiefs delivered children to the militias for recruitment goals in an effort not to give up their able-bodied fighters." **[3g] (Section 5)**

6.191 The CSC's Annual Report of 2004 records that "Reports indicated that the SPLA [and its allied militias] frequently recruited and re-recruited child soldiers. According to children formerly associated with the SPLA, between 400 and 500 boys and girls were being trained in SPLA military camps around Rumbek in February 2004." **[59a]** The Spring 2005 issue of CSC's 'Child Soldiers' newsletter discussed the challenges that faced those involved in the disarmament, demobilisation and reintegration (DDR) of the thousands of children used in the north-south conflict. **[59b] (p1, 12-13)** IRIN also reported, in July 2005, on the continued use of forcibly conscripted child soldiers by armed groups in southern Sudan. **[15ed]**

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LESBIAN, GAY, BISEXUAL AND TRANSGENDERED PERSONS

6.192 According to a letter dated 23 January 2001 from the British Embassy in Khartoum, "The 1991 Criminal Code, proscribes penetrative sexual intercourse between two men or between a man and a woman anally." **[25a] (p1)** A first-time offence carried a penalty of up to five years' imprisonment and 50 lashes; the same again for a second offence, and for a third offence the death penalty or a sentence of life imprisonment is applied. **[25a] (p1)** There are no specific penalties that apply to lesbians, and lesbianism is a taboo subject, although the British Embassy understood that some, mainly high-class, women were known to be lesbians. **[25a] (p2)**

6.193 The International Lesbian and Gay Association's 'World Legal Survey', last updated in July 2000 contained dated and limited information on the situation of gay people in Sudan. **[7]** A January 2004 article published on the 'Behind the

Mask' website states that "According to unconfirmed reports from a[n unidentified] Sudanese source 2 men were arrested on December 25, 2003 at a café in Omdurman." **[46]** The same source stated that gay people had to contact each other through the Internet but that this in itself carried risks as gay men have been targeted on the web. **[46]** "Homosexuality is illegal in Sudan, therefore gays remain subject to imprisonment, torture and in some cases the death penalty." **[46]**

6.194 The US State Department's Report (USSD) on Human Rights Practices for 2005, published on 8 March 2006, recorded that "Homosexuality is a crime, but no one has been prosecuted on the charge; there is societal but not official discrimination against homosexuals." **[3g] (Section 5)** A letter dated 28 February 2005 from the Foreign and Commonwealth Office stated that there had been no change to the law(s) regarding homosexuality since 2001 and that, whilst they were not aware of any specific cases of persons subjected to inhuman, degrading or persecutory treatment because of their sexual orientation, they would not be surprised to find that this was the case. **[25c] (p1)**

REFUGEES AND ASYLUM SEEKERS

6.195 The US State Department's Report (USSD) on Human Rights Practices for 2005, published on 8 March 2006, records that:

"The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government generally provided protection against *refoulement*, the forced return of persons to a country where they feared persecution. The government also granted refugee status or asylum, but there was no standard determination procedure, and government officials reportedly were unresponsive to applications for refugee status." **[3g] (Section 2d)**

6.196 According to the United States Committee for Refugees and Immigrants' (USCRI) World Report 2005, 225,900 refugees from other countries lived in Sudan at year's end, including some 191,000 from Eritrea, 15,000 from Ethiopia and about 7,900 from Uganda. **[24c] (p1)**

6.197 The USSD report of 2005 also states that "The government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers." **[3g] (Section 2d)**

"Child refugees did not receive free primary school education nor were they treated as citizens as required by the UN convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits." **[3g] (Section 2d)**

6.198 USCRI's world report for 2005 comments that "Officials commonly detained, beat, and extorted bribes from refugees and immigrants unable to produce valid documents. The National Security Department, known to practice secret detention and torture, reportedly detained refugees without notifying UNHCR. The Asylum Act authorized detention of refugees 'if found necessary.'" **[24c] (p1)**

The USSD report of 2005 noted that government security forces had beaten and mistreated refugees during 2005. **[3g] (Section 1c)**

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6.C HUMAN RIGHTS: OTHER ISSUES

PEACE AND CONFLICT IN SUDAN

EAST SUDAN

6.199 The International Crisis Group's (ICG) extensive January 2006 report 'Sudan: Saving Peace in the East', which examined the history and roots of the region's troubles, noted that the Beja Congress was first formed as a non-violent political organisation in 1958:

"In 1995, however, in response to repression, imposed Islamic fundamentalism and land expropriation, the Beja Congress took up arms to force the government to address the grievances or be overthrown. That same year it joined the National Democratic Alliance (NDA), the umbrella organisation of opposition political parties and groups, and began military activities in the East in coordination with the Sudan People's Liberation Movement/Army (SPLM/SPLA, henceforth SPLM), the major, southern Sudan-based insurgency. At times the fighting was heavy, but the government managed to contain most of it to the area bordering Eritrea." **[63j] (p1)**

6.200 The armed movement, the Free Lions, was formed in November 1999; "Rashaida political grievances, like the Beja's, revolve around the depletion of natural resources and destruction of nomadic migration routes by the expansion of mechanised farming and claims of heavy taxation without government investment in their areas." (ICG, 'Sudan: Saving Peace in the East', 5 January 2006) **[63j] (p17)**

6.201 ICG's January 2006 report also noted that the Beja claimed to have been involved in training Fur militias during the 1990s and to have brought troops from Darfur to the eastern front in mid-2003. **[63j] (p6)** The Beja Congress established a formal alliance with the Darfur rebels in January 2004. **[63j] (p8)**The January 2005 issue of the *Africa Research Bulletin* reported that there were more than 1 million Darfurians living in east Sudan, having migrated there to find work. **[51] (16057A)** A June 2005 report by the UN's Integrated Regional Information Networks also recorded the purportedly active involvement of Justice and Equality Movement (JEM) forces in the conflict in east Sudan. **[15dz]**

6.202 ICG's April 2005 report, 'A New Sudan Action Plan', on the situation in south, west and east Sudan, warned of the potential eruption of a full-blown civil war in the east of Sudan. "At the end of March 2005, the new political and military insurgent entity resulting from the merger of the Beja Congress and Free Lions – the Eastern Front – met to select a leadership council, generate a common political vision and mobilise its base. The meeting was attended also by the leaders of the SLA and JEM and others from outside the region, as well as Eritrea's foreign and defence ministers." **[63f] (p4)**

"So far, however, the merger has had little practical effect. The Beja certainly remain the predominant element of the Eastern Front's military wing. There appears to have been no true integration of Beja and Rashaida forces, and very few Rashaida fighters are in opposition-controlled areas. Some Beja Congress officials inside Sudan even claim the Eastern Front does not exist and stress strengthening the Congress first. It is also questionable how much support the

Eastern Front has from other tribes. Beja Congress sources repeatedly say dialogue is underway to mobilise the Lahawayn and particularly the Shukriyya in Gedaref State, two of Sudan's poorest pastoralist tribes. All indications, however, are that even this is still in its infancy." (ICG, 'Sudan: Saving Peace in the East', 5 January 2006) **[63j] (p18-19)**

6.203 ICG noted, in April 2005, that:

"The Khartoum government, which watches the Eastern Front with particular concern because of its close alliance with the Eritreans, has assigned the eastern portfolio to several heavyweight ministers, including Dr. Majhzoub al-Khalifa and Dr. Nafie Ali Nafie. Rather than engaging with the new group, however, it is using familiar tactics to avoid serious negotiations – launching a parallel forum with a pro-government Beja group, the Beja Congress for Reform and Development, and working to hold a conference on eastern Sudan in Kassala." **[63f] (p4)**

CONFLICT AND INSECURITY

6.204 In January 2006 ICG reported that:

"The NCP [National Congress Party] is also resorting to potentially more violent tactics. There are persistent reports of efforts to encourage tribal leaders to recruit militiamen in exchange for money and weapons, in order to create a rural force that can monitor the Eastern Front's activities and serve as a first line of resistance. Most of these attempts to form Janjaweed-like groups have not yet succeeded, probably because despite their communal divisions, the eastern tribes have an acute sense of their social and economic inter-dependence as part of the Beja nation. Such tribal militias as exist are weak, with members showing up once a month only to collect pay. The policy, and the rumours it engenders, have nevertheless contributed to the spread of weapons and fear among civilian populations." **[63j] (p13)**

"The government has also been supporting the army of Sheikh Suliman Ali Betay, which is larger (some estimate 1,000 to 2,000 armed men on camels) and more formidable than the militias. The Hameshkoreb area belongs to his tribe, the Demelab, and he would like his force to replace the SPLM and the Eastern Front in the area. But Sheikh Suliman also refuses to fight other Beja and recognises that an effort to impose a military solution would only hurt the civilian population." **[63j] (p13)**

6.205 The same report also noted that "Whatever political game the NCP is playing in the East, militarisation of the region persists. Security is tight in the major cities. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea." **[63j] (p13)**

"The greatest danger is the potential for an armed confrontation between the government and Eastern Front over control of Hameshkoreb and the opposition areas after the SPLM withdraws its troops. If not discussed and settled in formal negotiations soon, this could be the flashpoint that produces all-out war. However, the government still underestimates the level of discontent and overestimates its political control. 'We have complete control over the religious and tribal leaders in eastern Sudan. We are not concerned about this so-called

Eastern Front', an NCP official claimed confidently. This is a dangerous misreading not unlike that which contributed to the government's failure to contain the Sudan Liberation Army (SLA) in Darfur." **[63j] (p11)**

6.206 On 12 January 2006, the British Broadcasting Corporation (BBC) reported that "Rebels in eastern Sudan have been attacked by government forces in their main stronghold, they say. Eastern Front rebels said at least two children had been killed in the aircraft and artillery attacks. Neither Sudanese officials nor independent sources have confirmed the fighting near the town of Hamesh Koreb." **[14t]** Days later, *Reuters* reported that "The former southern rebel Sudan People's Liberation Movement (SPLM) said the army sent around 1,200 troops last week into the rebel-controlled eastern area of Hamesh Koreb and has threatened to expel the SPLM. A joint U.N.-led team is still in the area to defuse tensions between the two sides." **[18d]**

"Under the southern deal, the SPLM were supposed to have redeployed from the east to the south within a year, but they said this week they were unable to meet that deadline because of logistical reasons. Pronk said slow withdrawal was a major problem to the peace deal. On Friday he said: 'This is creating a void with a potential for new armed conflict.'

"The Sudanese army is supposed to occupy SPLM positions once they have withdrawn. But eastern rebels, also in the same areas, say the government will have to fight them first." (*Reuters*, 14 January 2006) **[18e]**

THE PEACE PROCESS

6.207 ICG's April 2005 report states "This is the next powder keg that could erupt. The Khartoum government should be pushed to negotiate with the serious new Eastern Front movement rather than pursue diversionary tactics with handpicked, unrepresentative groups; the SPLM should be urged to use its new influence in Khartoum to encourage moderation; and the international community should engage in a crash course to understand the unique roots of the problems there." **[63f] (p10)** In January 2006, ICG expanded this view, stating that:

"Like Darfur and the South, the East suffers from marginalisation and underdevelopment: legitimate claims for more power and wealth sharing in a federal arrangement should be addressed within the framework of the Comprehensive Peace Agreement (CPA) the government and SPLM signed in 2005. But the SPLM needs to push for a provisional ceasefire and use its influence in Khartoum to get serious negotiations." **[63j] (Executive Summary, p1)**

6.208 The Second Periodic Report of the United Nations High Commissioner for Human Rights (OHCHR) on the Human Rights Situation in Sudan of 27 January 2006 states that:

"Following skirmishes in Eastern Sudan in March 2005, the UN engaged the Eastern Front in consultations, which resulted in an agreement to suspend hostilities. The UN also helped organize a donor-sponsored capacity-building workshop for the Eastern Front in Asmara in November 2005, which they demanded as a pre-condition for direct talks. Both parties subsequently indicated their willingness to engage in Libyan and Eritrean mediated peace talks to commence in the near future." **[2ac] (p8)**

6.209 Agence France Press reported on 25 January 2006 that:

> "The thrice-delayed first-ever round of peace talks between the Sudanese government and eastern rebels due to start this month in Libya has once again been postponed, the rebels said. Instead of beginning in January, after earlier delays from November and December, the talks are now set to start next month at Libya's request, the Eastern Front rebel group said. 'The talks will now start on February 7th [2006] because the Libyans have asked this,' said Abdalla Kuna, the head of political affairs for the front from its offices in the Eritrean capital." **[13c]**

6.210 Nevertheless, on 9 February 2006, AFP reported that the peace talks had again been postponed, this time due to a disagreement over Eritrea's inclusion, despite a thawing of relations in December 2005:

> "'We insist on demanding an Eritrean participation because, from the start, Eritrea took up the initiative of co-sponsoring the mediation with Libya,' said Eastern Front deputy leader Amna Dhirar. … Eritrea 'has an intimate knowledge of the Sudanese people and tribes and the Sudanese circumstances and, for this reason, we believe it will be instrumental in brokering peace between the two Sudanese parties,' said Dhirar." **[13d]**

6.211 However, Eritrea has admitted supporting the eastern Sudanese rebels politically and morally, although Asmara has always denied the accusations levelled by Khartoum that it has also given the rebels military assistance. **[13d] [63d] (p17)** Consequently, "'Relations between Khartoum and Asmara have not reached a level (of improvement) at which Eritrea can mediate in Sudanese internal issues,' said a spokesman for the ruling National Congress Party, Kamal al-Obeid. 'The government has clearly informed the Libyan mediator that it does not accept any form of Eritrean participation in the negotiations,' he said." **[13d]**

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WEST SUDAN (DARFUR)

6.212 The Report of the International Commission of Inquiry (UN ICI) on Darfur to the United Nations Secretary General (UN SG), which extensively recorded and examined the Darfur conflict, reported that "The roots of the present conflict in Darfur are complex. In addition to the tribal feuds resulting from desertification, the availability of modern weapons, and the other factors noted above, deep layers relating to identity, governance, and the emergence of armed rebel movements which enjoy popular support amongst certain tribes, are playing a major role in shaping the current crisis." **[2c] (p22)** The USSD's 2005 report on religious freedom states that "The [Darfur] conflict revolves around economic, political, and ethnic issues rather than religious differences." **[3f] (Section I)** The UN ICI report notes that:

> "Most reports indicate that the Government was taken by surprise by the intensity of the attacks, as it was ill-prepared to confront such a rapid military onslaught. Furthermore, the looting by rebels of Government weaponry strengthened their position. An additional problem was the fact that the

Government apparently was not in possession of sufficient military resources, as many of its forces were still located in the South, and those present in Darfur were mainly located in the major urban centres." **[2c] (p23)**

6.213 The report continues by stating that, "From available evidence and a variety of sources including the Government itself, it is apparent that faced with a military threat from two rebel movements and combined with a serious deficit in terms of military capabilities on the ground in Darfur, the Government called upon local tribes to assist in the fighting against the rebels. In this way, it exploited the existing tensions between different tribes." **[2c] (p24)** The UN ICI found that many Arab nomadic tribes responded to the call with a view, at least in part, to obtaining land for themselves, as did tribes from Libya, Chad and other states. **[2c] (p24)** The report notes that "These new 'recruits' were to become what the civilian population and others would refer to as the 'Janjaweed', a traditional Darfurian term denoting an armed bandit or outlaw on a horse or camel." **[2c] (p24)**

6.214 The International Crisis Group's (ICG) April 2005 report, 'A New Sudan Action Plan', on the situation in south, west and east Sudan – the condition of the Khartoum government – commented that "Despite the passage of important resolutions by the UN Security Council in the last week of March 2005, the situation in Sudan remains grave. In Darfur, where as many as 10,000 people or more, overwhelmingly civilians, continue to die each month, stronger measures are still needed to restore security and prevent further mass deaths." **[63f] (p1)**

CONFLICT AND INSECURITY

6.215 Many of the human rights reports produced between April 2004 and March 2006 expressed extreme concern at the numerous killings and serious human rights abuses and atrocities being carried out against the population in Darfur by militia apparently acting systematically, with government support and impunity. The reports also agreed that the main rebel groups in Darfur were also responsible for serious human rights violations. National and international human rights organisations, the UN and the US all concurred that human rights abuses continued to occur in Darfur during 2004, 2005 and into 2006. **[61b, 61d, 61j, 61x] [11d, 11l, 11u-11v, 11x-11ac, 11ae-11ah, 11ak, 11am, 11an, 11ar-11at, 11aw-11av, 11ba-11bb] [10b, 10d, 10f-10g, 10j-10k, 10l-10u, 10y-10ad] [17a-17b] [42m] [2c, 2e, 2h, 2j-2l, 2n-2r, 2t-2v, 2x-2z, 2ac] [3b-3g]**

6.216 The US Department of State released a report on its investigation of the human rights abuses being committed in Darfur in September 2004, which concluded that genocide had occurred there. **[3e, 3g,]** However, the January 2005 UN ICI report concluded that, although serious human rights abuses were committed and some of the perpetrators may have acted with genocidal intent, genocide itself had not occurred:

"The Commission concluded that the Government of the Sudan has not pursued a policy of genocide. Arguably, two elements of genocide might be deduced from the gross violations of human rights perpetrated by Government forces and the militias under their control. These two elements are, first, the *actus reus* consisting of killing, or causing serious bodily or mental harm, or deliberately inflicting conditions of life likely to bring about physical destruction; and, second, on the basis of a subjective standard, the existence of a protected group being targeted by the authors of criminal conduct. However, the crucial

element of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned. Generally speaking the policy of attacking, killing and forcibly displacing members of some tribes does not evince a specific intent to annihilate, in whole or in part, a group distinguished on racial, ethnic, national or religious grounds. Rather, it would seem that those who planned and organized attacks on villages pursued the intent to drive the victims from their homes, primarily for purposes of counter-insurgency warfare." **[2c] (p4)**

6.217 The UN Secretary General's (UN SG) report of 4 February 2005 states that "The past six months have seen the Government progressively implement some of the elements from a range of obligations in the security, human rights, humanitarian and political spheres. Progress has been neither steady nor even and some areas have been completely neglected." **[2e] (p2)** HRW's November 2004 report, '"If We Return, We Will Be Killed" Consolidation of Ethnic Cleansing in Darfur', records that:

"After more than twenty months of conflict in the Darfur region of western Sudan, the situation is more complex and volatile than it has ever been. Despite an April 2004 ceasefire signed by the two main rebel groups—the Sudan Liberation Army Movement (SLA/M) and the Justice and Equality Movement (JEM)—and the government, and the presence of 136 African Union (A.U.) ceasefire observers, protected by 625 A.U. troops, attacks on civilians and ceasefire violations continue on a daily basis." **[10a] (p7)**

6.218 AI's October 2004 report, 'Civilians Still Under Threat in Darfur', states that:

"[AI] Delegates spoke to hundreds of displaced persons in camps or towns in North, South and West Darfur and in the capital, Khartoum. Similar accounts were repeated over and over again: the arrival of armed men, often described as wearing khaki and accompanied by members of the Sudanese army, who attacked villages, burned homes, and looted herds and goods. Villagers were killed and in many villages women were raped and carried off for days into sexual slavery. Some have not yet returned. In some areas the Sudanese air force used Antonov planes, MIG jet fighters or helicopter gunships to bomb towns or villages. Testimonies indicate that bombing attacks continue." **[11ah] (p2)**

6.219 The UN SG's report notes that "The Government has informed the United Nations and others of a limited number of prosecutions and convictions of Janjaweed and members of regular and semi-regular security forces, but they apparently were not persons with leadership responsibility for major human rights abuses." **[2e] (p4)** Thus, the report recorded that the "Disarmament and arrest of the perpetrators of these brutal acts is the single most important demand of the Council and the clearest case of failure by the Government to live up to its responsibilities." **[2e] (p2)**

6.220 HRW and AI concurred that impunity remained a major problem, with HRW stating that:

"While there has been growing international pressure on the Sudanese government to disarm the Janjaweed, little or no progress has been made on this front. Instead, militia leaders who participated in atrocities and government officials who directed or sanctioned such abuses remain in place, sometimes in

high-level positions. Given this glaring impunity, their emboldened followers continue to rape, loot, and pillage with no fear of sanction or other consequence." **[10a] (p8) [11d, 11u, 11ah]**

6.221 The UN SG's February 2005 report records that "On the eve of the next round of talks in Abuja on 7 December [2004], the Government began a series of offensive operations it termed 'road clearing', in particular in Southern Darfur. In fact, these operations, which included de facto coordination with militia, involved not only clearing the roads, but ground up to 20 km on each side. The 'clearing' involved the burning of villages and looting, causing additional displacement. It ceased in mid-December." **[2e] (p3)** However, the report added that, despite the government's agreement not to perform a similar operation in North Darfur, in mid-January such activities resumed, apparently in tandem with militia attacks, "So a pattern arose of a combination of military and militia forces attacking rebel positions and burning villages. The attack on Hamada village on 13 January 2005 represented a particularly severe case, with large numbers of women and children killed." **[2e] (p3)**

6.222 The UN SG's February 2005 report also records that "The Sudan Liberation Movement/Army (SLM/A) sought to claim a wider area of Darfur as being under their control, taking positions along several routes of strategic importance. This led to greater insecurity on the roads and a rise in commodity and transport costs." **[2e] (p3)** In November 2004, "They [the Government of Sudan, SLM/A and the Justice and Equality Movement (JEM)] pledged an end to attacks and committed themselves to ending reprisals or retaliation for acts that had taken place before the agreement. In spite of this opportunity, November [2004] saw SLM/A aggressively violating its commitment to the protocol in a marked rise in attacks against police positions." **[2e] (p3)**

6.223 In March 2005, International Crisis Group (ICG) released the report, 'Darfur: The Failure to Protect', which states that:

"The situation on the ground shows a number of negative trends, which have been developing since the last quarter of 2004: deteriorating security; a credible threat of famine; mounting civilian casualties; the ceasefire in shambles; the negotiation process at a standstill; the rebel movements beginning to splinter, and new armed movements appearing in Darfur and neighbouring states. Chaos and a culture of impunity are taking root in the region." **[63e] (Executive Summary and Recommendations)**

6.224 Whilst the ICG's July 2005 report 'AU Mission in Darfur: Bridging the Gap' recorded that:

"2005 has seen a decline in major combat between government forces and the two main rebel groups – the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM). Both sides have sent public and private signals that they are restraining their forces to improve the chances for peace. From the government side, Vice President Ali Osman Taha has arranged high-level tribal reconciliation conferences in Khartoum and Tripoli, as well as Darfur, during the last two months. It would be wrong, however, to conclude that any of this indicates a genuine change of strategy by the parties. It is a reaction to mounting international pressure." **[63g] (p2)**

6.225 As of April 2005, the UN SG produced monthly reports on the situation in Darfur in which he reported on issues such as the insecurity in the region, the protection of civilians, the humanitarian situation, forced returns and relocation, and the peace process. **[2n-2r, 2t-2v, 2x-2z]** In his report published on 9 March 2006, the UN SG states that "The security problems witnessed during the previous reporting period escalated in January [2006], with banditry, armed clashes and tensions along the border with Chad contributing to a dangerous and volatile situation in Darfur." **[2z]** In February 2006, IRIN reported:

"The African Union (AU) has strongly condemned the recent escalation of attacks by rebels and Arab Janjawid militia in the western Sudanese Darfur region and has demanded that those perpetrating the violence be disarmed immediately. 'The situation, especially in the past couple of weeks, is a continuing deterioration of security, mostly provoked by SLA [the rebel Sudan Liberation Army] elements,' said Baba Gana Kingibe, head of the Africa Union Mission in Sudan (AMIS), at a news conference in Khartoum on Thursday. The Sudanese government, he said, must 'take immediate, vigorous and credible' steps to disarm the militia. 'The militia still continue to burn, kill and rape on an ever-increasing scale,' he added.

"Kingibe noted, however, that Sudanese government troops had showed restraint, even in situations where they were clearly provoked, citing recent attacks by the SLA in Shearia on 16 January and Golo on 23 January [2006]." **[15fx]**

6.226 Also in February 2006, the Coalition for International Justice (CIJ) released an extensive chronology that recorded the reporting of events in Darfur, dating from the less detailed reporting of the 1980s and 1990s to the more detailed reporting since the eruption and escalation of the most recent violence in April 2002 that led to the current conflict. The last news report cited in the chronology is a 19 December 2005 IRIN report. **[76]** The Preface to the Chronology contained the below caveat:

"The reporting on events in Darfur is far from perfect, consistent or complete, and certainly some of these limitations are reflected in this work. There will be errors in fact and geography and most certainly in spelling, but again, this is a chronology of reporting – of what people knew at the time these sources were published. In the process of compiling, information is necessarily lost and errors may be introduced. Consequently, we encourage the reader to go back to the original news sources when necessary." **[76]**

THE PEACE PROCESS

6.227 In August and September 2004, IRIN and the BBC reported on the troubled Darfur peace talks, but in November 2004, they reported that there had been a breakthrough in the peace talks, due to African Union (AU) proposals on security in Darfur. **[14l, 14n-14o, 14r] [15w-15x, 15az, 15bb]** Protocols on humanitarian access and security in the region were adopted by the Government, SLM/A and the JEM, despite the government's earlier refusal to participate in talks with the JEM, in Abuja, Nigeria on 9 November 2004, and were published on the AU website. **[27a-27b]**

6.228 The AU reported that the fourth round of the talks officially closed on 21 December 2004, with a commitment by the Government, SLM/A and the JEM to

respect the ceasefire of April 2004, and the protocols of November 2004, and to seek a peaceful solution to the conflict. **[27d]** However, IRIN reported that little progress had been made and, although the parties had recommitted themselves to the ceasefire, the AU's chief ceasefire monitor had reported that, given that there had been a massive influx of arms and ammunition, more fighting was inevitable. **[15at]**

6.229 On 28 February 2005 the UN published the 'Report of the independent expert on the situation of human rights in the Sudan, Emmanual Akwei Addo'. **[2j]** The report recorded the continuing human rights abuses committed against internally displaced persons (IDPs) in Darfur and the particular threat of violence, including rape, against women. **[2j] (p9-11, 13-15)** The report states that "The Darfur peace process is in jeopardy, as rebels walked out of talks in Abuja in protest against two weeks of onslaught by the Government. The situation in the region seems to be deteriorating sharply. The rebels have grown more intransigent, and security on the ground is getting worse." **[2j] (p3)**

6.230 The AU published the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, which had been signed on 5 July 2005 at the close of the fifth round of the peace talks. **[27e]** The Declaration listed the principles under which future peace talks would be guided and stated that these principles constituted the basis for a just comprehensive and durable settlement of the conflict in Darfur. **[27e] (p1)**

6.231 The UN SG published monthly reports on the situation in Darfur as of April 2005. **[2n-2r]** His August 2005 report remarks that "The Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed in Abuja on 5 July, has been favourably received in Darfur. The third armed movement in Darfur, the National Movement for Reform and Development, has been quoted as agreeing to abide by the Declaration of Principles when it met the Government in El Fasher on 19 July [2005]." **[2r] (p5)** The UN SG continues, "The Declaration of Principles was an important milestone, creating political momentum for the Abuja process by providing an outline for a peace agreement to be discussed by the parties starting on 24 August [2005]. The forthcoming round will, for the first time, address complex and divisive issues, such as sharing power and wealth, necessitating careful preparations beforehand." **[2r] (p5)**

6.232 The Sudan Organisation Against Torture's (SOAT) July–August 2005 newsletter reports that:

> "Steps towards [a] peace agreement has *[sic]* been hindered somewhat by reportedly *[sic]* breaches in the SLA command structure[.] SOAT calls on the SLA leadership in the interest[s] of their own people to overcome their current differences, immediately reconcile their differences with the JEM; and to spend their efforts on resolving the conflict and reaching a peace agreement with the government in Khartoum to allow the 1.9 million people displaced in Darfur to return to their villages." **[23l] (p6)**

6.233 While the UN SG's August 2005 report also states that "Although internal divisions within SLM/A remain rife and will undoubtedly pose a challenge to the next round, the signing of an agreement between SLM/A and JEM in Tripoli on 18 July [2005] will go some way towards unifying the rebels' positions on key issues. However, renewed fighting between the Government of the Sudan and

SLM/A on 23 July [2005] threatens to complicate further the next round of talks." **[2r] (p5)**

6.234 An African Union press release of 24 August 2005 announced that "The sixth session of the Inter-Sudanese Peace Talks on the conflict in Darfur, will be convened in Abuja, Nigeria, on 15 September 2005. The negotiations on the substantive issues of Power Sharing, Wealth Sharing and Security Arrangements, will be preceded by workshops for the participants." **[27c]** The UN SG's October 2005 report on the situation in Darfur recorded how workshops on power-sharing, wealth-sharing and security were well-attended and, despite a Government attack on SLM/A positions during the period and uncertainty regarding the cohesion of the SLM/A delegation, "… at the urging of the AU mediator and international partners, all the parties continued to attend the workshops until their conclusion." **[2u] (p5-6)** IRIN also reported in September 2005 that the continuing insecurity and clashes in the region could jeopardise the success of the peace talks. **[15en, 15ev]**

6.235 The UN SG also outlined the JEM and SLM's continuing concerns regarding the impartiality of the Chadian Government but, despite an apparent resolution being reached, "… negotiations had not begun by the end of September. Internal division within the SLM paralysed the talks for one week, during which discussions were limited to procedural rather than substantive matters. Neither SLM faction seemed to be willing to negotiate substance, despite urgent appeals to do so by the AU mediator and representatives of the international community." **[2u] (p6)** During October and November 2005, the BBC also reported on the internal divisions that faced the SLM rebels and were subsequently hindering the peace process. **[14ah, 14ax]**

"The sixth round of the inter-Sudanese peace talks on Darfur held in Abuja ended on 20 October following weeks of difficult AU negotiations among the Government, SLM/A and JEM. At the closing session, a joint communiqué was adopted by the parties which expressed their commitment 'to make the next round', due to start on 21 November, 'a decisive one'. Although the talks did not make as much progress as had been hoped for, a number of positive developments took place during the negotiations despite the background of ongoing violence in Darfur." (UN SG Monthly report on Darfur, 16 November 2005) **[2v] (p6)**

6.236 The UN SG's Monthly reports on Darfur of December 2005, and January and March 2006 reported on the continuing obstacles preventing a final resolution to the Darfur conflict being made. **[2x-2z]** These included the split of the SLM/A into two factions although "Both Abdul Wahid and Minni Minawi agreed to present a common negotiating platform, to be coordinated with JEM [following initiatives led by various international actors]." **[2x] (p6)** IRIN reported in December 2005 on new rebel demands; "In addition to the vice presidency, the rebels want Darfur's borders returned to what they were at independence in 1956 to encompass Karal al-Thoum, Al-A'Troon and Wa'hat al-Sharafi, areas were incorporated into northern Sudan by Khartoum in the 1990s." **[15fo]** The various parties also had difficulties reaching a consensus in the power-sharing commission and commission on security arrangements. **[2y] (p6)** The UN SG's March 2006 report notes that:

"Until recently there had been little progress to report from the Abuja peace process, with the notable exception of the wealth-sharing commission. The

armed movements had appeared more focused on their internal hierarchies than in moving the peace process forward. Incessant power-jockeying, continuing tension between Chad and the Sudan and the process of selecting the chairmanship of the African Union delayed the armed movements' full engagement in the process. On the Government side, its willingness to make tough concessions had not yet been tested." **[2z] (p4)**

6.237 However, "The 12 January [2006] decision of the African Union Peace and Security Council to support, in principle, a transition from AMIS to a United Nations operation appears to have given fresh momentum to the Sudanese parties negotiating in Abuja. While work in the wealth-sharing commission has always proceeded with appropriate dispatch, the commissions on power-sharing and security arrangements too are now engaging on the substantive issues." (UN SG Monthly report on Darfur, 9 March 2006) **[2z] (p5)** Nevertheless, the UN SG also stressed that "It is important to highlight that any deal emerging from the Abuja process should include provisions for a meaningful Darfur-Darfur dialogue, in accordance with the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, signed by the parties on 5 July 2005. This dialogue will bring about the inclusiveness necessary to build a lasting peace." **[2z] (p5)**

6.238 An IRIN report of 20 January 2006 states that "Too little progress is being made in the current round of Darfur peace talks yet violence against civilians, aid workers and African Union troops continues on the ground, a senior United Nations official has said. 'The seventh round [has] proved to be totally de-linked from what is going on in the field,' Gemmo Lodesani, UN Deputy Humanitarian Coordinator for North Sudan, said." **[15fv]** The report continues:

"Lodesani also noted that the talks had not considered mounting tension between Sudan and neighbouring Chad which are blaming each other for cross-border incursions. Chadian president, Idriss Deby, has announced that he will not participate in the African Union summit in the Sudanese capital, Khartoum, next week. The Abuja talks also ignored the very high level of insecurity in West Darfur State, he said, and the fact that Arab militias largely controlled West Darfur, but were not present at the talks." **[15fv]**

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SOUTH SUDAN

6.239 The Comprehensive Peace Agreement, ending a 21-year civil war between the Muslim north and largely animist and Christian south, was signed between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) on 9 January 2005. (BBC Country Profile, 31 January 2006; BBC Timeline, 10 December 2005) **[14b] [14g] (Final Peace)**

CONFLICT AND INSECURITY

6.240 The USSD report of 2005 notes that:

"There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and

frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and 'chose' to 'marry' their abductors, rather than return home where they would be stigmatized. There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes." **[3g] (Section 5)**

6.241 UN SG reported in December 2005 that:

"In Equatoria, a number of intertribal conflicts have erupted into alarming violence, increasing insecurity across southern Sudan. Dozens of civilians were killed in clashes between Zande and Bor Dinka in Yambio, Western Equatoria, at the beginning of November. Further clashes, this time between Dinka and Moru tribes, claimed the lives of 18 civilians in Mundri county, Western Equatoria, in mid-November. Fifteen civilians were killed in fighting between Moro and Mbororo tribes in the first week of December near Mundri." **[2w] (p4)**

6.242 The BBC and IRIN also reported on the continuing insecurity in various regions of south Sudan during 2005 and into 2006. **[14aa, 14ai, 14ao, 14as, 14au, 14ay] [15eq-15er, 15et, 15ey, 15fh, 15fl, 15fs, 15fu, 15fv]** IRIN noted that "Recent clashes [which resulted in the death of civilians] between armed militia and the southern Sudanese army in the greater Upper Nile region demonstrate the need to resolve issues of alignment between various armed groups in the area, a spokeswoman for the United Nations said." **[15ey]**

LORD'S RESISTANCE ARMY (LRA)

6.243 The US State Department's (USSD) Report on human rights practices 2005, published on 8 March 2006, records that:

"During the past 20 years, the LRA kidnapped more than 20 thousand Ugandan children, took them back to the southern part of the country, and forced them to become sex slaves, pack animals, or soldiers. Many of the victims were killed. The LRA also abducted citizens while raiding towns in the South. According to SPLM/A officials, on November 21 [2005], suspected LRA rebels abducted 11 people in Western Equatoria and were suspected of killing 5 civilians and abducting 25 persons near Maridi." **[3g] (Section 5)**

6.244 In late 2005 and early 2006, IRIN reported on the continued presence of the LRA in south Sudan, and the continuing abuses attributed to the group in the region. **[15em, 15eq-15er, 15ff, 15fv]** In a January 2006 report, IRIN reported the opinion of Gemmo Lodesani, the UN Deputy Humanitarian Coordinator for North Sudan:

"Lodesani also drew attention to the ongoing insecurity in southern Sudan, which he said needed to be addressed urgently. The Ugandan rebel group, the Lord's Resistance Army (LRA), for example, had increased its attacks in recent months, jeopardising the safety of civilians and aid workers in the region. 'There is a serious threat to security in the south. In my opinion, there is a need to beef up security,' he noted. Despite his concerns, however, he was sceptical about the widely held view that the LRA was responsible for all the recent security incidents.

"'Actually, right now in the south, especially in [the region of] Equatoria, everything is LRA,' he noted. 'If a bandit or whatever is going to do something, it is LRA.' 'I think we are doing the LRA a big favour because they come up as a super strong militia roaming over many millions of square miles from west to east,' he added. Nevertheless, the uncertainty of the exact strength of the LRA did not change the security concerns, Lodesani said: 'The truth of the fact is that there is a lot of insecurity. Be it LRA or common banditry, the end result is the same.'" **[15fv]**

THE IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT (CPA)

6.245 The June 2005 Report of the UN Secretary-General (UN SG) on the Sudan reported on the progress made on implementing the CPA by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A). **[2m]** The UN SG's report recorded various reasons why the successful implementation of the CPA might still come under threat, such as the continued presence of armed groups in the south and the various changes to political and social life in Sudan; the UN SG remarked that "These challenges are enormous and require from the two parties full mobilization of their institutional capacity, human resources and political will." **[2m] (p2)**

6.246 Nevertheless, the UN SG was positive in his consideration of the attitude of the Government of Sudan and the SPLM/A; "While the two parties have not been able to adhere strictly to the timetable they set for the implementation of the Comprehensive Peace Agreement, they have fulfilled their commitments and demonstrated a realistic appreciation of the tasks involved as well as respect for the expectations of the Sudanese people for peace after more than two decades of war." **[2m] (p2)**

6.247 Other organisations, such as the Sudan Human Rights Organisation-Cairo (SHRO-Cairo), the Sudan Organisation Against Torture (SOAT), the UN Integrated Regional Information Networks (IRIN) and Amnesty International (AI), whilst welcoming the progress made by the Government of Sudan, were critical of some measures already undertaken, the speed with which the implementation process was progressing and the continued abuse of human rights, which was contrary to the spirit and letter of the agreement. **[61q-61r] [23i-23l] [15u, 15aw, 15bw, 15cb, 15ch, 15ct-15cu, 15cy, 15dh, 15dj, 15ef-15eg] [11n, 11ai-11aj]**

6.248 SOAT's May—June 2005 newsletter records that "Six months after the signing, SOAT has noted changes, which while not overwhelming, are significant in the Equatorial states as a direct consequence of the signing of the CPA. *[sic]* These states, which were government-controlled during its two decades war with the SPLA has seen the lifting of curfew and a lessening in the severity of human rights violations committed by government forces." **[23k] (p6)** The newsletter continues "Reported violations [by government forces] have reduced dramatically over the last six months. Nonetheless, flogging, an inhumane and degrading punishment continues to be imposed for certain types of crime including theft, notwithstanding that this punishment constitutes cruel, inhuman and degrading treatment according to the UN Convention against Torture and the International Covenant of Civil and Political Rights." **[23k] (p6)**

6.249 Meanwhile, SHRO-Cairo noted that, in the wider context of the whole of Sudan, "The [peace] agreements, as they stand today, are not perfectly comprehensive because they were not fully representative of the North and the South as a

whole. Unless this shortcoming is resolved, the danger of a new conflict would not be removed between North-South, North-North, or South-South." **[61r]** In July 2005, the International Crisis Group (ICG) released its report 'The Khartoum-SPLM Agreement: Sudan's Uncertain Peace' which states that "The main obstacles [to successfully implementing the CPA] are the old regime's lack of will to embrace genuine power sharing and elections, and ultimately allow a southern self-determination referendum after the six-year interim period and lack of capacity in the South to establish and empower basic structures of governance." **[63h] (Executive Summary and Recommendations)** The report continues:

"Most members [National Congress Party (NCP)] recognise the free and fair elections required in 2009 would likely remove them from power. Many also fear the self-determination referendum will produce an independent South, thus costing Khartoum much of its oil and other mineral wealth. There are signs the NCP seeks to undercut implementation through its use of the militias (the South Sudan Defence Forces, SSDF), bribery, and through the tactics of divide and rule. It actively encourages hostility between southern groups, with the hope that intra-south fighting will prove sufficiently destabilising that the referendum can be postponed indefinitely without its being blamed." **[63h] (Executive Summary and Recommendations)**

6.250 The ICG report went on to discuss the terms of the CPA; including potential pit-falls in the Agreement itself, the importance of political inclusivity, the role of the SSDF, the SPLM's internal difficulties, and disagreements over oil boundaries and revenues. **[63h]** Following the apparently accidental death of John Garang in an air crash in late July 2005, the ICG released a report in August 2005 on the implications of his death for peace in Sudan, which discussed the violence his Garang's death sparked around the country, the effect on the SPLM and the Government of Sudan, and the regional implications of his death. **[63i]** The report states that "The country is at risk of eventually losing a peace agreement that was already looking somewhat shaky." **[63i] (p1)**

6.251 Between September 2005 and February 2006, IRIN and the BBC reported on the political developments in the south, and the effect of the ongoing insecurity in the region. **[15eo-15ep, 15eq-15es, 15et-15ew, 15ey, 15fe, 15fh, 15fj-15fl, 15fn, 15fr-15fs, 15fz] [14aa, 14ai, 14ao, 14aq, 14as, 14au-14av, 14ay]** IRIN's 'Year in Brief' report chronologically recorded major events of 2005. **[15fr]** Whilst the news organisation's 'Year in Review' of 9 January 2006 records that:

"'In terms of political power and the economic sector, the NCP kept full control over the key ministries, and this is creating a credibility problem,' said Alfred Taban, editor of the *Khartoum Monitor*, an independent newspaper. 'The SPLM/A and many southerners were very disappointed and lost faith in the intentions of the NCP.' Other observers in the region believed the NCP was still firmly in charge. Besides retaining key ministries, the party dominated the presidency and its advisory council. The NCP was also able to exert a degree of control over ministries they had handed over to the SPLM/A through shadow bureaucracies comprised of NCP loyalists. On the military front, continued rumours about Sudanese support for the Ugandan rebels of the LRA and other militias in southern Sudan and the lack of progress in formally agreed troop withdrawals from the southern capital of Juba were other reasons for concern." **[15fs]**

6.252 Human Rights Watch's (HRW) March 2006 report, 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan', also examined the way in which the power and wealth sharing agreements were not being implemented fully in accordance with the CPA. **[10ad]** On the issue of insecurity, the HRW states that:

"Some southern anti-SPLA ethnic militias on the government payroll have elected to join the national, not the SPLA-controlled southern regional army, where they remain potential tools of NCP-agitated ethnic violence. Attacks by the northern Ugandan rebel group, the Lord's Resistance Army (LRA), continue to destabilize the region around Juba. Although the NCP claims it does not support the LRA, it is apparent that some elements in its military and security apparatuses still do—and under the CPA these government forces do not have to be withdrawn from Juba until mid-2007." **[10ad] (p4)**

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INTERNALLY DISPLACED PERSONS (IDPS)

6.253 The Norwegian Refugee Council's Global IDP Project published its latest detailed analysis of the IDP situation in Sudan, 'Profile of Internal Displacement: Sudan' (NRC Profile), on 29 October 2005:

"The civil war[s] in Sudan have generated the largest internally displacement population in the world ever during the past two decades. Most IDPs are not sheltered in camps which makes it harder to monitor numbers. Despite the scale of the problem, no systematic mechanisms to monitor population movements has *[sic]* been set up in the country and most figures are estimates and projections. As of October 2005, there was no official consensus on the overall figure of IDPs in Sudan. With these reservations in mind and based on UN statistics from July and August 2005, there are an estimated 5 355 000 IDPs as of August 2005." **[43] (p46)**

Region/Area	**Number of IDPs**
Khartoum	2 000 000
Northern	200 000
Red Sea	277 000
Kassala	76 000
Gedaref	42 000
Sennar	60 000
Blue Nile (North & South)	235 000
White Nile	110 000
Upper Nile (Malakal)	95 000
West Kordofan	107 000
South Kordofan	82 000
Unity	135 000
Bahr el Ghazal (WAU / Aweil)	210 000
Eastern Equatoria (Juba / Lafon / Torit / Budi / Kapeota)	26 000
Western Equatoria (Ezo / Tambura)	No figures available
Jonglei	No figures available
Greater Darfur (North, South and West)	1 800 000
TOTAL	**5 355 000**

[43] (p46)

KHARTOUM

6.254 The US Department of State's (USSD) report on human rights practices 2005, published on 8 March 2006, notes that "Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums around Khartoum." **[3g] (Section 2d)** The NRC Profile of October 2005 recorded that "The main areas of origin in order of importance were Equatoria, Central, Kordofan and Bahr el Ghazal" **[43] (p48)**

6.255 A report compiled by the IRC in November and December 2004 on the situation of Khartoum's IDPs remarks that "Although there were some overall similarities/issues affecting internally displaced people in the four different areas surveyed (OeS [Omdurman es Salaam], WeB [Wad el Bashier], Soba Arradi and Mayo camp), there are also key distinctions that must be kept in mind." **[62c] (Key Findings)** The report went on to list these distinctions – ethnic and social-economic, what re-planning stage each camp had reached, the Crude Mortality Rate, proportion of Female Headed households and education – in more detail, and discussed the impact of the re-planning process on concerns such as health, education, returns, leadership structures and the legal status of IDPs in Khartoum. **[62c] (Key Findings)** IRC's report states that:

"In October 2003, the Ministry of Planning in Khartoum State began the re-planning process of two IDP camps, Wad el Bashier (WeB) and Omdurman es Salaam (OeS) and three squatter areas, Mayo Dar Naim, Soba Arradi and Salaama. The process was accelerated during the last months of 2004 and has led to some challenges that need addressing. It is believed that the current demolitions have affected over 250,000 people in Khartoum State."
[62c] (Background of the Assessment)

6.256 In 2004 and 2005, the UN's Integrated Regional Information Networks (IRIN) reported on the worsening conditions for IDP's residing in Khartoum. **[15bf, 15bi, 15ci]** The October 2004 report recorded that, in the Khartoum area, the government had demolished thousands of homes in three official camps. The government claimed the demolitions were part of an area-replanning programme. **[15bf] (p1)** The February 2005 report recorded how the vast majority of those made homeless were unable to afford the plots, or provide the necessary documentation required to purchase a new plot and that, of those that could, 6,000 were unable to afford the construction costs of building a new home. **[15bi] (p2)** IRIN's February 2005 report also outlined how the demolitions had adversely affected the provision of basic services, such as medical clinics, latrines and water points. **[15bi] (p3)**

6.257 In October 2005, the International Federation for Human Rights (FIDH) and SOAT stated their concern at the continuing governmental relocation policy of IDPs living in camps in and around Khartoum. **[22b]** Their statement continues:

"The process of relocation of IDPs, which is justified by national authorities as a need for re-planning Khartoum's area with the purpose of improving living conditions and as a necessity to return the lands to their real owners, has been undertaken by the government since 1989. The demolition of current locations of displacement has increased in frequency in the last few years, with at least 300,000 affected since 2004.

"FIDH and SOAT do not oppose to the Government of Sudan's intention to re-plan Khartoum and other areas, but firmly condemn the manner in which the process is currently carried out. It violates fundamental human rights including the right to housing, the right to an adequate standard of living and the prohibition on arbitrary interference in the home and family." **[22b]**

6.258 IRIN reported in March 2005 that "At least 11,000 internally displaced persons (IDPs) were forced to move following the demolition of the Shikan settlement, 18 km north of the Sudanese capital, Khartoum, a UN spokesperson said on Tuesday. They were now living rough in El Fateh, a desert area north of the capital, she added." **[15ci]** It added that "More than 13,000 IDPs, displaced by the 21-year-old war that ended in southern Sudan in January, had found shelter in Shikan, a squatter area established in the 1980s. Nuba, Majanin, Arab, Shilluk, Dinka, Masalit, Felata and Khofra were among the ethnic groups in Shikan." **[15ci]**

6.259 In May and June 2005, Amnesty International (AI), the Sudan Organisation Against Torture (SOAT) and IRIN reported on a violent confrontation between IDPs and the police when the authorities attempted to forcibly relocate the residents. **[11r, 11w] [23e-23f, 23ad, 23af, 23ai, 23aq] [15dl, 15dp]** SOAT's report states that "On 18 May 2005, several people were killed, 14 police officers, 6 civilians including two children and several others were wounded when violence broke out in Soba Aradi Area, with a population of 10, 000 people in Southern Khartoum." **[23ai]** SOAT's follow up report published in June 2005 recorded that:

"As a response to the incident, the government of Sudan has deployed extra police, military and security personnel on the streets of Soba. Persons residing in the Soba Aradi Area have been subjected to a government controlled campaign of mass arbitrary arrests and incommunicado detentions. Over 200 people have been arrested including women and children. The whereabouts of many of those are unknown to their families. Furthermore, on 24 May 2005, police officers shut off three out of four water pipes lines and tanks as a method to force people to leave the Soba Aradi area. At present the population in Soba are facing water shortages." **[23aq]**

6.260 An August 2005 press release by AI reported that "The organization [AI] is concerned that Shikan's residents have been arbitrarily relocated to camps without their consent, where they are deprived of fundamental human rights – including the right to health care and education." **[11h]** The report also states that, on 17 August 2005:

"National security forces arrived with lorries, emptying the entire camp of its residents. 500 families were moved to Thawra camp, 170 families were relocated to Al-Fatah III, and 371 families will be allotted places to return to in Shikan. Al Fatah III and Thawra are locations lacking the most basic means of survival. Thawra, located 55 kilometres north of Khartoum, was previously a garbage dump, and lacks all essential services. Water, healthcare, and educational facilities are non-existent as the location is no more than a patch of desert. Al Fatah III is better only in that it possesses one water pump." **[11h]**

6.261 AI also noted that "Shikan is mainly populated by southern Sudanese and Darfuris who have been forced to flee their homes due to serious human rights abuses committed during the long-standing conflict, including severe economic deprivation." **[11h]**

WEST SUDAN (DARFUR)

6.262 An IRIN report of August 2005 noted the difficulties that still faced those displaced by the southern conflict stating that "The Dinkas in Darfur exemplify a problem that is worrying the wider humanitarian community – how to adequately support hundreds of thousands of vulnerable people without creating large aid-dependent populations who don't want to go back home." **[15aj]**

6.263 The International Committee of the Red Cross' (ICRC) Annual Report 2003 records that "Hundreds of thousands of people were displaced and tens of thousands fled across the border to Chad. From mid-November, government restrictions and insecurity effectively blocked humanitarian organizations' access to the conflict-affected areas." **[58b] (p95)** Whilst ICRC's 2004 annual report states that "More than one-and-a-half-million people were displaced and living in crowded camps in Darfur and eastern Chad." **[58a] (p102)** The UN Secretary General (UN SG) reported in February 2005 that "As at 1 November [2004], the number of conflict affected persons, including internally displaced persons, host communities and others in need of relief, had risen to 2.3 million, more than one third of the estimated pre-conflict population in Darfur of 6 million." **[2e] (p6)**

6.264 Humanitarian access was improved by greater government co-operation, prompted by the international attention the crisis had received but, as reported by USSD 2005, the British Broadcasting Corporation (BBC) and IRIN, the provision of humanitarian aid was still subject to frequent disruptions by government forces, rebel groups and the continuing insecurity in the region – including the Chadian rebel infiltration into Darfur in late 2005 – during 2004, 2005 and 2006. **[3g] [14f, 14h-14j, 14p, 14u-14v, 14x, 14y, 14an, 14ap, 14ar, 14at, 14aw] [15r-15t, 15an-15ap, 15as, 15av, 15ba, 15bc-15bd, 15bh, 15bl-15bm, 15bx, 15bz, 15ce-15cf, 15cj, 15cl-15cm, 15cx, 15dg, 15dr, 15dt-15du, 15dy, 15en, 15ev, 15ez-15fd, 15fg, 15fr-15fs, 15fx]**

6.265 The UN reported on the security and humanitarian situation in Darfur throughout 2004 and 2005, and into 2006. **[2e, 2h-2z]** The UN Secretary General (UN SG) stated in his August 2005 report that "A huge number of displaced persons affected by the conflict and drought are being assisted by 13 United Nations organizations in collaboration with 81 international nongovernmental organizations. As at 1 July, approximately 3.2 million people were in need of assistance." **[2r] (p4)**

"I [the UN SG] once again commend the 14,000 aid workers who make up the humanitarian community in Darfur for their ability to deliver essential assistance to more than 3 million affected people under such difficult conditions and to respond effectively to new emergencies. As I indicated in my report on Darfur for the month of October (S/2005/719), malnutrition and mortality rates have dropped significantly since 2004. However, with the ongoing displacement of people as a result of militia attacks, the humanitarian community faces an uphill struggle. Surveys show that outlying villages and rural areas continue to suffer from high malnutrition rates, despite the fact that crops are being harvested." (UN SG monthly report on Darfur, 30 January 2006) **[2y] (p4)**

6.266 Human rights groups, such as Amnesty International (AI) and the Sudan Organisation Against Torture (SOAT), recorded that attacks against groups of

IDPs continued in the region during 2004 and 2005. **[11d, 11u-11v, 11y-11ab, 11ah, 11at] [23b, 23e-23l, 23o, 23s, 23z, 23ac, 23ae, 23ak, 23as, 23bd, 23bh-23bi, 23bk, 23bn, 23bp, 23br]** IRIN reported, on 3 November 2004, that Sudanese forces had been forcibly relocating IDPs in the region for weeks, apparently in an attempt to intimidate the IDPs, and contrary to a Government agreement with the United Nations. **[15ba]** The World Organisation Against Torture (OMCT) reported on alleged cases of government forces inflicting human rights abuses against IDPs living in Kalma camp, including detention and torture, during July and August 2004. **[42j, 42l]**

6.267 Another IRIN report of August 2005 noted the difficulties that IDPs in Darfur faced, including access to water and sanitation, shelter, and the constant need for protection from sexual and physical attacks: "'I think the humanitarian situation remains fragile and although assistance has been increasing, the needs remain vast, and the needs will continue for the foreseeable future,' [Aoibheann] O'keeffe [acting head of the UN Office for Coordination of Humanitarian Affairs (OCHA) in El Fasher] noted." **[15aj]**

6.268 A November 2005 IRIN report records that:

"The security situation in Sudan's war-affected western region of Darfur is getting worse and more must be done to protect civilians, the UN Secretary-General's special adviser on the prevention of genocide, Juan Mendez, said on Monday. Pointing to renewed fighting and growing lawlessness, he cited two recent unprecedented attacks on internally displaced persons' camps, UN News reported. 'In one of them, the attackers went in on horseback, and in the other one apparently trucks of the Sudanese army,' Mendez noted. Up to 35 civilians were killed and several homes destroyed." **[15fg]**

6.269 As of April 2005, the UN Secretary General (UN SG) released monthly reports on the security and humanitarian situation in Darfur. **[2n-2r, 2t-2v, 2x-2z]** His January 2006 report states that:

"December [2005] witnessed a continuation of very high levels of violence and insecurity in Darfur, including banditry, the new round of militia attacks on villages and camps for internally displaced persons, intensive Government combat operations and the deliberate destruction of significant areas of farmland. In addition, the rapid deterioration of the situation along the Chad-Sudan border and concern about a possible conflict between those two neighbouring countries have further exacerbated the climate of insecurity." **[2y] (p1)**

6.270 Human Rights Watch's (HRW) November 2004 report "'If We Return, We Will Be Killed" Consolidation of Ethnic Cleansing in Darfur', Sudan, dealt extensively with the subject of forced and voluntary returns and relocation in Darfur. **[10a]** The UN SG's February 2004 report records that, in Darfur:

"Since the Management and Coordination Mechanism [concerning the voluntary return of internally displaced persons] was established, progress has been made in reaching definitions of appropriateness and voluntariness and establishing standard operating procedures, and these definitions have been practically implemented. However, in November 2004, the Management and Coordination Mechanism ruled relocations conducted in Nyala town, Southern Darfur as 'inappropriate' and 'involuntary'." **[2e] (p7)**

6.271 Whilst the UN SG's January 2006 report remarks that:

"It is regrettable that significant returns of displaced persons to their homes now seem unlikely to take place in early 2006, when preparations for the next harvest season are due to start. In the best case scenario, the almost 1.8 million internally displaced persons currently residing in camps will remain in their temporary settlements for the foreseeable future. If the violence continues, their numbers may dramatically swell over the next months." **[2y] (p4)**

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SOUTH SUDAN

6.272 In connection with the north-south conflict, the International Committee of the Red Cross (ICRC) 2003 states that "An estimated four million people were still displaced and tens of thousands remained separated from members of their families [in 2003]." **[58b] (p95)** While the ICRC's 2004 Annual Report recorded that, "Following renewed fighting in the Upper Nile, the ICRC reopened its office in Malakal, where many people had sought refuge. It distributed relief goods to IDPs and residents in the area and began building a water-treatment plant for the town hospital." **[58a] (p104)**

6.273 In April 2004 IRIN reported that a regional analyst had stated that up to 75,000 people were thought to have been displaced by conflict in the nearby Shilluk Kingdom, which pitted government-backed Nuer and Shilluk militias against the Sudan People's Liberation Movement/Army (SPLM/A). **[15o] (p1)** While in May 2005, the organisation reported that "At least 75 people have been reported killed and thousands more displaced in southern Sudan's Lakes State since interclan violence, sparked by cattle rustling and disputes over pasture and water, erupted on 24 April [2005], aid workers said on Wednesday." **[15dh]**

6.274 In September and October 2005, IRIN further reported on the lack of essential services and infrastructure in the south, the subsequent humanitarian problems and continuing insecurity in the region. **[15fh] [15ga]**

"'The promotion of premature return may cause serious humanitarian problems despite the peace. In many areas returnees fear for their safety due to militia activities, armed civilians and landmines,' observed [the UN SG's representative on the human rights of IDPs, Walter] Kälin. 'Some returnees are illegally taxed and looted during their long journeys back home.' He urged all relevant institutions to respect the liberties of IDPs, including their right to be fully informed and consulted on available relocation options and to freely choose whether they wanted to return, to integrate locally or to resettle elsewhere." (IRIN, 14 October 2005) **[15fh]**

6.275 In December 2005, the UN SG expressed concern over the security situation in some areas of the south, related to both inter-tribal relations and the continuing presence of unaligned armed groups:

"With the start of the migration season, concern about possible clashes between the Missiriya and Dinka tribes is growing. To respond to these

challenges, UNMIS [UN Mission in Sudan] has increased its presence in Abyei and completed the deployment of the United Nations protection force there. The Mission has encouraged the authorities to establish both the Executive Council and the Joint Integrated Unit in Abyei to normalize the situation and contribute to confidence-building measures in the area. …

"Although the parties have registered a sizeable proportion of the other armed groups as having aligned with either SAF or SPLA, in many cases, this relationship is not firm enough to meet the Comprehensive Peace Agreement standard of 'incorporation', and a considerable number of other armed groups remain completely outside the process. Those remaining 'independent' are a source of growing concern, as the Comprehensive Peace Agreement deadline of 9 January 2006 for full integration approaches. Meanwhile, extortion schemes, illegal taxation, forced recruitment and violence attributed to other armed groups still continue in some areas." **[2w] (p2)**

RETURNING IDPS

6.276 The NRC Profile of October 2005 reports that:

"In Sudan, the challenges for the postconflict return and reintegration of refugees and internally displaced persons are enormous and the task at hand is beyond any single agency's capability. The lack of capacity in the country is evident at all levels and in all sectors. In a politically fragile environment, typical of postconflict situations, returnees and their communities must not be left in deprived conditions for extended periods of time without means and opportunities for the future, in particular with regard to protection, basic services and livelihoods. Many may opt to return to their countries of asylum or become internally displaced persons again. This phenomenon of backflows is often witnessed in repatriation operations when return and reintegration are not sustainable due to the lack of adequate financial commitment." **[43] (p127)**

6.277 The International Committee of the Red Cross (ICRC) in its Annual Report of 2003 states that "For the first time in years, the ICRC, with permission from the government and SPLM/A, was able to escort a large group of displaced children across front lines and reunite them with their parents." **[58b] (p95)** In addition, the ICRC's 2004 Annual Report also reports that "With government and SPLM/A permission, the ICRC escorted a total of 86 people, most of them children, across front lines and reunited them with their families – the biggest programme of this type in years." **[58a] (p104)**

6.278 A February 2005 IRIN report recorded that the worsening conditions for IDPs in Khartoum may have been a contributing factor to the number of IDPs who had already returned to the south. **[15bi] (p1)** The report states that "According to OCHA [UN Office for the Coordination of Humanitarian Affairs], an estimated 360,000 IDPs had returned to the southern areas during 2004, the majority coming from the Khartoum area. They have returned to places such as Kosti, Bentiu, Juba and Malakal." **[15bi] (p1)** However, IRIN reported during 2004 and 2005 that it has not always been safe for those returning, citing continuing insecurity in some areas of the south including the threat of harassment, taxation, severe hunger, banditry and sexual abuse, which some IDPs have experienced whilst returning home. **[15aw, 15bf, 15bi, 15cb, 15cd, 15ct-15cu, 15db, 15dh-15di, 15dx, 15eh]**

6.279 The UN SG reported in December 2005 that "In 2005 there have been over 500,000 spontaneous returns in the Sudan. As expected, returnee figures fell significantly around the beginning of the rainy season but began to rise again by September. The United Nations is producing and disseminating fact sheets in English, Juba-Arabic and standard Arabic to potential returnees to provide them with an accurate picture of the situation they will face upon return." **[2w] (p11)** In January 2006, IRIN reported that approximately 4,800 Dinka IDPs had begun to return from Maridi, Western Equatoria to Bor in Jonglei state, and that a further 4,600 would be assisted to return from Yei. **[15fg]** The second group had fled to Yei, Bahr el-Jabal (Central Equatoria) due to inter-ethnic fighting in Western Equatoria during December 2005. **[15fg]**

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NON-GOVERNMENTAL ORGANISATIONS (NGOS)

6.280 A December 2004 AI report, 'Sudan: No one to complain to: No respite for the victims, impunity for the perpetrators', states that:

"Amnesty International has long documented the arbitrary arrests, prolonged detentions without charge or trial and harassment of certain lawyers and human rights activists by the Sudanese government. The extent of these practices indicates that they are the result of deliberate government policy, which does not only violate the fundamental rights of those engaged in legitimate human rights work, but also contributes to intimidate victims further." **[11u] (p9)**

6.281 The US State Department's (USSD) Human Rights Report for 2005, published on 8 March 2006, records that:

"Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual gender-based violence (SGBV). The government was generally uncooperative with and unresponsive to domestic human rights groups. Major local NGOs included the Sudan Organization Against Torture (SOAT) and Sudan Development Organization. In an effort to silence them, the government often charged human rights groups with spreading false information. For instance NGOs continued to be harassed in Darfur with the intimidation of national staff and the detention and arrests of workers treating victims of sexual violence. Government security forces often detained members of humanitarian staff under the Criminal Act, usually on charges of spreading false information." **[3g] (Section 4)**

6.282 Both SOAT and AI reported on the arrest of Dr Mudawi Ibrahim Adam, the Chair of the Sudan Social Development Organisation (SUDO), in January 2005. **[11f, 11i] [23b] (p16)** Dr Adam had been previously arrested in December 2003 and later charged with 'crimes against the state', although the charges were dropped in August 2004. **[11f, 11i] [23b] (p14)** Dr Adam was again arrested on 8 May 2005, on the eve of his departure to Ireland to accept an award for his work in the field of human rights. **[11ap]** The World Organisation Against Torture (OMCT), whose information is largely provided by SOAT, recorded that:

"Initially the detainees were taken to an unknown place. They were later moved to a security detention centre known as 'Altanfeezi' (Executive) in Khartoum. On 10 May 2005, the detainees were transferred into Crimes against the State Attorney Custody, in Khartoum and placed under investigation where Dr. Mudawi and Mr. Yasir were charged under articles 53 (Espionage against the Country), a crime which carries the death penalty under the 1991 Sudanese Penal Code and 57 (Entering and Photographing Military Areas and Works)." **[42o]**

6.283 AI reported that "Dr Mudawi Ibrahim Adam was set free on 16 May [2005]. However, the charges against him (espionage and photographing military areas), like the 2004 charge of attempting to commit suicide, have not been officially dropped." **[11al]** Also, IRIN reported in May 2005 that members of the Sudanese Red Crescent (SRC) had been attacked in east Sudan, recording that "The Sudanese army, [SRC spokesperson Asaf] Bukhari said, had found the vehicle and suspected that most of the attackers were from the local Rashida tribe. One attacker reportedly came from the western Sudanese region of Darfur." **[15de]**

6.284 SOAT reported in October 2005 on the arrest of a lawyer representing persons arrested following the Soba Aradi internally displaced persons (IDP) camp riots of May 2005 "Mr. [Mohamed Ahmed] Alarbab was initially detained at the police station in Mayo and denied access to his family or lawyers. Whilst at Mayo police station, Mr. Alarbab alleges that he was subjected to torture. He was reportedly beaten and subjected to severe pressure during the police interrogation." **[23bl]**

6.285 In January 2006, AI reported on the detention of national and international delegates at a non-governmental organisation (NGO) forum being held in Khartoum, which had brought together national and international NGOs, two representatives of the UN, and the European Commission (EC). "The meeting was taking place in parallel to the AU [African Union] meeting with the purpose of discussing issues regarding peace and justice in the region." **[11bc]**

"Following the release of all participants, two participants were contacted by phone by the political section of national security and asked to meet with security officials. Faisal al Baqir, 49 years old, a freelance journalist, member of Reporters Sans Frontieres, and associated with SOAT (Sudanese Organization Against Torture), and Dr. Nagib Najmedin, 60 years old, who was one of the chairs of the meeting, and the director of the local NGOs the Amal Centre and the Khartoum Centre for Human Rights and Environmental Development were then taken from their residences to meet Saleh al Obeid, head of the Political Section of Sudanese National Security. They were told that although nothing was wrong with the meeting 'the timing was bad', presumably meaning that given the sensitivities around the AU, this meeting could be inflammatory." (AI, 23 January 2006) **[11bc]**

WEST SUDAN (DARFUR)

6.286 The USSD report of 2005 states that:

"The government often resisted the heightened levels of international NGO scrutiny generated by events in Darfur. At the beginning of the year, the government made it difficult for international NGOs to operate in Darfur by

denying visas, holding up the clearance of equipment and supplies at customs, denying permission to travel within the country, and harassing the humanitarian community; visa issuance and access for humanitarian workers improved later in the year." **[3g] (Section 4)**

6.287 The same report also notes:

"The government's HAC, which regulates humanitarian efforts in the country, continued to create difficulties for NGOs operating in Darfur. All NGOs must register with HAC to operate in the country. On March 21 [2005], the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur. HAC applied rules for NGOs inconsistently, often changing them without prior notification. An August 4 presidential decree required international NGOs to reregister and did not provide applicants to appeal a denial." **[3g] (Section 4)**

6.288 The UN Secretary-General's (UN SG) February 2005 report recorded that:

"December and January saw increasing harassment of international nongovernmental organizations (NGOs) by local authorities, particularly in Southern Darfur. In a worrying sign that earlier progress is being rolled back, systematic arrests, false and hostile accusations through national media outlets and outright attacks were combined with renewed restrictions on travel permits and visa applications." **[2e] (p6)**

6.289 Furthermore:

"The last six months have seen a substantial increase in lawlessness, in particular banditry and abduction, which have dramatically increased since October [2004]. This not only threatens the people of Darfur directly, but also interrupts the seasonal movement of livestock and impairs the delivery of vital humanitarian aid by attacks on transporters, looting, closure of roads and even attacks against humanitarian workers." **[2e] (p3)**

6.290 In May 2005, IRIN recorded that "Sudanese authorities have arrested two senior officials of the medical charity Medécins Sans Frontières (MSF) over a report that claimed that hundreds of rapes had taken place in the western Sudanese region of Darfur, MSF said." **[15dr]** SOAT and Amnesty International (AI) also reported on the arrests. **[23ap] [61p]** In June 2005 all the charges against the MSF officials had been dropped. (IRIN, 20 June 2005) **[15dy]**

6.291 As of April 2005, the UN SG released monthly reports on the security and humanitarian situation in Darfur. **[2n-2r, 2t-2v, 2x-2z]** UN SG's March 2006 report remarks that:

"There have been armed hijackings of commercial and humanitarian trucks, including clearly marked vehicles of the World Food Programme. The deterioration in the security situation last December required the introduction of additional precautions by the United Nations in large parts of Western Darfur. As a result, only those United Nations aid workers responsible for urgent, life-saving needs (emergency food and nutrition; health; water and sanitation; shelter; and protection and human rights monitoring) remain in the restricted areas." **[2z] (p3)**

6.292 UN SG also stated, in March 2006, that "In contrast to Western Darfur, where access is limited, the situation in Northern Darfur, where aid workers have very good access throughout the state, is relatively positive." **[2z] (p4)**

6.293 AI and the Sudan Organisation Against Torture (SOAT) reported on the continuing detention the detention and arrest of human rights defenders, all of which involved persons from Darfur; or who worked in, or in connection with the human rights abuses occurring there. **[11g, 11j, 11u, 11v, 11ap, 11au, 11ay, 11bc, 11be, 11bh] [23b, 23e-23l, 23bj, 23bl]** SOAT reported on the September 2005 kidnapping of three Sudan Social Development Organization (SUDO) staff members inside ZamZam Internally Displaced Camp, near al-Fashir "According to eye witness account, the vehicle was seen heading towards the rebel group, Sudan Liberation Army (SLA) controlled areas, Southern Hashaba." **[23bj]**

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NEIGHBOURING COUNTRIES

6.294 The US Committee for Refugees International's (USCRI) 'World Refugee Survey 2005: Guinea – Sudan' provided a summary of the various causes of the country's massive internal displacement and refugee movement, and reported on the humanitarian and security situation for such persons during 2004. **[24c]** The World Refugee Survey's country reports and the United Nations' High Commissioner for Refugees* recorded the large numbers of Sudanese refugees in neighbouring countries at the end of 2004 and beginning of 2006, respectively:

Countries	Number of Sudanese Refugees
Chad	225,000
Central African Republic	36,000*
Congo-Kinshasa (Democratic Republic of Congo)	45,200 / 69,400*
Egypt	23,000 / 30,324*
Ethiopia	73,400*/90,500
Kenya	67,600/74,000*
Uganda	204,400*/214,800

[24a-24c] *[2aa] (Briefing Notes - Kenya/Sudan: Milestone tripartite agreement signed for return)

6.295 The UN's Integrated Regional Information Networks' (IRIN) reported in February 2005 that UNHCR had estimated that 600,000 Sudanese had already returned, including over 200,000 non-registered refugees from neighbouring countries, in the same month it recorded a UNHCR statement that there were thousands of refugees in camps in Uganda who were reluctant to consider repatriation. **[15bj, 15bo]** The report stated that, among the concerns cited by the refugees were the lack of facilities, their political marginalisation within the opposition and the SPLA, and the security situation. **[15bo]**

CENTRAL AFRICAN REPUBLIC (CAR)

SUDANESE REFUGEES

6.296 An IRIN report of February 2006 noted that the Central African Republic (CAR) was hosting approximately 16,000 Sudanese refugees and that "Some 5,000 Sudanese refugees living in the Central African Republic (CAR) could return home by April [2006] following the signing of a tripartite agreement between the two governments and the Office of the United Nations High Commission for Refugees (UNHCR), the agency said." **[15fw]**

CHAD

6.297 Towards the end of 2005 and in early 2006, HRW, the BBC, IRIN, the International Committee of the Red Cross (ICRC) and International Crisis Group (ICG) reported on the worsening security situation along the Chad-Sudan border, and increased tension between Sudan and its eastern neighbour Chad due to allegations of support for both Chadian and Sudanese rebels. **[10ab, 10ac] [14f, 14q, 14ak, 14ar, 14at] [15ex, 15ez-15fa, 15fr, 15ft, 15fv] [58d]**

6.298 ICRC reported that, "On December 18 [2005], fighting occurred between Chadian opposition groups and Chadian forces in the Chadian border town of Adré, south-west of Al-Geneina. This was one of several major incidents that are destabilizing the Sudan-Chadian border region and causing suffering among the local population." **[58d]** The International Crisis Group's (ICG) January 2006 Crisiswatch report concurred:

"[Chadian] Security and relations with Sudan deteriorated as rebel group Rally for Democracy and Liberty attacked Chadian forces in Adre near Sudanese border 18 and 19 December, with estimates of over 100 killed. Chad and Sudan continued to trade accusations over support to each other's rebel movements. Chad blamed Khartoum for clashes and declared 'state of belligerence' against Sudan. President Deby faced increasing dissension within army and government, and defections from inner circle of advisers to new Zaghawa-dominated rebel movement SCUD." **[63a] (p2)**

6.299 Whilst in March 2006, ICG reported that:

"[Chad's] Relations with Sudan improved with 8 February [2005] agreement in Libya to end support to each other's rebel groups and establish [a] force to patrol [their] border. Cross-border raids continued despite accord and high-level defections from Chad's army to Darfur-based Chadian rebels increasing likelihood of continued escalation between neighbours; many refugees fled to Darfur to escape fighting. Sudanese and Chadian militias from Darfur, with apparent Sudanese government backing, reportedly behind attacks." **[63b] (p2)**

SUDANESE REFUGEES

6.300 The USSD report of 2005 stated that there were an estimated 210,000 refugees from Darfur in Chad. **[3g] (p1)** A September 2004 IRIN report states that "The UN refugee agency UNHCR has invited the Chadian government to station 180 policemen in camps for Sudanese refugees in the east of the country in order to maintain order and prevent the camps from being infiltrated by armed combatants, a UNHCR official said on Wednesday." **[15bh]**

DEMOCRATIC REPUBLIC OF CONGO (DRC)

SUDANESE REFUGEES

6.301 IRIN reported, in February 2006, that "Thousands of Sudanese refugees living in the Democratic Republic of Congo (DRC) and Congolese refugees living in Sudan could soon be repatriated following the signing of corresponding tripartite agreements between the two governments and the United Nations High Commission for Refugees (UNHCR), a spokesman for the agency said." **[15gc]** Around 13,300 Sudanese are currently registered in the DRC. (IRIN, 1 February 2006) **[15gc]**

6.302 In March 2006, UNHCR reported that:

> "In preparation for organized repatriation from the DRC, UNHCR organized a two-day visit for refugee representatives from Biringi, Ayamba, Ariwara and Ingbokolo in the DRC to Yei and Morobo Counties from 5 to 6 March. The refugees met with county authorities who assured them that efforts are being undertaken to enhance the capacity of areas of return. UNHCR staff also showed the refugees various project sites in Yei and Morobo Counties. Meanwhile, the local authorities in the DRC started a sensitization campaign in different refugee camps for the upcoming voluntary repatriation. Moving from Biringi to Ingbokolo via Ariwara where urban refugees are settling, the authorities called on the refugees to return to Sudan to help their country in the development process. Local radio stations in Aru broadcast information on procedures to register for voluntary repatriation." **[2aa] (Situation Reports - No. 50)**

EGYPT

6.303 International Crisis Group's (ICG) January 2006 report, 'Sudan: Saving Peace in the East', notes that "Egypt hosted several rounds of talks between the Sudanese government and the NDA, leading to the signature of the Cairo agreement on 18 June 2005. Its interests include maintaining influence over the traditional sectarian parties (Umma and DUP [Democratic Unionist Party]), and reducing the strength of radical Islamism in its neighbour." **[63j] (p24)** The report continues "Its [Egypt's] primary concern is to contain disputes among the Sudanese actors, lest they disrupt a status quo that is broadly favourable to Egypt. This is compatible with low-level instability in the peripheral parts of northern Sudan." **[63j] (p24)**

SUDANESE REFUGEES

6.304 Amnesty International (AI) reported on the January 2006 detention of 650 Sudanese nationals by the Egyptian authorities:

> "The 650 are part of a group of over 2,500 Sudanese nationals who had been involved in a peaceful protest in the Egyptian capital, Cairo, since 29 September 2005. Their demands included improvements to their work and educational opportunities, protection from forcible return to Sudan, and resettlement in third countries. The police broke up the protest violently on 30 December, in an action that left at least 27 protesters dead and dozens of protestors and police injured." **[11bi]**

6.305 On 2 February 2006, AI followed up its initial report stating that:

> "The authorities released 440 of the detainees on the UNHCR's recommendation, between 7 and 20 January. Of the 183 demonstrators still in detention, the UNHCR has recommended that 14 be released immediately as they had applied for asylum. The remaining detainees were found not to be in need of international protection. They are still in custody, but the Egyptian authorities have announced that they will not deport them and that they will grant them visas." **[11bj]**

6.306 The UNHCR Situation Report of 2 March 2006 states that:

> "It was agreed [by the Sudanese Embassy and UNHCR] that emergency travel documents will be issued free of charge to all refugees and asylum seekers who approach the Embassy with their refugee/asylum seeker cards. These documents will be valid for a period of one month and may be extended to three months in the future if the need arises. The documents will indicate that they are issued for 'voluntary repatriation.' This is meant to guarantee that the returnees are not subjected to questioning or harassment upon arrival in Sudan." **[2aa] (Situation Reports - No.49)**

6.307 Whilst the following week's UNHCR Situation Report recorded that:

> "In preparation for voluntary repatriation of Sudanese refugees and asylum seekers in Egypt, UNHCR Cairo held a meeting with Sudan Airways on 6 March [2006] to discuss flights to Sudan, procedures, baggage allowances and possible charter flights. UNHCR also had a meeting with IOM on 12 March to discuss potential areas of cooperation. The first repatriation by air to Juba (via Khartoum) is planned for 29 March. Meanwhile, negotiations towards the signature of a tripartite agreement between Egypt, Sudan and UNHCR continue." **[2aa] (Situation Reports - No.50)**

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ERITREA & ETHIOPIA

6.308 IRIN reported in December 2005 that:

> "Ethiopia and Eritrea must take concrete actions to ease tensions along their shared frontier given continuing fears that war could break out afresh between the two countries, a top United Nations official said on Monday.
> A miscalculation could lead to further bloodshed, the UN Under Secretary-General for Peacekeeping, Jean-Marie Guehenno, said in the Ethiopian capital, Addis Ababa." **[15fp]**

6.309 The same report also states that "The visit [of Guehenno] to the region comes after Eritrea ordered the expulsion of nearly 200 western peacekeepers, a move the UN force said could cripple its operations. On 5 October [2006], the Eritrean government banned helicopter flights by UN peacekeepers in its airspace in a buffer zone with Ethiopia. It then prohibited UN vehicles from patrolling at night on its side of the zone, prompting the UN to vacate 18 of its 40 posts." **[15fp]**

6.310 The January 2006 report produced by the ICG on the troubled eastern region of Sudan warned of the risk of renewed hostilities between Eritrea and Ethiopia, and notes that "Asmara [Eritrea] wants to ensure at least Sudanese neutrality and could be willing to trade away its support for the Eastern Front. If fighting does break out again between the two large neighbours, eastern Sudan, whose humanitarian situation is in some ways worse than Darfur's, would face a disastrous flood of refugees." **[63j] (Executive Summary, p1)**

6.311 The report later noted that "The exchange of official visits [in October and December 2005] between Khartoum and Asmara culminated with an agreement on 7 December [2005] to normalise bilateral relations and resume air and road links." **[63j] (p14)**

SUDANESE REFUGEES

6.312 In a December 2005 report, IRIN stated that "The United Nations High Commissioner for Refugees (UNHCR) is to begin repatriating some 14,000 Sudanese refugees out of the 73,000 hosted in the five camps in Ethiopia next year, the head of the agency said on Monday." **[15gd]** UNHCR reported on 2 March 2006 that, "On 27 February [2006], Ethiopia, Sudan and UNHCR signed a tripartite agreement that will enable some 73,000 Sudanese refugees to return from Ethiopian refugee camps to South Sudan. The first organized repatriation movement from the camps is expected to take place in March. So far, 14,000 Sudanese refugees have asked UNHCR to assist them to return home in 2006 – the first group will return from Bonga refugee camp to Blue Nile State." **[2aa] (Situation Reports - No. 49)** The UNHCR Situation Report of 9 March 2006 states that:

"UNHCR [had] held a cross-border meeting in Asosa (Ethiopia) on 21 February [2006] to discuss the practical modalities for the repatriation from Ethiopian refugee camps to Blue Nile State. It was agreed that approximately 4,500 refugees will be repatriated from Ethiopia to Chali El Fiel village and Penawayu village before the start of the rainy season. Those from other villages in Chali will be repatriated after the rainy season. The first repatriation movement will take place towards the end of March, starting with one convoy a week and then increasing the number to three convoys in April and eventually looking at the possibility of having four to five convoys in May. Each convoy will carry 500 refugees." **[2aa] (Situation Reports - No. 50)**

KENYA

6.313 The two-year long peace negotiations that led to the signing of the Comprehensive Peace Agreement on 9 January 2005 were held in the capital of Kenya, Nairobi. (FCO, Country Profile, 6 January 2006) **[25f] (POLITICS)**

SUDANESE REFUGEES

6.314 A December 2005 IRIN report noted that "Some refugees have already started returning on their own to southern Sudan from Kenya. On Saturday, the first official voluntary repatriation by the UNHCR [United Nations' High Commissioner for Refugees] to southern Sudan from Kakuma camp in northeastern Kenya, started with the departure of some 150 refugees by road and air." **[15gd]** Whilst in January 2006, UNHCR reported:

"Together with Sudan and Kenya, UNHCR has signed a milestone tripartite agreement that sets out the roles and obligations of each side in helping South Sudanese refugees go home from Kenya, where they have received protection for the past 14 years. The agreement, signed in Nairobi yesterday (Thursday, 12 Jan. [2006]), is the first of seven tripartite agreements we expect to sign with countries neighbouring Sudan that will clear the way for up to 70,000 refugees to return to South Sudan in the first half of this year. Some 10,000 of these may come from Kenya alone." **[2aa] (Briefing notes - Kenya/Sudan: Milestone tripartite agreement signed for return)**

LIBYA

6.315 ICG's January 2006 report, 'Sudan: Saving Peace in the East', records that:

"In the absence of any immediate threat to its own security, such as could be postulated in the Darfur case, and, seemingly, in the absence of vital economic interests, Libya's main motivation in the East is most likely preventing further involvement by the wider international community in Sudan. It is doubtful whether it has the expertise, or more importantly the political will, to address the conflict within a framework compatible with the CPA." **[63j] (p23)**

6.316 The report also pointed to the loss of Beja Congress trust in the Libyan authorities following a secretly negotiated settlement between the NCP and the Free Lions in Tripoli. **[63j] (p19, 24)** The agreement restored as many as 600 Land Cruisers that the Sudanese authorities had confiscated from the Rashaida in the early 1990s. **[63j] (p19)**

"The Free Lions denied the agreement undermined the Eastern Front or jeopardised January 2006 talks in Tripoli and claimed it merely resolved an isolated bilateral issue by providing 'restitution' to aggrieved Rashaida. Furthermore, they said, 'issues of power and wealth were not discussed'. This explanation, however, has done little to mute criticism of a deal that has placed tremendous strain on the Eastern Front and exposed its frailty." **[63j] (p19)**

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UGANDA

6.317 IRIN reported that, in September 2005, one of the main roads linking northern Uganda and the southern Sudanese garrison town of Juba was reopened, despite not yet being completely safe for all travellers. "Businessmen, who had been flying their supplies from Khartoum to Juba for years, have now started using the road to transport their goods to the garrison town. [SPLM/A official George] Riak said that the road passes through the towns of Yei and Loka. In addition to easing transport to Juba, the newly opened route should boost trade between Uganda and Sudan." **[15eq]**

6.318 The USSD report of 2005 states that "The [Sudanese] government permitted the Ugandan army access to the South to pursue the LRA. Although Ugandan military operations significantly reduced LRA numbers, the LRA continued to operate in the South and to hold child abductees; such LRA attacks restricted humanitarian activities." **[3g] (Section 5)** Following the signing of the peace agreement between the SPLM/A and the Government of Sudan on 9 January 2005, IRIN reported that the late John Garang, the then leader of the former

rebel movement, had said that the semi-autonomous government of south Sudan wished to help end the LRA's rebellion in Uganda. **[15i] (p1)** Garang had also stated that the SPLM/A was prepared to fight against LRA forces found within their territory. **[15i] (p1)** The USSD June 2005 report on trafficking states that:

"During the year, the government increased border cooperation and surveillance with the neighboring Government of Uganda to combat the LRA and its continuing terrorist operations in southern Sudan, including trafficking in children. The government permitted the Ugandan military to take action against the LRA on Sudanese territory along the Ugandan border. Sudanese security forces and SPLA elements also engaged LRA forces that had raided further north into Sudan." **[3c] (p202)**

6.319 The ICG's February 2005 Policy Briefing recorded that "There is a new possibility for enhanced economic and political co-operation between at least the SPLM-dominated southern Sudan and Uganda." **[63c] (p2)**

LORD'S RESISTANCE ARMY (LRA)

6.320 A February 2005 International Crisis Group (ICG) Policy Briefing entitled, 'Peace in Nothern Uganda: Decisive Weeks Ahead', recorded that "Under pressure, the Sudan government has – for now at least – cut most of its links with the LRA, which for years it supplied with arms, food and sanctuary." **[63c] (p3)** Although, the Institute for Security Studies' (ISS) June 2004 report stated that the Government claimed in September 2002 to have ended its support for the LRA, "But since then a large number of reports from victims and their supporters in northern Uganda, together with the SPLM/A [Sudan People's Liberation Movement/Army], have held that the Sudanese armed forces never ended their relations with the LRA." **[65a] ('Insecurity in South Sudan: A threat to the IGAD Peace Process')**

6.321 The ICG's February 2005 Policy Briefing also stated that it had information that the Sudanese government continued to provide support for the LRA. **[63c] (p3)** Even if this was not the case, the ICG expressed concern that Sudanese military intelligence officers might resume their support to the LRA as "There are elements in the Khartoum government that remain interested in keeping the organisation alive as a tool precisely for the purpose of destabilising the South." **[63c] (p5)**

6.322 An IRIN report of 7 September 2005 noted that the:

"Sudanese First Vice-President Salva Kiir [had] assured Uganda on Wednesday of his cooperation in the fight against the rebel Lord's Resistance Army (LRA), which operates from bases in both countries. A statement from Ugandan President Yoweri Museveni's office said Kiir told the Ugandan leader that both the government in Khartoum and his Sudan People's Liberation Movement/Army (SPLM/A) 'are willing to have joint operations with the UPDF (the Ugandan army) against rebels remnants'." **[15em]**

6.323 However, despite reports that both the government in Khartoum and the SPLM/A were willing to assist the UPDF against the LRA, in September 2005 IRIN and the BBC reported on the continuing presence of the LRA in south Sudan, and further abuses attributed to the rebel group in the region, including

the hijacking of vehicles on the newly opened road between Yei and Juba, and attacks on villages in the areas of Lanya and Loka situated west of Yei, in which homes were burnt and an unspecified number of people were abducted. **[15em, 15eq-15er, 15ff] [14ao]**

SUDANESE REFUGEES

6.324 IRIN reported in February 2005 that, "Although many Sudanese refugees apparently believed their situation in Uganda as refugees was better than that they would face in Sudan, they were still at risk of attack by the Lord's Resistance Army." **[15bo] (p1-2)**

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Annex A: Chronology of events

1989 **June:** Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. 30 members of the former government were detained. **[1] (p1090)**

For further information on history prior to **June 1989**, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, source **[1]**.

1991 **August:** Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. **[1] (p1091)**

1992 **February:** A 300-member transitional National Assembly was created, comprised of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. **[1] (p1091)**

1993 **October:** The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. **[1] (p1091)**

1994 **February:** Sudan was redivided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. **[1] (p1091)**

1995 **June:** The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. **[1] (p1092)**

1996 **March:** First legislative and presidential elections since **1989** took place on **6** and **17 March**. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. **[1] (p1092)**

1997 **April:** The southern factions who had signed the peace charter with the Government in early **1996** finalised and signed the Peace Accord. **[1] (p1093)**

1998 **May:** Voting took place between **1** and **20 May** in a referendum on the new Constitution; results were expected at the end of **June**. **[1] (p1093)**

1999 **January:** The Political Association Act came into effect. The voting age was changed from 18 to 17. **[1] (p1093)**
On **26 November** the Sudanese government and the opposition Umma Party signed a peace accord, which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance. **[1] (p1093)**
On **12 December**, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on **13 December** with the promise of presidential decrees to follow. **[1] (p1093)**

2000 **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. **[1] (p1093)**
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. **[1] (p1094)** The Government extended the state of emergency from 3 to 12 months. **[1] (p1093)**
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. **[1] (p1094)**
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed new political party called the Popular National Congress. **[1] (p1091)**
December: Presidential and parliamentary elections took place from **13** to **22**
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. President al-Bashir extended the state of emergency in Sudan for another year. **[1] (p1094)**

2001 On **3 January**, President al-Bashir extended the state of emergency for a further year. **[1] (p1094)**
On **12 February**, President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. **[1] (p1094)**
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in **April 1996**. **[1] (p1097)**

2002 **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. **[1] (p1094)**
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved of the peace deal but no agreement was reached regarding a ceasefire. **[1] (p1095)**
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. **[1] (p1095)**
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. **[1] (p1095)**
December: Sudan's Parliament approved the extension of the state of emergency for another year. **[1] (p1094-5)**

2003 **February:** In the Darfur States, members of the Fur, Zaghewa and Massaleit tribes – in the form of the SLM/A and the JEM – began an armed rebellion to protest against the political and economic marginalisation of the region. **[1] (p1096)**
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. **[14g] (p4)**
December: The Government and rebels agreed to share oil wealth. **[14g] (p4)**

2004 **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing more than 100,000 people to seek refuge in neighbouring Chad. **[14g] (p4)**
March: A UN official said pro-government Arab 'Janjaweed' militias were carrying out systematic killings of African villagers in Darfur. **[14g] (p4)** Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. **[14g] (p4)**
April: The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which didn't hold, as clashes continued. **[1] (p1096)**
On **30 July**, the UN Security Council passed a resolution which stated that the Council might take measures against Sudan if it did not show progress on achieving the commitments – particularly the pledges to disarm the Janjaweed and restore security to Darfur – it had outlined in a joint communiqué with the UN earlier that month. **[2i]**
September: The UN envoy said Sudan had not met targets for disarming pro-government Darfur militias and must accept outside help to protect civilians, whilst the US Secretary of State Colin Powell described the Darfur killings as genocide. **[14g]** The Government claimed to have foiled a coup plot by supporters of Hassan al-Turabi. **[14g]**
On **20 October**, the African Union (AU) agreed to boost the number of peacekeepers in Darfur and to send in a civilian police force. The deployment of the armed force, which would number 3,320, was expected in a matter of weeks. **[15ak]**
On **9 November**, the Sudanese government agreed to end military flights over Darfur and signed a series of breakthrough agreements in the Nigerian capital city, Abuja, touching on security and humanitarian issues to end 20 months of hostilities with the region's rebels. **[15ak]**
On **13 December**, continuing violence in Darfur was reported to be derailing efforts to find a political road map out of the Darfur crisis, according to delegates at AU-sponsored talks in Abuja. **[15ak]**
On **31 December**, a permanent ceasefire was signed by the Government of Sudan and the SPLM/A. **[15ar]**

2005 On **9 January**, the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. **[15fr]**
On **13 January**, it was reported that a third rebel movement, called the National Movement for Reconstruction/Reform and Development, had emerged in Darfur and was successfully negotiating with the Sudanese government. **[15aq]**
On **25 January**, the Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General is released, which concluded that the human rights abuses committed in Darfur did not amount to genocide. **[2c]**
On **23 February**, it was reported that the Beja Congress (BC) and the Free Lions Assocation had merged to form a new group called the Eastern Front (EF). **[13a]**
29 March: The UN Security Council decides to freeze assets and impose a travel ban on those believed to have committed human rights abuses or violated the ceasefire agreement in Darfur. The resolution also bans the sale or supply of military equipment to nongovernmental entities or individuals involved in the Darfur conflict, including the Sudanese government. **[15fr]**
June: the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which

allowed the group into the power-sharing administration. **[14g] (p4)** Hassan al-Turabi, who was detained in **March 2004** over an alleged coup plot, was freed by the president. **[14g] (p4)**

On **6 June** Luis Moreno-Ocampo, ICC (International Criminal Court) prosecutor, opens investigations into human rights abuses in Darfur, whilst on **13 June**, a court set up by the Sudanese government starts hearing the cases of 160 people accused of committing crimes in Darfur. **[15fr]**

On **9 July**, the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president and an interim Constitution, giving the south a large degree of autonomy, was signed. **[14g] (p4)**

On **11 July**, President al-Bashir issued a decree ending the country's 16-year state of emergency in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea. **[15bw]**

1 August: the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese. **[14g] (p4) [15fr] [22d] [23ay-23az]** Garang was succeeded by Salva Kiir. **[14g] (p4) [15fr]**

On **31 August** Sudan's new interim National Assembly, which was appointed by decree by President al-Bashir, held its first session. **[15fr]**

20 September: Government of National Unity announced. **[15fr] [25f]**

22 October: Government of Southern Sudan formed. **[15fr] [25f]**

November: Minni Arko Minnawi elected as the new president of Darfur's main rebel group, the SLM/A. Incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise the election outcome. **[15fr]**

On **29 November** the seventh round of the Darfur peace talks opened in Abuja, Nigeria. **[25f]**

On **5 December** the south Sudan President, Salva Kiir Mayardit, signed the Interim Constitution of south Sudan. **[15fr]**

2006

January: tensions increase between the Government of Sudan forces and the Eastern Front alliance over the positions currently occupied by the Sudan People's Liberation Army in the east. **[14bf] [18de]** The two main rebel groups in Darfur – the JEM and the SLM/A – announce that they have united under the banner the Alliance of Revolutionary Forces of West Sudan. **[13b]**

On **8 February** the Chad and Sudan Government reached agreement in Libya to end support to each other's rebel groups. Nevertheless, cross-border raids continued and high-level defections from Chad's army to the Darfur-based Chadian rebels increased the likelihood of a worsening of relations between the countries. **[63b]**

See also Section 4: History **and Section 6:** Human rights **for information on events affecting the human rights of individuals and groups, and the restriction of fundamental freedoms.**

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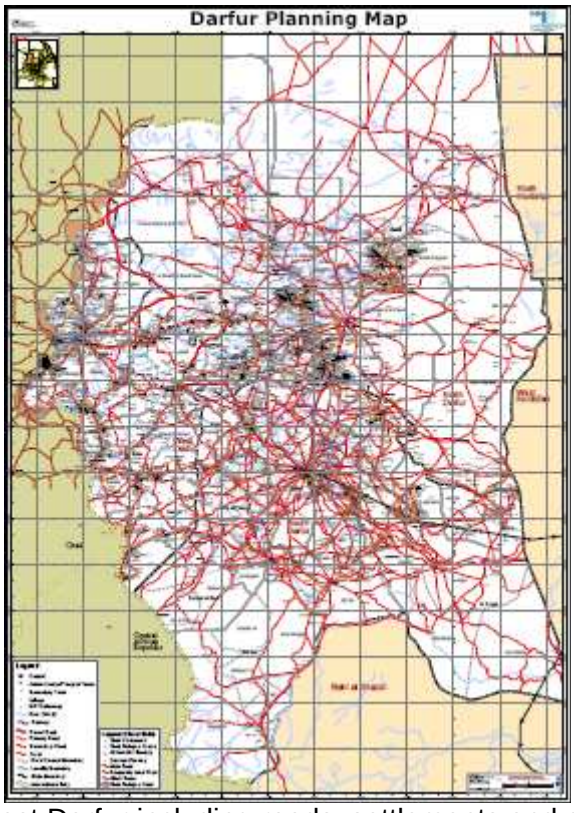
Annex B: Maps

WEST SUDAN (DARFUR)

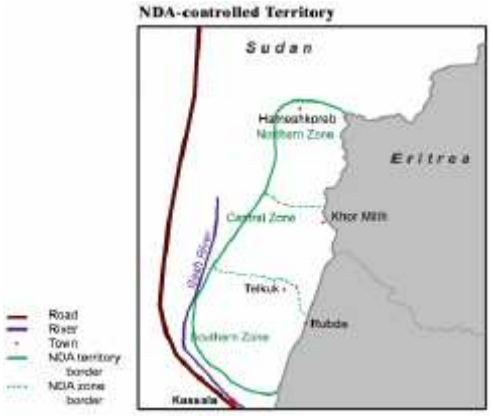
North, south and west Darfur (External link) **[65b]**



North, south and west Darfur including roads, settlements and camps for Internally Displaced Persons (IDPs) (External link) **[85]**

EAST SUDAN (KASSALA AND RED SEA STATE)

Main locations and physical features of east Sudan (External link) **[63j]**



National Democratic Alliance-controlled territory (External link) **[63j**

SOUTH SUDAN

States of south Sudan (External link) **[80e]**

See also Section 2: Geography **and Annex G:** States of Sudan

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Annex C: Main political organisations

This list should not be viewed as exhaustive.

Alliance of the People's Working Forces

Based in Khartoum.

The leader is Gaafar Muhammad Nimeri. The acting Secretary-General is Kamal ad-Din Muhammad Abdullah. **[1] (p1113)**

Baa'th Party

Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA.

According to the Danish Fact Finding Report of 2001, "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." **[9b] (p18)** The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, according to sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. **[28] (p3)** However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. **[28] (p3)** According to sudan.net, "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." **[28] (p3)**

Beja Congress (BC)

Founded - 1958. **[47]** Secretary-General (Internal) - Osman Fagarai, a Police General. **[3a] (p9)**

According to the Beja Cultural and Educational Trust (BECT) website, a meeting of the Beja tribes in Port Sudan took place in October 1958 during which the Beja Congress (BC), as it later became known, was formed. **[47]** The BC was originally created to draw attention to the political and economic grievances of the Beja people. **[47]** The 1964 parliamentary elections were the BC's first real political test; it scored a landslide victory over the rival political parties in the region. **[47]** The BECT website stated that, following the 1989 coup after which all political parties were dissolved, the BC turned to armed struggle and waged several military confrontations with al-Bashir's regime. **[47]**

The *Sudan Tribune* reproduced an August 2004 Reuters report in which "The Beja Congress, which claims to control large parts of the east, say they're still observing a self-imposed ceasefire and would attack only if provoked." **[18a]** The report stated that the BC's ceasefire had been in effect since November 2003, as the rebels awaited the final result of the north-south peace talks. **[18a]**

The Beja Congress refused to attend the January 2005 Government of Sudan-National Democratic Alliance (NDA) peace talks in Cairo that resulted in a preliminary peace agreement between the two parties. **[15ag] [14ad]** In January 2005, leading members of the Beja tribe presented a list of demands to the Government authorities in Port Sudan, an action followed by the demonstration of thousands of Beja. **[14z] [61f] [11c, 11e] [15be] [23b] (p16)** Agence France Presse reported in February 2005 that the Beja Congress and the Free Lions, also a member of the NDA, had merged to become the Eastern Front. **[13a]** The same report stated that the two groups had withdrawn from the National Democratic Alliance in 2004. **[13a]** However, the *Sudan Tribune* published material from BBC Monitoring earlier the same month that contained interviews with the

leaders of the two groups, in which it was not clear whether a full split had occurred, or if such a split was permanent. **[12]**

See also Section 6.A: Freedom of assembly and association/Members and supporters of armed opposition factions - east Sudan**; Section 6.B:** Ethnic groups/Beja**; Annex B:** National Democratic Alliance **and Annex C:** Non-arab ethnic groups collectively known as the Beja

Democratic Unionist Party (DUP/DUP-Mirghani)

Based in Khartoum, leadership in exile. Leader - Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. **[1] (p1113)**

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. **[8] (p440) [1] (p1089)** *Political Parties of the World* stated that "After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995." **[8] (p440)**

According to the report of the 2001 Danish Fact Finding Mission, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. **[9b] (p17)**

Democratic Unionist Party (DUP/DUP-Hindi) - (registered) **[49a]**

Leader - Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA. **[9b] (p17)**

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes known as the 'DUP General Secretariat', with himself as chairman. **[8] (p440)**

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman - Philip Abbas Ghabbush. **[1] (p1113)**

Independent Democrats

Based in Khartoum. Leader - As-Samawitt Husayn Osman Mansur. **[1] (p1113)**

Islamic-Christian Solidarity

Based in Khartoum. Founder - Hatim Abdullah az-Zaki Husayn. **[1] (p1113)**

Islamic Revival Movement

Based in Khartoum. Founder - Siddiq al-Haj as-Siddiq. **[1] (p1113)**

Islamic Socialist Party

Based in Khartoum. Leader - Salah al-Musbah. **[1] (p1113)**

Islamic Ummah Party (IUP) - (registered) **[49a]**

Officially registered as a political party on 13 April 1999. Leader - Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi. The IUP is allied with the Government. **[1] (p1113)**

Justice and Equality Movement (JEM) [15l]

Darfurian-based political movement/rebel group that emerged in 2001. **[2c] (p39)** Leader - Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. **[11t] [2c] (p39)** Split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. **[2c] (p39)**

The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, January 2005, stated that:

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government….The message is designed to appeal to all marginalized Sudanese - whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan." **[2c] (p39)**

The report continued:

"In the field, it is difficult to make a distinction between JEM and SLM/A, as most often reports on actions by rebels do not distinguish between the two. It has been reported that members of the JEM have yellow turbans. It also appears that while SLM/A is the larger military actor of the two, the JEM is more political and has a limited military capacity, in particular following the reported split of the group and the ensuing emergence of the NMRD." **[2c] (p39)**

The ICI also stated that "The Commission obtained very little information about the size and geographic location OF *[sic]* JEM forces in Darfur. Most of its members appear to belong to the Zaghawa tribe, and most JEM activity is reported in the northern parts of West Darfur." **[2c] (p39)** The National Movement for Reconstruction/Reform and Development reportedly emerged from a split in the JEM caused by the dissatisfaction of some JEM members at Hasan al-Turabi's influence over the armed group. **[15aq]**

See also Section 6.A: The Darfur conflict **and** Darfur peace talks**; Section 6.B:** Ethnic groups/Darfur**; Annex B:** National Movement for Reconstruction/Reform and Development **and Annex C:** Black ethnic groups - Darfur

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. **[1] (p1113)**

Korbaj (which in Arabic means 'whip')

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda,

composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. **[2c] (p40)**

Moderate Trend Party

Based in Khartoum. Leader - Mahmud Jiha. **[1] (p1113)**

National Democratic Party

Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party. **[1] (p1113)**

National Movement for Reconstruction/Reform and Development (NMRD)

A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that "NMRD leader Nourene Manawi Bartcham, told an IRIN correspondent in N'Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement." **[15aq]** The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. **[15aq]**

According to the ICI, "On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state." **[2c] (p40)**

See also Section 6.A: The Darfur conflict **and** Darfur peace talks**;**
Section 6.B: Ethnic groups/Darfur**; Annex B:** Justice and Equality Movement **and Annex C:** Black ethnic groups - Darfur

Nile Valley Conference

Based in Khartoum. Founder - Lt-Gen (ret) Umar Zaruq. **[1] (p1113)**

Popular Masses' Alliance

Based in Khartoum. Founder - Faysal Muhmad Husayn. **[1] (p1113)**

Popular National Congress Party (PNC/PC)

(also referred to as the People's National Congress or Popular Congress)

Founded - June 2000. Founder and leader - Hassan al-Turabi **[1] (p1113) [5c]**

According to Europa's Regional Surveys of the World: Africa South of the Sahara 2005, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. **[1] (p1094)** Al-Turabi was detained on 21 February 2001 and finally released in October 2003. **[67]** The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004. **[14c-14e]** One report stated that "Sudanese authorities have suspended the party of the main opposition Islamist leader Hassan al-Turabi from political activity, a Sudanese newspaper said. Security forces have also reportedly shut down the party's headquarters." **[14c]** Seven of those arrested were released in July 2004, according to the BBC. **[14m]**

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. **[14g]** Mass arrests of party activists – including students – in Khartoum and Darfur, and tight security controls in the capital, followed. **[11u] (p20-21)** Hassan al-Turabi was released by the Government of Sudan on 30 June 2005 but many other members of the party are known or believed to still be in detention. **[11s-11t] [23l] (p8)**

An IRIN report of July 2005 recorded that, "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." **[15bw]**

See also Section 6.A: Freedom of assembly and association/Members and supporters of the Popular/People's National Congress (PNC/PC)**; Annex B:** Justice and Equality Movement

Al Shahamah (which in Arabic means 'The Nobility Movement')

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. **[2c] (p40)** The report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. **[2c] (p40)** The ICI continued, "The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People's Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions." **[2c] (p40)**

Socialist Popular Party

Based in Khartoum. Founder - Sayyid Khalifah Idris Habbani. **[1] (p1113)**

Sudanese Central Movement

Based in Khartoum. Founder - Dr Muhammad Abu al-Qasim Haj Hamad. **[1] (p1113)**

Sudanese Communist Party

Formed in 1944. Periodical - *Al-Midan*. **[48]** Leaders - Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

According to sudan.net, "The SCP was formed in 1944 and early established a strong support base in universities and labour unions." **[28] (p3)** The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. **[9b] (p17)** The report stated that "Adlan's faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces." **[9b] (p17)** The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. **[28] (p3 [9b] (p17)**

The 2001 Danish Fact Finding Report stated that "Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime." **[9b] (p17)** Fatimah Ibrahim returned to Sudan on 17

December 2003 after an absence of over 13 years, according to an unattributed report published on the Sudanese Media Centre website the same day. **[66]**

An IRIN report of July 2005 recorded that, "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." **[15bw]**

Sudanese Green Party

Based in Khartoum. Founder - Professor Zakaraia Bashir Imam. **[1] (p1113)**

Sudanese Initiative Party

Based in Khartoum. Leader - J'afar Karar. **[1] (p1113)**

Sudanese Liberation Movement/Army (SLM/A)

Formed in February/March 2003 from a secessionist group known as the Darfur Liberation Front (DLF) by Darfurian groups, particularly the Fur, Zaghawa and Massaleit, to fight against what they perceived to be "marginalisation, racial discrimination and exploitation" in their region. **[15h]** The movement's stated aim was to create a united democratic Sudan on the foundation of equality and decentralisation of power. **[15j]**

According to the ICI report of January 2005:

"During the Commission's meetings with the SLM/A leadership in Asmara, Eritrea, it was made clear that the group is divided into a political arm, the 'Movement', and a military arm, the 'Army'. At the oustset of the conflict, the structure of the SLM/A remained unclear. In October 2003, the SLM/A reportedly held a conference in North Darfur State during which changes in their structure were discussed and a clear division of work proposed between the military and the political wings. Nowadays, and following the discussion members of the Commission had with SLM/A representatives in Eritrea, it appears that the movement's non-military chairman is Abdel Wahid Mohamad al Nur and that the main military leader and the group's Secretary-General is Minnie Arkawi Minawi. The negotiation team in the peace talks with the Government is headed by Dr. Sherif Harir. Little is known about the detailed structure, or about the actual size of the military arm. According to information obtained by the Commission, the SLM/A has acquired most of its weapons through the looting of Government installations, in particular police stations as well as army barracks. Other sources claim that foreign support has also played an important role in the build-up of the SLM/A forces. The Commission, however, was not in a position to confirm this." **[2c] (p38)**

The report continued:

"The Commission obtained little information about the areas controlled by the SLM/A in Darfur. While certain rural areas are said to be under the group's control, given its operation as a mobile guerilla group, these areas of control are not fixed. In the beginning of the conflict most of the fighting seems to have taken place in North and northern West Darfur, while it gradually moved southward into South Darfur during the last months of 2004." **[2c] (p38)**

See also Section 6.A: The Darfur conflict **and** Darfur peace talks**; Section 6.B:** Ethnic groups/Darfur**; Annex C:** Black ethnic groups - Darfur

Sudanese National Movement for the Eradication of Marginalisation

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. **[2c] (p40)** The ICI stated that this group, the Sudanese National Movement for the Eradication of Marginalisation, emerged in December 2004 when it claimed responsibility for an attack on Ghubeish in Western Kordofan, and that "Little is known of this groups *[sic]*, but some reports claim it is a splinter group from the SLM/A." **[2c] (p40)**

Sudan People's Liberation Movement /Army (SPLM/A or SPLM-Mainstream)

Formed - 1983. **[48]** Leader - Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. **[14g]** Now the ruling party in south Sudan and a member of the National Government of Unity. **[15aw, 15bw]**

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People's Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. **[28] (p2)** Rather than ending the mutiny, Garang encouraged other garrisons to rebel. **[28] (p2)** According to a February 1999 article by the European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDEA) the SPLM/A is made up of mostly Christian and animist opposition movements. **[5b]** The SPLM/A claims to want self-determination for the southern Sudanese and a secular and democratic Sudanese government but not full independence for southern Sudan from northern Sudan. **[5b]**

According to the 2000 Danish Fact Finding Report, any Sudanese national can join the SPLM/A regardless of ethnic origin or religion. **[9a] (p18)** The report stated that "Most of its membership is drawn from three provinces in southern Sudan: Eastern Equatoria, Western Equatoria and Bahr El Ghazal, but the movement also has members from the Nuba Mountains, the Blue Nile province and to some extent from Darfur." **[9a] (p18)**

A number of splinter groups emerged from the SPLM/A, such as the South Sudan Independence Movement/Army (SSIM/A), the Sudan People's Defence Force, SPLM-United and the Equatoria Defence Force. **[49b]** The leaders of these splinter groups have slowly realigned themselves with the SPLM-Mainstream, resulting in these groups splintering into pro- and anti-SPLM/A camps (the latter usually at least loosely aligned with the Government). **[49b]** This has resulted in conflict between the different factions, often spilling over into attacks on and between the civilian populace. **[65a] (Insecurity in South Sudan: A Threat to the IGAD Peace Process. June 2004)**

On 31 December 2004 the Government of Sudan and the SPLM/A signed a permanent ceasefire and, on 9 January 2005, both parties signed the Comprehensive Peace Agreement, bringing to an end the north-south conflict that had raged for 20 years. **[51] [14w, 14ab, 14af] [15al] [15bn] [15bp-15bq]** John Garang became First Vice President of the Sudan on 9 July 2005 but was killed in an air crash at the end of July 2005. **[23ay]** Salva Kiir, previously Garang's deputy, assumed the leadership of the SPLM and was later sworn in as First Vice President. **[15aw, 15bw]** The SPLM, which will be responsible for a largely autonomous south for the six years prior to a referendum on self-determination,

will have a 28 per cent share in parliament and a 30 per cent share of jobs in the central administration. **[51] [14w, 14ab, 14af, 14ag] [15ah, 15al, 15bn, 15bp]**

See also Section 6.A: The north-south conflict**,** North-south peace talks**,** Implementation of the Comprehensive Peace Agreement **and** Members and supporters of armed factions - central/south Sudan**; Annex B:** National Democratic Alliance **and Annex C:** Black ethnic groups (central and southern Sudan)

Sudanese National Party (SNP)

Based in Khartoum. Leader - Hasan al-Mahi - participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). **[31b]**

Umma Party (UP/'mainstream UP')

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi.

According to information found on sudan.net, "During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989." **[28] (p1)** The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. **[28] (p1)** BBC News online reported in November 1999 that the Government had signed a peace accord with the Umma Party. **[14a] (p1)**

The Danish Fact Finding Mission of 2001 stated that there was reportedly internal conflict due to the party's conciliation agreement of 1999 and continued co-operation with the Government. **[9b]** The party was a member of the NDA until, according to Europa 2005, it withdrew its membership in March 2000. **[1] (p1113)** The UP had been able to perform its functions as a political party almost unhindered by the government since withdrawing from the NDA but, in April 2005, the party was formally banned. **[15cq]** IRIN reported that:

"The [news] agencies said security forces surrounded the party's headquarters on Wednesday morning, to stop a rally to celebrate the 20th anniversary of the fall of a previous regime. Scores of officials and party members were arrested. Subsequently, officials received a notification banning all political activities by the party, claiming it had not been properly registered." **[15cq]**

Nevertheless, in July 2005 IRIN reported that, "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." **[15bw]**

See also Section 6.A: Freedom of assembly and association/Members and supporters of the Umma/Ummah Party (UP)

Umma Party (registered) **[49a]**

Breakaway faction of UP-Mainstream, no longer in existence. Leader - Nur Jadayn

The *Khartoum Monitor* website reported in August 2002 that a faction of the Umma Party, led by Nur Jadayn, which had previously broken away from the main party, had reportedly dissolved. **[50] (p1)** The dissolved faction's former members joined with the ruling National Congress Party while Jadayn claimed that the Umma party was undemocratic and accused it of plotting against his and his fellow members' religion. **[50] (p1)** According to an October 2002 article by 'Facts on File World News Digest', al-Bashir reshuffled his cabinet in August 2002 and included seven politicians from the breakaway faction. **[44]**

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)

A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the former's political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. **[65a] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')**

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. **[65a] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')**

National Democratic Alliance (NDA)

Formed in 1989. Periodical - *Al-Fajr*. **[48]** Asmara-based organisation. Chair - Osman al-Mirghani. Vice Chairman, Leadership Council - General Fathi Ahmed Ali. **[16b] (p1)** Secretary-General - Joseph Okelu. Commander-in-Chief (of the Unified Military Command of the NDA) - John Garang. **[16a] (p2) [16c] (p1)** The opposition movements that are members of the NDA include:

Beja Congress (BC)*
Baa'th Party (pro-Iraq)* **[9b]**
Baa'th Party (pro-Syria) **[9b]**
Democratic Unionist Party (DUP - Mirghani faction and its groupings)* **[9b]**
Legitimate Command (LC)* - formed from dissident military officers from Sudan
Sudan Alliance Forces (SAF)* - founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman)
Sudan African National Union (SANU)* **[9b]**
Sudanese Communist Party (SCP - Nogud faction)* **[9b]**
Sudan Federal Democratic Alliance (SFDA)* - founded 1994, Chair - Ahmad Dreige - advocates a decentralised, federal structure for Sudan
The Sudanese National Party (SNP)* **[9b]**
The Sudan People's Democratic Front (SPDF) **[9b]**
The Sudan People's Liberation Movement (SPLM)* - Leader - Salva Kiir - now also President of south Sudan and First Vice President of the National Government.
Free Lions Association* - an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. **[9b]**
Sudan Liberation Movement - an armed rebel group based in Darfur but with a national agenda. **[15j]**

* Indicates parties that were members of the Leadership Council of the NDA, along with the General Council of the Trade Union Federation, unidentified

independent national figures and unidentified representatives of the liberated areas. **[16a] (p1)**

Political Parties of the World, published in 2002, stated that "The NDA was formed after the 1989 military coup as an umbrella organization linking a disparate group of opponents of the Bashir regime." **[8] (p440)** The Alliance's own website stated that the NDA set up its headquarters outside Sudan in Asmara, the capital city of Eritrea, and there were also branch offices in Cairo, Nairobi, Washington and London. **[16a] (p1)**

A February 2005 Agence France Presse report stated that the Beja Congress and the Free Lions had withdrawn from the National Democratic Alliance in 2004, and merged to become the Eastern Front. **[13a]** However, the *Sudan Tribune* published material from BBC Monitoring earlier the same month that contained interviews with the leaders of the two groups, in which it was not clear whether a full split had occurred, or if such a split was permanent. **[12]**

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the government and the NDA had signed a tentative peave agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. **[15aq] [14ad]** In February 2005 IRIN reported that 30 top officials of the NDA attended a conference funded by the US-based International Republican Institute, which was aimed at strengthening and developing Sudan's opposition parties. **[15ay]** Member parties of the NDA are due to receive an allocation of 14 per cent of the seats in Parliament, under the power-sharing agreement of May 2004. **[15ah]** The new government was due to have been set up by 9 August 2005, according to the Comprehensive Peace Agreement but was delayed due to disputes over the allocation of government posts. **[81]**

See also Section 6.A: North-south peace talks**; Annex B:** Beja Congress

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Annex D: Prominent People

The information below has been taken from the Official Government of Sudan website, source **[4e]**, which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF NATIONAL UNITY

The President
Lt Gen Omar Hassan Ahmad El-Bashier

First Vice-President
Lt Gen Silva kair Miar Madit

Vice-President
Ali Osman Mohamed Taha

Assistant President
Dr Nafi' Ali Nafi'

The information below has been taken from the Gurtong Peace Project website, source **[80a]**, which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SOUTH SUDAN

President
Salva Kiir Mayardit

Vice-Presidnent
Riek Machar Teny

For information on prominent people in opposition parties and rebel groups, see Annex D: Main political organisations

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Annex E: Main ethnic groups

This list should not be viewed as exhaustive.

The US State Department's Human Rights Report for 2003 (USSD 2003), published on 25 February 2004, stated that "The estimated population of 27.5 million was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects." **[3a] (p30)**

See also Annex D: Languages of Sudan

ARAB ETHNIC GROUPS (MOSTLY NORTH SUDAN AND PARTS OF CENTRAL AND SOUTHERN SUDAN)

Baggara, Batahin, Beni Helba, Budairia, Dar Hamid, Habbania, Hamar, Hamr, Hassania, Hawasma, Hawawir, Jawamia, Kababisch, Kawahila, Kinana, Jaalin, Jim, Manasir, Masiria, Musallmia, Rubatab, Rufaa, Ruzaikat, Schaikia, Schukria, Selim, Taaischa **[40]**

According to *Encyclopaedia Britannica* (EB) 2004, "Those Sudanese who consider themselves Arabs are, for the most part, racially mixed and many of them are indistinguishable from black southerners." **[6b] (p2)** EB 2004 also recorded that "Despite a common language and religion, the 'Arabs' do not constitute a cohesive group: they are highly differentiated in their mode of livelihood and comprise city dwellers, village farmers, and pastoral nomads." **[6b] (p2)**

EB 2004 recorded that:

"The Arabs have historically been divided into tribes based on presumed descent from a common ancestor. The tribal system has largely disintegrated in urban areas and settled villages, however, and retains its strength only among the nomads of the plains who raise cattle, sheep, and camels. Each Arab tribe or cluster of tribes is in turn assigned to a larger tribal grouping, of which the two largest are the Jalayin and the Juhaynah." **[6b] (p2-3)**

According to EB 2004, the Jalayin consisted of the sedentary agriculturalists along the middle Nile, whilst the Juhaynah encompassed the nomadic tribes of western and north-eastern Sudan, although some of them have also settled. **[6b] (p3)** The website of a photographer, F Jack Jackson, displayed one photograph of a Baggara tribeswoman taken in Sudan prior to the outbreak of the north-south civil war. **[73]**

NON-ARAB ETHNIC GROUPS COLLECTIVELY KNOWN AS THE BEJA (NORTH-EAST SUDAN)

Amarar, Beni Amer, Bischarin, Hadendoa **[40]**

According to EB 2004 and the US Library of Congress' Country Study of 1991 (LoC 1991) most Beja, pastoral nomads who inhabit the Red Sea Hills and have probably done so since ancient times, speak Arabic as a second language, and Arab influence has led the Beja to adopt Islam. **[6b] (p3) [35a] (p4)** LoC 1991 stated that the Beja adopted genealogies which link them to Arab ancestors, Arabised their names and included Arabic terms in their language.

[35a] (p4) However, EB 2004, LoC 1991 and Ethnologue 2004 agreed that the Beja are mostly descended from an indigenous people and have retained their Bedawiye language. **[6b] (p3) [35a] (p4) [34] (p4)** LoC's 1991 study stated that "In the 1990s, most Beja belonged to one of four groups – the Bisharin, the Amarar, the Hadendown and the Bani Amar." **[35a] (p4)**

A January 2006 International Crisis Group (ICG) report noted:

"The population of the three states – Red Sea, Kassala and Gedaref – is approximately four million, a substantial part of which is the Beja nation, a confederation of indigenous non-Arab tribes whose ancestors have inhabited the semiarid areas between the Nile River and the Red Sea for more than 4,000 years. The Handendowa is the largest Beja tribe (and one of the largest tribes in Sudan, after the Dinka of the South and the Fur of Darfur), with an estimated population of 600,000. The three other largest Beja tribes are the Amar'ar, primarily in Red Sea State, the Beni Amer, divided between Sudan and Eritrea, and the Bishariyyn, divided between Sudan and Egypt. Almost all Beja tribes speak TuBedawiye (of the Cushitic linguistic group), except the Beni Amer, whose mother tongue is Tigre (a Semitic language)." **[63j] (p2)**

BLACK ETHNIC GROUPS - DARFUR (NORTH-WEST SUDAN)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa **[40]**

According to the UNHCR's June 2000 Background Paper the Massaleit are black African Muslims who live in Darfur State in the north-west of Sudan. **[2a] (p22)** According to the *Encyclopaedia of Peoples of the World*, published in 1993, and Ethnologue 2004, the Massaleit, whose language is also called Massaleit, totalled around 67,000. **[38] (p391) [34] (p14)** The LoC 1991 study stated that the Massaleit lived on the Sudan-Chad border and were primarily cultivators. **[35a] (p5)**

EB 2004 stated that "Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west." **[6b] (p3)** According to the LoC 1991 study, the Fur have resisted Arabisation despite being long surrounded and ruled by Arabs. **[35a] (p5)** The *Encyclopaedia of Peoples of the World* and Ethnologue 2004 stated that the Fur tribe, who speak a language also called Fur, numbered an estimated 55,000. **[38] (p221) [34] (p2)** LoC's 1991 Study noted that "Those [Fur] who acquired a substantial herd of cattle could maintain it only by living like the neighbouring Baqqara Arabs, and those who persisted in this pattern eventually came to be thought of as Baqqara." **[35a] (p5)**

According to EB 2004, the LoC 1991 study and Ethnologue 2004, on the plateau north of the Fur is the tribe the Arabs call the Zaghawa, who speak Zaghawa and large numbers of whom live in Chad. **[6a] [34] (p21) [35a] (p5) [34] (p21)** The 1991 LoC study recorded that the Zaghawa are semi-nomadic people who call themselves Beri. **[35a] (p5)** According to Ethnologue 2004, the Zaghawa in Sudan numbered approximately 102,000 in 1982. **[34] (p21)** The LoC 1991 study stated that although "Herders of cattle, camels, sheep and goats, the Zaghawa also gained a substantial part of their livelihood by gathering wild grains and other products." **[35a] (p5)** The study also stated that whilst they were "Converted to Islam, the Zaghawa nevertheless retain much of their traditional religious orientation." **[35a] (p5)**

Human Rights Watch (HRW) reproduced a 'Map of Darfur', dated 2004, on its website, which showed the approximate locations of the main tribes in Darfur. **[10h]** A Justice Africa paper entitled 'Who are the Darfurians? Arab and African Identities, Violence and External Engagement' detailed the historical, political and economic development of the Darfur region and its inhabitants. **[52a]** A June 2004 Guardian Unlimited (UK) special report made one reference to the practice of scarification in Darfur, stating that "Refugee women in Mornay [Murnei] have African ritual facial scarring - three vertical stripes on each cheek - but also wear Muslim charms." **[71] (p3)**

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBIANS (PARTS OF NORTH SUDAN)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi **[40]**

EB 2004 stated that "Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north." **[6b] (p3)** According to EB 2004 and the LoC 1991 study, the most prominent of these groups, the Nubians, lived along the Nile in the far north and in southern Egypt. **[6b] (p3) [35a] (p4)** However, LoC also recorded that Nile Nubians are known to have resettled in towns such as Khartoum, Kassala and Port Sudan. **[35a] (p4)** EB 2004 and LoC's 1991 study stated that they spoke Nubian and that most also spoke Arabic as a second language. **[6b] (p3) [35a] (p4)** Languages of the World, published in 1995, stated that approximately 2.5 million Sudanese people spoke a Nubian dialect. **[39] (p357-358)** LoC 1991 also stated that "Other, much smaller groups speaking a related language and claiming a link with the Nile Nubians have been given local names, such as the Birqid and the Meidab in Darfur State." **[35a] (p4)**

See also Section 6.B: Ethnic groups/Nubians

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBA (CENTRAL SUDAN)

Kadugli, Katla, Koalib, Krongo, Nemyang or Nyima, Tagoi, Temeini **[40]**

EB 2004 stated that "One of the most important non-Muslim peoples in The Sudan is the Nuba, who live in the Nuba Mountains north of the Nilotes." **[6b] (p4)** According to the US Committee for Refugees' (USCR) 2000 report, 'The Crisis in Sudan: The Nuba People - Confronting Cultural Liquidation', the Nuba Mountains cover about 30,000 square miles, approximately a third of which consists of mountains, in Southern Kordofan. **[24a] (p2)** The USCR's report also recorded that the area contains few significant roads or towns and stretches to Dilling in the north, past Talodi and Buram in the south, Lagowa in the west and beyond Heiban in the east. **[24a] (p2)** The report further explained that "The numbers of Nuba are unclear." **[24a] (p2)** It stated that Nuba estimates placed the figure at between 1.2 million and 2 million, the Government contended that there were 1.1 million Nuba in Sudan. **[24a] (p3)**

According to the 2000 USCR report and the US Library of Congress' 1991 Country Study (LoC 1991), the Nuba are a complex people of approximately three dozen black ethnic groups with many cultures, who speak more than 50 languages, which are collectively known as 'Hill Nubian'. **[24a] (p2) [35a] (p9)** Examples of the various languages, as provided by Ethnologue 2004, a study

by H Bell entitled 'The Nuba Mountains: Who Spoke What in 1976?' and EB 2004, are Dilling, Koalib, Keiga, Midobi, Birked, Temein, Daju, Otaro and Tira. **[34] [41] [6b] (p4)** LoC's 1991 study also stated that "The Kurdufanian languages these people [the Nuba] spoke were not generally mutually intelligible except for those of some adjacent communities." **[35a] (p9)**

According to USCR's report of 2000, the Nuba practise religious and ethnic tolerance and are a mixture of Christians, Muslims and followers of traditional animist religions. **[24a] (p8)** LoC's study considered that, given the Arabisation of the people around them, only a relatively small number of Nuba have adopted Arabic as their home language and even fewer have converted to Islam. **[35a] (p9)**

According to LoC's 1991 study, these groups, whilst collectively known as the Nuba, vary considerably in their culture and social organisation. **[35a] (p9)** The study recorded that some are patrilineally organised in that they base or trace their descent on the male line; others follow matrilineal patterns as they trace their descent on the female line; and a very few, in south-eastern Nuba, have both patri- and matrilineal groupings in the same community. **[35a] (p9)** LoC 1991 also recorded that Nile Nubians, although seeking to retain a link with their traditional homeland, have resettled in towns such as Khartoum, Kassala and Port Sudan to work as domestic servants and semi-skilled labourers but also as teachers or civil servants. **[35a] (p4)**

According to the Leni Riefenstahl website, the German director-photographer lived with at least two different Nuba tribes between 1962 and 1977. **[72a]** The website reproduced a selection of photographs, primarily of the Masakin Qisar Nuba and the Kau Nuba. **[72a] [72b]** These images provide some background information to the cultural practices of these two tribes, and show various scarification patterns. **[72a] [72b]** The website of another photographer, F Jack Jackson, displayed photographs of Nuba tribespeople taken in Sudan prior to the outbreak of the north-south civil war. **[73]**

BLACK ETHNIC GROUPS (CENTRAL AND SOUTH SUDAN)

Acholi, Anuak, Azande, Baka, Banda, Bari, Berta or Schankalla, Bongo, Dinka, Karamojo, Koma, Kreisch, Lango, Lotuko, Luo, Madi, Mangbetu, Moru, Mundu, Murle or Molen, Ndogo, Nuer, Shilluk/Schilluk, Sere, Turkana **[40] [77d]**

EB 2004 stated that "Chief among the Nilotic peoples are the Dinka, Nuer and Shilluk, who together make up almost one-fifth of The Sudan's total population." **[6b] (p4)** According to Ethnologue 2004 and Languages of the World, 1995, the languages of these three groups have the same name as their group (e.g. the Dinka speak Dinka). **[34] (p6-7, 16, 17) [39] (p358)** The LoC 1991 study recorded that the Dinka made up roughly 40 per cent of southern Sudan's population and approximately 10 per cent of Sudan's population as a whole; the Nuer were between a quarter to a third the size of the Dinka and the Shilluk about a quarter of the size of the Nuer. **[35a] (p6)** The LoC's 1991 study reported that "The Dinka are considered to have as many as twenty-five tribal groups. The Nuer have nine or ten separately named groups." **[35a] (p6)**

According to EB 2004, "The Dinka are mostly cattle-herders on the plains east of the White Nile, while the Shilluk are more settled farmers on the West Bank of the river. The Nuer live farther south, east of the Mountain Nile." **[6b] (p4)**

LoC's 1991 study stated that "The Dinka were widely distributed over the northern part of the southern region, particularly Aali an Nil and Bahr al Ghazal." **[35a] (p6)** The LoC study also recorded that the Nuer populace was also widely distributed, while the Shilluk, who call themselves Collo, were permanently settled in a limited and unbroken area just north of the point where the Bahr al Jabal becomes the White Nile. **[35a] (p6-7)**

According to an October 2003 *Sudan Mirror* website article by Victor Lugala of the New Sudan Council of Churches (NSCC), "Among the Nilotics of Sudan, tribal marks were/are a passage from childhood to adulthood. They were/are also regarded as a badge of bravery or gallantry. In some communities facial scarification ceremonies are similar to circumcision ceremonies, in which candidates were/are initiated in batches." **[70] (p2)** The article described the different scarification practices of a number of tribes from southern Sudan as follows:

"The Bul Nuer (Nilotics) of western Upper Nile, for instance, inundate their faces with braille-like dots that make a person look as if s/he is suffering from an acute case of smallpox. Meanwhile, the Nuer of the east bank of the River Nile mark their faces in six parallel, contour-like lines, similar to the Dinka Agar of Rumbek. The Mundari marks on the other hand, do not follow any uniform pattern, they just cut the face at random, this is not done for aesthetic purposes but to let out 'dirty' bloody *[sic]* when a person is sick. The Lotuho serrate the ears of some of their heroic men as a visual mark of bravery and gallantry. The Bantu ethnic group of Western Equatoria has facial marks similar to those of the Danagla people of Northern Sudan. For instance the Baka are known for their one-eleven (111) cuts on both cheeks. Such cuts can be traced to the early Christian kingdoms of Nubia in Dongola and Meroe, where the one-eleven implied three-in-one or the Holy Ghost." **[70] (p1)**

However, the article also stated that "With modernization, influence of western cultures, facial scarification is fast disappearing." **[70] (p2)**

The Leni Riefenstahl website, dedicated to the work of the German director-photographer, stated that she lived in Sudan between 1962 and 1977. **[72a]** The website included limited pictures of the Murle, Dinka and Shilluk tribes. **[72c]** The website of another photographer, F Jack Jackson, displayed photographs of southern Sudanese tribespeople taken in Sudan prior to the outbreak of the north-south civil war. **[73]** The Nuer Field Project of Indiana University also contained a large number of photographs and other information about the culture, language and way of life of the Nuer tribespeople. **[74]**

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Annex F: Languages of Sudan

This list should not be viewed as exhaustive. For languages estimated to be spoken in Sudan by fewer than 20,000 persons, refer to Ethnologue, source **[34]**.

According to *Encyclopaedia Britannica* (EB) 2004, "There are more than 100 languages spoken as mother tongues in the Sudan." **[6b] (p6)** Ethnologue 2004 listed 142 languages for Sudan and stated: "Of those, 134 are living languages and 8 are extinct." **[34] (p1)** The US Library of Congress' (LoC 1991) country study dated June 1991 claimed that "The number of languages spoken in Sudan is assumed to be about 400 languages, including languages spoken by an insignificant number of people." **[35a] (p2)** LoC's study also stated that "English is widely spoken as a second language in the North and to a lesser extent in the South." **[35b] (p5)**

See also Annex C: Main ethnic groups

ACHERON

[ACZ] Northern Sudan, Kordofan Province, southern Nuba Hills. *Alternate names:* GARME. *Dialects:* EASTERN ACHERON, WESTERN ACHERON. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Tocho. **[34]**

ACHOLI

[ACO] 27,000 in Sudan (1978 SIL). Southern Sudan, Opari District, Acholi Hills. *Alternate names:* ACOLI, ATSCHOLI, SHULI, GANG, LWO, AKOLI, ACOOLI, LOG ACOLI, DOK ACOLI. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Southern, Luo-Acholi, Alur-Acholi, Lango-Acholi. **[34]**

ANUAK

[ANU] 52,000 in Sudan (1991 UBS). Population total both countries 98,000. *Alternate names:* ANYWAK, ANYWA, YAMBO, JAMBO, NURO, ANYUAK, DHO ANYWAA. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Anuak. **[34]**

AMA

[NYI] 70,000 (1982 SIL). Northern Sudan, Kordofan Province, north-west of Dilling on range of hills of which Jebel Nyimang is a part, and on the Mandal range. *Alternate names:* NYIMANG, INYIMANG, NYIMA, NYIMAN. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Nyimang. **[34]**

ARABIC, STANDARD

[ABV] Middle East, North Africa. *Classification:* Afro-Asiatic, Semitic, Central, South, Arabic.

ARABIC, SUDANESE CREOLE

[PGA] 20,000 first language and 44,000 second language speakers in Juba alone (1987 estimate). Southern Sudan, in the towns and many villages all over Equatoria Region, and up into Bahr al Ghazal and Upper Nile regions. Refugees have gone to other countries. *Alternate names:* JUBA ARABIC, SOUTHERN SUDAN ARABIC, PIDGIN ARABIC. *Classification:* Creole, Arabic based. **[34]**

ARABIC, SUDANESE SPOKEN

[APD] 15,000,000 or more in Sudan, 51 per cent of population (1991). Population total all countries 16,000,000 to 19,000,000. *Alternate names:* KHARTOUM ARABIC. *Dialects:* KHARTOUM, WESTERN SUDANESE, NORTH KORDOFAN ARABIC, JA'ALI, SHUKRI. *Classification:* Afro-Asiatic, Semitic, Central, South, Arabic. **[34]**

BAKA

[BDH] 25,000 in Sudan (1993 UBS). Population total both countries 26,300. *Alternate names:* TARA BAAKA. *Classification:* Nilo-Saharan, Central Sudanic, West, Bongo-Bagirmi, Bongo-Baka, Baka. **[34]**

BARI

[BFA] 226,000 in Sudan (1978 SIL), including 26,400 in Kuku, 18,000 in Nyangbara, 3,400 in Nyepu, 25,000 in Pojulu. Population total both countries 286,000 or more. *Alternate names:* BERI. *Dialects:* KUKU, NYANGBARA (NYANGWARA, NYAMBARA), NYEPU (NYEFU, NYEPO, NYPHO, NGYEPU), PÖJULU (PAJULU, FADJULU, FAJELU, MADI), LIGO (LIGGO). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. **[34]**

BEDAWI

[BEI] 951,000 in Sudan (1982 SIL) including 30,000 Hadendoa, 15,000 Bisharin (1992). Population total all countries 1,148,000. *Alternate names:* BEJA, BEDAWIYE, BEDAUYE, TO-BEDAWIE, BEDJA. *Dialects:* HADENDOA (HADENDOWA, HADENDIWA), HADAREB (HADAAREB), BISHARIN (BISARIAB), BENI-AMIR. *Classification:* Afro-Asiatic, Cushitic, North. **[34]**

BERTA

[WTI] 22,000. Northern Sudan. *Alternate names:* BARTA, BURTA, 'BENI SHANGUL', WETAWIT. *Dialects:* SHURU, BAKE, UNDU, MAYU, FADASHI. *Classification:* Nilo-Saharan, Berta. **[34]**

DAGIK

[DEC] (38,000 with Ngile; 1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, on some outlying hills in Mesakin Hills, Reika village. *Alternate names:* MASAKIN, MASAKIN DAGIG, DAGIG, REIKHA, DENGEBU. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. **[34]**

DAJU, DAR FUR

[DAJ] 70,000 to 90,000 all Daju in Dar Fur (1983 Bender). Northern Sudan, Dar Fur Province, in the Daju Hills 25 miles north-east of Nyala. Also in Geneina District in Dar Masalit. The West Kordofan dialect is in the Daju Hills near Lagowa, with main settlements at Dar el Kabira, Nyukri, and Tamanyik and other hills. *Alternate names:* NYALA-LAGOWA, FININGA, DAGU, DAJU FERNE, BEKE. *Dialects:* NYALA, LAGOWA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. **[34]**

DAJU, DAR SILA

[DAU] Northern Sudan. Nearly all those Daju of Dar Sila who are in Sudan have migrated into Dar Fur and settled there in recent times. *Alternate names:* SILA, SULA, MONGO-SILA, BOKOR, BOKORUGE, BOKORIKE. *Dialects:* MONGO, SILA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. **[34]**

DIDINGA

[DID] 58,000 (1978 SIL). Southern Sudan, Didinga Hills and north of Nagishot. *Alternate names:* 'DI'DINGA, XAROXA, TOI, LANGO. *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, South-west, Didinga-Murle, Didinga-Longarim. **[34]**

DINKA, NORTH-EASTERN

[DIP] 320,000 (1986 UBS) including 7,200 Abialang, 9,000 Dongjol, 2,500 Luac, 16,000 Ngok-Sobat, 20,000 Jok, 13,500 Ageer, 2,000 Rut, 400 Thoi. Southern Sudan, north-east of the Sudd, along both sides of the White Nile, and along the Sobat River. *Alternate names:* PADANG, WHITE NILE DINKA. *Dialects:* ABILIANG (DINKA IBRAHIM, AKOON, BAWOM, BOWOM), DONGJOL, LUAC (LUAIC), NGOK-SOBAT (NGORK, JOK), AGEER (AGER, AGEIR, ABUYA, BEER, NIEL, NYEL, PALOC, PALOIC), RUT, THOI. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. **[34]**

DINKA, NORTH-WESTERN

[DIW] 80,000 Ruweng (1986). Southern Sudan, north of the Bahr el Ghazal River, and southern Kordofan around Abyei. *Dialects:* ALOR, NGOK-KORDOFAN, PAN ARU, RUWENG. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. **[34]**

DINKA, SOUTH-CENTRAL

[DIB] 250,000 including 2,000 Aker, 2,000 Thany, 22,000 Ciec, 25,000 Gok (Tucker and Bryan). (Total Dinka 2,000,000 or more.) Southern Sudan, west of the Nile, south of the Sudd. Aker is south-east of the Agar; Aliap is south of the Bor in a few fishing villages mainly on the east bank of the Nile. Ciec is in Lakes District on the west bank of the Nile. Gok is between the Agar and the Rek in Jur River and Lakes districts. *Alternate names:* AGAR, CENTRAL DINKA. *Dialects:* ALIAP (ALIAB, THANY, AKER), CIEC (CIEM, CIC, CHIECH, KWAC, AJAK, ADOR), GOK (GAUK, COK), AGAR. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. **[34]**

DINKA, SOUTH-EASTERN

[DIN] 250,000 including 21,000 Atoc, 9,000 Ghol, 4,000 Nyarueng, 35,000 Twi, 21,000 Bor Gok (Tucker and Bryan). 500,000 including South Central (Agar) and South-eastern (Bor) (1982 UBS). Southern Sudan, east of the Nile, around Bor and northwards. *Alternate names:* BOR, EASTERN DINKA. *Dialects:* BOR (BOR GOK), ATHOC (ATHOIC, ATOC, BORATHOI, BOR ATHOIC), GHOL, NYARWENG (NYARUENG, NARREWENG), TUIC (TWI). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. **[34]**

DINKA, SOUTH-WESTERN

[DIK] 450,000 (1982 UBS) including 55,000 Abiem, 15,000 Luac, 40,000 Malual, 17,000 Paliet, 35,000 Palioupiny, 50,000 Tuic. Southern Sudan, north and north-west of Wau. *Alternate names:* REK, WESTERN DINKA. *Dialects:* REK (RAIK), ABIEM (AJONG DIT, AJONG THI, AKANY KOK, AKERN JOK, APUOTH, APWOTH, ANEI), AGUOK (AGWOK), APUK, AWAN, LAU, LUAC, MALUAL (MALWAL, ATOKTOU, DULIIT, KOROK, MAKEM, PETH), PALIET (BALIET, AJAK, BUONCWAI, BON SHWAI, BWONCWAI, KONGDER, KONDAIR, THANY BUR, TAINBOUR), PALIOUPINY (PALIOPING, AKJUET, AKWANG, AYAT, CIMEL, GOMJUER), TUIC (TWIC, TWICH, TWIJ, ADHIANG, AMIOL, NYANG, THON). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. **[34]**

FULFULDE, ADAMAWA

[FUB] 90,000 in Sudan (1982 SIL). Northern Sudan, Blue Nile and Kordofan regions. *Alternate names:* FELLATA. *Dialects:* GOMBE. *Classification:* Niger-Congo, Atlantic-Congo, Atlantic, Northern, Senegambian, Fula-Wolof, Fulani, Eastern. **[34]**

FUR

[FUR] 500,000 in Sudan (1983 Bender). Population total both countries 502,000. *Alternate names:* FOR, FORA, FORDUNGA, FURAWI, FURAKANG, FORTA, FOROK, KONJARA, KUNGARA, YERGE, ONAGE, KORRA, KADIRGI, KURKA, DALA, LALI. *Classification:* Nilo-Saharan, Fur. **[34]**

GAAM

[TBI] 40,000 to 80,000 (1997 M L Bender). Northern Sudan. The main centre is in and around Jebel Tabi, on Tabi Massif and outlying hills. A small community in Khartoum. Not in Ethiopia. *Alternate names:* INGASSANA, INGESSANA, TABI, METABI, MUNTABI, MAMEDJA, MAMIDZA, KAMANIDI. *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Eastern Jebel, Gaam. **[34]**

GUMUZ

[GUK] 40,000 in Sudan. Northern Sudan, around Famaka, Roseires from Ethiopia border possibly as far as Fazoglo. *Alternate names:* MENDEYA, DEBATSA, DEGUBA, DEHENDA, GUMIS, GOMBO, SHANKILLINYA, SHANQILLA. *Dialects:* DISOHA (DESUA), DAKUNZA (DEGOJA, DUKUNZA, GUNZA, GANZA, DUKUNA, DUGUNZA), SAI, SESE (SAYSAY), DEKOKA, DEWIYA, KUKWAYA, GOMBO, JEMHWA, MODEA. *Classification:* Nilo-Saharan, Komuz, Gumuz. **[34]**

HAUSA

[HUA] 418,000 in Sudan (1993 Johnstone). Northern Sudan. *Classification:* Afro-Asiatic, Chadic, West, A, A.1. **[34]**

JUMJUM

[JUM] 25,000 to 50,000 (1987 SIL). Northern Upper Nile Province, along Khor Jumjum on Jebels Tunga, Terta, and Wadega. *Alternate names:* BERIN, OLGA, WADEGA. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. **[34]**

KANURI, CENTRAL

[KPH] 195,000 in Sudan (1993 Johnstone). Northern. *Alternate names:* YERWA KANURI, KANOURI, BORNU, BORNOUANS, KANOURY, KOLE, SIRATA, 'BERIBERI'. *Dialects:* DAGARA, KAGA (KAGAMA), SUGURTI, LARE, KWAYAM, NJESKO, KABARI (KUVURI), NGAZAR, GUVJA, MAO, TEMAGERI, FADAWA, MAIDUGURI. *Classification:* Nilo-Saharan, Saharan, Western, Kanuri. **[34]**

KAKWA

[KEO] 40,000 in Sudan (1978 SIL). Southern Sudan, Yei District, extending into DRC in the west at Aba and in the south around Mahagi. *Alternate names:* BARI KAKWA, KAKUA, KWAKWAK, KAKWAK. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. **[34]**

KATCHA-KADUGLI-MIRI

[KAT] 74,935 including 48,864 Kadugli and Katcha, 26,071 Miri (1984 R C Stevenson). Northern Sudan, Kordofan Province, in the southern hills of the Nuba Hills area. Katcha is in villages a short distance south of Kadugli and south-east of the Miri Hills. Kadugli is also in villages surrounding Kadugli. Miri is in Miri villages south of Kadugli. *Dialects:* KATCHA (TOLUBI, DHOLUBI, TUNA, KACA), KADUGLI (DAKALLA, TALLA, DHALLA, TOMA MA DALLA, KUDUGLI, MORTA), MIRI, DAMBA. *Classification:* Niger-Congo, Kordofanian, Kadugli, Central. **[34]**

KENUZI-DONGOLA

[KNC] 180,000 in Sudan (1996). Population total both countries 280,000. *Alternate names:* DONGOLA-KENUZ, NILE NUBIAN, DONGOLAWI. *Dialects:* DONGOLA, KENUZI (KENUZ, KUNUZI). *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Central, Dongolawi. **[34]**

KOALIB

[KIB] 44,258 (1984 R C Stevenson). Northern Sudan, southern Kordofan Province, Nuba Mountains, around Delami, including Umm Berumbita and Turum (Nguqwurang), south and south-west of Abri around Koalib range (Ngunduna), at and around Nyukwur, also at Umm Heitan and Hadra (Nginyukwur), in villages scattered over the plain around Abri (Ngirere). *Alternate names:* KAWALIB, KOWALIB, NGIRERE, NIRERE, RERE, LGALIGE, ABRI. *Dialects:* NGUQWURANG, NGUNDUNA, NGINYUKWUR, NGIRERE, NGEMERE. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Rere. **[34]**

KRONGO

[KGO] 21,688 (1984 R C Stevenson). Northern Sudan, Krongo Hills, south of Masakin range and west of Talodi, Kordofan Province. *Alternate names:* KORONGO, KURUNGU, KADUMODI, TABANYA, DIMODONGO. *Dialects:* FAMA-TEIS-KUA. *Classification:* Niger-Congo, Kordofanian, Kadugli, Eastern. **[34]**

LANGO

[LNO] 20,000 possibly (1987 SIL). Southern Sudan, eastern Equatoria Province, Torit District. *Alternate names:* LANGGO. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. **[34]**

LARO

[LRO] 40,000 (1998 local estimate). Northern Sudan, Nuba Hills on the hills of Laro (Alleira) and a few small hills nearby. *Alternate names:* LARU, AALEIRA, YILLARO, NGWULLARO. *Dialects:* TUNDULI, LARO. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Ebang-Logol, Ebang-Laru. **[34]**

LOPPIT

[LPX] 50,000 (1995 Scott Randal). Southern Sudan, eastern Equatoria Province, Lopit Hills, northeast of Torit. *Alternate names:* LOPIT, LOPID, LOFIT, LAFITE, LAFIT, LAFIIT. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. **[34]**

LUWO

[LWO] 80,000 (1983 census). Southern Sudan, north of Wau toward Aweil, southeast of Wau as far as Tonj. *Alternate names:* LWO, JUR LUO, JUR LWO, JO LWO, DHE LWO, DHE LUWO, GIUR. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Jur. **[34]**

MABAAN

[MFZ] 25,000 to 50,000 (1987 SIL). On the border of Blue Nile and Upper Nile provinces, between Yabus and Tombak rivers in the north and Khor Daga in the south. Not in Ethiopia. *Alternate names:* MAABAN, MEBAN, SOUTHERN BURUN, GURA, TUNGAN, BARGA, TONKO, ULU. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. **[34]**

MANDARI

[MQU] 35,812 (1952). Southern Sudan, near Bari; one division around Tali, the other on both sides of the Nile between Tombe and Mongalla. *Alternate names:* MONDARI, MUNDARI, SHIR, CHIR, KIR. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. **[34]**

MASSALEIT

[MSA] 145,000 in Sudan. Population total both countries 250,000 (1983 Doornbos and Bender). *Alternate names:* MASALIT, MASSALIT, KAANA MASALA, JWISINCE. *Dialects:* SURBAKHAL. *Classification:* Nilo-Saharan, Maban, Mabang, Masalit. **[34]**

MIDOB

[MEI] 50,000 (1993 R Werner). Northern Sudan, Dar Fur Province, Jebel Midob, and settled communities in Omdurman and Gezira Aba. The centre is Malha. *Alternate names:* MEIDOB, MIDOBI, TIDDA, TID, TID-N-AAL. *Dialects:* SHELKOTA (SHALKOTA), KAAGEDDI, URRTI (UURTI). *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Western. **[34]**

MORO

[MOR] 30,000 (1982 SIL) including 4,100 Abu Leila and Lebu, 460 Umm Dore, 9,000 Umm Gabralla (1977 Voegelin and Voegelin). Northern Sudan, eastern Nuba Mountains, Kordofan Province. *Alternate names:* DHIMORONG. *Dialects:* UMM DOREIN (LOGORBAN), UMM GABRALLA (TOBERELDA), NDERRE, LAIYEN, NUBWA, ULBA, WERRIA. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. **[34]**

MORU

[MGD] 70,000 (1982 SIL), including 1,200 Agi, 2,500 Andri, 5,000 Kadiro, 9,000 Miza, 400 Wa'di. Southern Sudan, Mundri District, Equatoria Province. *Alternate names:* KALA MORU. Dialects: AGI, ANDRI, 'BALI'BA, KADIRO, LAKAMA'DI, MIZA, MORUWA'DI. Classi*fication:* Nilo-Saharan, Central Sudanic, East, Moru-Madi, Northern. **[34]**

MÜNDÜ

[MUH] 23,000 in Sudan. Population total both countries 25,800. *Alternate names:* MUNDO, MOUNTOU, MONDU, MONDO. *Dialects:* SHATT. *Classification:* Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Ngbaka-Mba, Ngbaka, Eastern, Mundu. **[34]**

MURLE

[MUR] 60,000 in Sudan (1982 SIL). Population total both countries 60,200. *Alternate names:* MURELEI, MERULE, MOURLE, MURULE, BEIR, AJIBBA, AGIBA, ADKIBBA. *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, Southwest, Didinga-Murle, Murle. **[34]**

NDOGO

[NDZ] 20,000 (1993). Southern Sudan, Western District along Wau-Deim Zubeir Road between Mboro and Kpango rivers. A few are north of Tembura among the Zande. Not in CAR. *Classification:* Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Sere, Sere-Bviri, Ndogo-Sere. **[34]**

NGILE

[MAS] 38,000 including Dagik (1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, in Mesakin Hills on some outlying hills. *Alternate names:* MASAKIN, MESAKIN, DALOKA, TALOKA, DARRA. *Dialects:* AHEIMA (EL AKHEIMAR), DALOKA (TALOKA), MASAKIN GUSAR (MESAKIN QUSAR, MASAKIN BURAM), MASAKIN TUWAL (TIWAL, TOWAL). *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. **[34]**

NOBIIN

[FIA] 295,000 in Sudan (1996). Population total both countries 545,000. *Alternate names:* MAHAS-FIADIDJA, MAHAS-FIYADIKKYA, FIADIDJA-MAHAS. *Dialects:* MAHAS (MAHASI, MAHASS), FIYADIKKA (FEDICCA, FADICHA, FADICCA, FADIJA, FIADIDJA). *Classification:* Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Northern. **[34]**

NUER

[NUS] 740,000 in Sudan (1982 SIL) including 2,935 Western Jikany, 12,500 Lou, 1,100 Nyuong, 2,500 Thiang, 5,900 Bul, 2,400 Jagai, 6,700 Laak, 4,900 Leik, 1,600 Door, 17,600 Eastern Jikany (1977 Voegelin and Voegelin). Population total both countries 805,000. *Alternate names:* NAATH, NAADH. *Dialects:* DOR (DOOR), EASTERN JIKANY (JIKAIN, JEKAING), ABIGAR, WESTERN JIKANY, CIEN, THOGNAATH (THOK NATH), LOU (LAU), NYUONG, THIANG (BUL, GAWAAR, JAGAI, LAAK, LEIK). *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Nuer. **[34]**

OTUHO

[LOT] 135,000 including Dongotono (1998), 2,500 Koriot, 1,000 Lomya (1977 Voegelin and Voegelin). Southern Sudan, Torit District, eastern Equatoria Province, east and southeast of the Luluba and the Lokoya. *Alternate names:* LOTUKO, LOTUHO, LOTUXO, LOTUKA, LATTUKA, LATUKO, LATUKA, LATOOKA, OTUXO, OLOTORIT. *Dialects:* KORIOK, LOGIRI (LOGIR), LOMYA (LOMIA), LORWAMA, LOWUDO (LOUDO, LAUDA), LOGOTOK. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. **[34]**

PÄRI

[LKR] 28,000 (1987 SIL). Southern Sudan, Upper Nile Province. *Alternate names:* LOKORO. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Unclassified. **[34]**

SHILLUK

[SHK] 175,000 (1982 SIL). Southern Sudan, Upper Nile Province, between Nile and Kordofan Province boundary, from latitude 11 in the north to about 80 miles west of Tonga; also on the east bank of the Nile around the junction of the Nile and Sobat rivers, and for about 20 miles up the Sobat River. *Alternate names:* COLO, DHOCOLO, CHULLA, SHULLA. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Shilluk. **[34]**

TEGALI

[RAS] 35,738 (1984 R C Stevenson). Northern Sudan, Kordofan Province, Nuba Mountains, Tegali Range, Rashad hills and town of Rashad. *Alternate names:* TAGALE, TEGELE, TOGOLE, TEKELE. *Dialects:* RASHAD (KOM, NGAKOM, KOME), TEGALI. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Rashad. **[34]**

TIRA

[TIR] 40,000 (1982 SIL). Northern Sudan, Nuba Hills in villages extending from near Otoro to the neighbourhood of Talodi. *Alternate names:* TIRO, THIRO, LITHIRO. *Dialects:* KINDERMA (KANDERMA), TIRA EL AKHDAR (TIRA DAGIG), TIRA LUMUM (LUMAN), TIRA MANDI. *Classification:* Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. **[34]**

TOPOSA

[TOQ] 100,000 (1984 M Schroeder). Southern Sudan, along both sides of Singaita and Lokalyen rivers. The southern boundary is 4.30' N, northern 5' N, western 33.22' E, eastern 34' E. Ritual centre at Loyooro River. They migrate as far as Moruangipi (34.30' E, 5.10' N), and occasionally farther east into the disputed Ilemi Triangle at the Ethiopian border for seasonal grazing. They have no permanent settlements there. The Jiye live at 5.20' N 33.45' E. *Alternate names:* TAPOSA, TOPOTHA, AKARA, KARE, KUMI. *Dialects:* EASTERN TOPOSA, WESTERN TOPOSA, JIYE. *Classification:* Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Teso-Turkana, Turkana. **[34]**

ZAGHEWA

[ZAG] 102,000 in Sudan (1982 SIL). Population total all countries 186,800. *Alternate names:* SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZAHAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUK. *Classification:* Nilo-Saharan, Saharan, Eastern. **[34]**

ZANDE

[ZAN] 350,000 in Sudan (1982 SIL). Southern Sudan, DRC primarily, and CAR in an elongated semicircle with Uele River as its base. Some projections south. *Alternate names:* SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUKI. *Dialects:* DIO, MAKARAKA (ODIO). *Classification:* Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Zande, Zande-Nzakara. **[34]**

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Annex G: Religions of Sudan

This list should not be viewed as exhaustive.

The US State Department's Religious Freedom Report for 2004 (USSD RF 2004), published on 15 September 2004, stated that:

"Accurate figures are unavailable due to poor census data and the last 2 decades of civil war, but most estimates put the Muslim population at approximately 65 percent, including numerous Arab and non-Arab groups; Christians at approximately 10 percent; and traditionalists at 25 percent. Muslims predominate in the north, but there are sizable Christian communities in northern cities, principally in areas where there are large numbers of internally displaced persons (IDPs). It is estimated that over the last 40 years, more than 4 million southerners have fled to the north to escape the war." **[3f] (Section I. Religious Demography)**

ISLAM

The state religion. Sudanese Islam has a strong Sufi element, and is estimated to have more than 15 million adherents. **[1] (p1114)** USSD RF 2004 reported that "The Muslim population is almost entirely Sunni but is divided into many different groups. The most significant divisions occur along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, are associated with the opposition Umma and Democratic Unionist Parties respectively." **[3f] (Section I. Religious Demography)** *Encyclopaedia Britannica* 2004 (EB 2004) stated that "It is estimated that more than one-half of the population of The Sudan is Muslim." EB 2004 also stated that "Ninety percent of these people live in the northern two-thirds of the country." **[6n] (p1)**

CHRISTIANITY

Sudan Council of Churches - Chair: Most Reverend Paolino Lukudu Loro (Roman Catholic Archbishop of Juba); General Secretary: Reverend Clement H Janda. **[1] (p1114)** EB 2004 estimated that "Christians account for between 4 and 10 percent of the population." **[1] (p1088) [6n] (p1)** According to USSD RF 2004,

"Most citizens in the south adhere to either Christianity or traditional indigenous religions (animists); however, there are some Muslim adherents as well, particularly along the historical dividing line between Arabs and Nilotic ethnic groups. There are reports that Christianity is growing rapidly in the south, especially in areas outside of government control. There also is evidence that in the south many new converts to Christianity continue to adhere to elements of traditional indigenous practices." **[3f] (Section I. Religious Demography)**

ROMAN CATHOLIC CHURCH

Archbishop of Khartoum: Cardinel Gabriel Zubeir Wako. **[1] (p1114)**
Archbishop of Juba: Most Reverend Paolino Lukudu Loro. **[1] (p1114)**

Latin Rite: Sudan comprised two archdioceses and seven dioceses and, as of 31 December 2002, an estimated 4,179,932 or 9.7 per cent of the population were adherents. **[1] (p1114)**
Sudan Catholic Bishops' Conference
Founded in 1971 by Most Reverend Paolino Lukudu Loro. **[1] (p1114)**

Maronite Rite: **Maronite Church in Sudan**

Reverend Father Youseph Neama. **[1] (p1114)**

Melkite Rite: **Patriarchal Vicariate of Egypt and Sudan**
General Patriarchal Vicar in Egypt and Sudan: Jules Zerey (Titular Archbishop of Damiette); Protosyncellus: Most Reverend Paul Antaki (Titular Archbishop of Nubia); Vicar in Sudan: Father George Banna. **[1] (p1114)**

Syrian Rite: **Syrian Church in Sudan**
Under the jurisdiction of the Patriarch of Antioch. Protosyncellus: Right Reverend Joseph Hannouche (Bishop of Cairo). **[1] (p1114)**

ORTHODOX CHURCHES

Coptic Orthodox Church: **Metropolitan of Khartoum, Southern Sudan and Uganda**
Right Reverend Anba Danial. **[1] (p1114)**
Bishop of Atbara, Omdurman and Northern Sudan
Right Reverend Anba Sarabamon. **[1] (p1114)**
Greek Orthodox Church
Metropolitan of Nubia Archbishop: Dionyssios Hadzivassiliou. **[1] (p1114)**
According to Europa 2005, "The Ethiopian Orthodox Church is also active." **[1] (p1114)**
The Anglican Communion
Archbishop in Sudan: Most Reverend Joseph Biringi. **[1] (p1114)**
The (Episcopal) Church of the Province of the Sudan
Established in 1976, has 24 dioceses and approximately 1 million adherents. **[1] (p1114)**

OTHER CHRISTIAN CHURCHES

Evangelical Church
Chair: Reverend Radi Elias. Approximately 1,500 members; administers schools, a literature centre and a training centre. **[1] (p1114)**
Presbyterian Church
Autonomous since 1956; General Secretary: Reverend Thomas Maluit. Approximately 67,000 members. **[1] (p1114)**
SIM Sudan
Founded 1937; Director: L Dick. **[1] (p1114)**
According to Europa 2005, "The Africa Inland Church, the Sudan Interior Church and the Sudanese Church of Christ are also active." **[1] (p1114)**

TRADITIONAL ANIMIST RELIGIONS

Encyclopaedia Britannica (EB 2004) stated that "At least one third of The Sudan's population follow traditional animist religions, particularly in the south and in the Nuba Mountains." EB 2004 also recorded that "Although these animists share some common elements of religious belief, each ethnic group has its own indigenous religion." **[6n] (p1)**

See also Section 6.A: Freedom of religion

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Annex H: States of Sudan

The information below has been taken from the Official Government of Sudan website, source **[4d]**. Spellings and names of states and state capitals may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SUDAN (GOS)-ADMINISTERED AREAS

Northern	Capital: Dongola	
River Nile	Capital: Damar	
Khartoum	Capital: Khartoum	
North Kordofan	Capital: Elobeid	
Western Kordofan	Capital: Foola	
Southern Kordofan	Capital: Kadugli	
White Nile	Capital: Rabak	
Aljazira	Capital: Medani	
Gadarif	Capital: Gadarif	
Sinnar	Capital: Sinja	
Northern Darfur	Capital: Fashir	Part rebel-controlled (west)
Western Darfur	Capital: Jineina	Part rebel-controlled (west)
Southern Darfur	Capital: Nyala	Part rebel-controlled (west)
Red Sea	Capital: Port Sudan	Part rebel-controlled (east)
Kasala	Capital: Kasala	Part rebel-controlled (east)

GOVERNMENT OF SOUTH SUDAN (GOSS)-ADMINISTERED AREAS

Western Equatoria	Capital: Yambio
Eastern Equatoria	Capital: Torit
Bhar El Jebal	Capital: Juba
Upper Nile State	Capital: Malakal
Jonglei state	Capital: Bor
Unity	Capital: Bentiu
Western Bhar El Ghazal	Capital: Wau
Lakes state	Capital: Rumbek
Warrap state	Capital: Gogrial
Eastern Bhar El Ghazal	Capital: Tonj
Northern Bhar El Ghazal	Capital: Aweil

AREAS JOINTLY ADMINISTERED BY THE SPLM AND GOS

Blue Nile State Capital: Damazeen

Nuba Mountains
(located in Southern and Western Kordofan)

Abyei Province
(located in Western Kordofan)

See also Section 2: Geography **and Annex B:** Maps

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Annex I: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NCP	National Congress Party
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
SIRC	Sudan Inter-Religious Council
SLM/A	Sudan Liberation Movement/Army
SPLM/A	Sudan People's Liberation Movement/Army
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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