COUNTRY OF ORIGIN INFORMATION REPORT

SUDAN

1 MAY 2009

UK Border Agency
COUNTRY OF ORIGIN INFORMATION SERVICE

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Preface

i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 15 March 2009. The 'Latest News' section contains further brief information on events and reports accessed between 16 March and 1 May 2009. The report was issued on 1 May 2009

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

iii The Report aims to provide a 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.

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

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

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

vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.

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

ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.

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

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ADVISORY PANEL ON COUNTRY INFORMATION

xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

Latest News

EVENTS IN SUDAN, BETWEEN 16 MARCH AND 1 MAY 2009

30 April

The UN Security Council extended the mandate of the UN Mission in Sudan for another year and urged parties to adhere to the 2005 Comprehensive Peace Agreement.
Extending Sudan mission, Security Council urges bolstering of north-south peace, 30 April 2009
http://www.un.org/apps/news/story.asp?NewsID=30651&Cr=unmis&Cr1=
Date accessed 30 April 2009

29 April

A senior UN official announced that nearly 2,500 former combatants have been demobilised as part of a disarmament, demobilisation and reintegration initiave begun in February 2008.
Top UN envoy in Sudan hails demobilizations, calls for full funding, 29 April 2009
http://www.un.org/apps/news/story.asp?NewsID=30636&Cr=unmis&Cr1=
Date accessed 30 April 2009

23 April

Eleven more Darfur rebels have been sentenced to death for their participation in an attack on Khartoum in May 2008. More than 220 people were killed during the fighting when the rebel Justice and Equality Movement (JEM) attacked Omdurman, Khartoum's twin city on 10 May 2008.
Sudan sentences more 11 Darfur rebels to death over May attack, 23 April 2009
http://www.sudantribune.com/spip.php?article30964
Date accessed 27 April 2009

The number of Sudanese refugees returning home from Uganda this year with the assistance of the United Nations High Commissioner for Refugees (UNHCR) has reached 20,000. This figure brings the total number of people helped back to Sudan by the UNHCR, since the signing of the 2005 Comprehensive Peace Agreement (CPA), to nearly 150,000, including 85,000 from Uganda. An additional 160,000 have returned on their own from neighbouring countries.
Number of Sudanese returnees from Uganda **in 2009 tops 20,000,** 23 April 2009
http://www.un.org/apps/news/story.asp?NewsID=30578&Cr=sudan&Cr1=
Date accessed 27 April 2009

22 April

Deep concern has been expressed by the UN over renewed tribal clashes in the Sudan's southern Jonglei State, where dozens of lives have been lost with many others injured or forced to flee.
UN mission voices concern over renewed tribal violence in southern Sudan, 22 April 2009
http://www.un.org/apps/news/story.asp?NewsID=30552&Cr=unmis&Cr1=
Date accessed 27 April 2009

15 April

10 members of the Darfur rebel JEM were sentenced to death for an unprecedented attack on Khartoum, the Sudanese capital. The men were found guilty of involvement in the attack on the Khartoum suburb of Omdurman on 10 May 2008. it was reported that three others were acquitted and would be freed.
Darfur rebels sentenced to death for Khartoum attack, 15 April 2009
http://www.reuters.com/article/homepageCrisis/idUSLF221556._CH_.2400
Date accessed 27 April 2009

8 April — The Sudanese president, Omer Hassan Al-Bashir, promised to investigate and prosecute those suspected of committing war crimes in the conflict-ridden region of Darfur. The President however warned that any trials would only commence after reconciliation is achieved.
The Sudan Tribune, President says reconciliation to precede justice, 8 April 2009
http://www.sudantribune.com/spip.php?article30804
Date accessed 7 April 2009

7 April — The anouncement by the National Electoral Commission to defer the general election until next year has been welcomed by SPLM officials but they warned that this should not delay the referendum scheduled for 2011 that would determine the political future of Southern Sudan.
The Sudan Tribune, SPLM welcomes Sudan's election deferral, 7 April 2009
http://www.sudantribune.com/spip.php?article30786
Date accessed 7 April 2009

5 April — The UN Mission in Sudan is to assess the humanitarian needs of the people in southern Sudan following the expulsion of 13 foreign aid groups in March working there.
The *Sudan Tribune*, Ongoing reshuffling in Jonglei State and Khorfulus County, 5 April 2009
http://www.sudantribune.com/spip.php?article30764
Date accessed 6 April 2009

UN News Centre, UN assesses impact of aid groups' ouster on Southern Sudan, 3 April 2009
http://www.un.org/apps/news/story.asp?NewsID=30394&Cr=Sudan&Cr1=ICC
Date accessed 7 April 2009

31 March — The expulsions of several NGOs earlier this month have left gaps in the provision of humanitarian aid in Darfur and eastern Sudan - volatile regions key to the success of the 2005 peace accord.
IRIN News, Expulsions leave gaps in Three Areas, eastern region, 31 March 2009
http://www.irinnews.org/Report.aspx?ReportId=83708
Date accessed 1 April 2009

30 March — The President of Sudan has condemned the United Nations Security Council for asking the International Criminal Court to open an investigation into war crimes in the Darfur region, accusing the Security Council of corruption.
Sudanese President Criticizes UN Security Council, ICC, 30 March 2009
http://www.globalsecurity.org/military/library/news/2009/03/mil-090330-voa01.htm
Date accessed 7 April 2009

24 March — The deteriorating security situation in several parts of south Sudan is hampering the repatriation of hundreds of Sudanese refugees from Uganda, Kenya and Ethiopia. Several towns in Central and Eastern Equatoria states have been paralysed by coordinated blockades organized by war veterans from the Sudan People's Liberation Army. It was reported that the violent protests disrupted several people in the towns of Yei, Nimule and Kapoeta for several days.
The United Nations Human Rights Commission (UNHCR), Deteriorating security in parts of South Sudan hampers refugee returns, 24 March 2009
http://www.unhcr.org/news/NEWS/49c908c92.html
Date accessed 7 April 2009

22 March Following an address by the President of Southern Sudan, Salva Kiir, Sudanese soldiers in Nimule opened the Ugandan border. The Sudan People's Liberation Army (SPLA) soldiers opened the border at 8:00am on 21 March, allowing over 300 trucks trapped in Sudan since 19 March to cross into Uganda. But traders aboard 200 vehicles inside Uganda were still too scared to cross into Sudan.
AllAfrica, East Africa: Sudan Re-Opens Ugandan Border, 22 March 2009
http://allafrica.com/stories/200903230004.html
Date accessed 7 April 2009

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US Department of State, Country Reports on Terrorism 2008, 29 April 2009
http://www.state.gov/s/ct/rls/crt/2008/**Date accessed 30 April 2009**

UN Security Council Report of the Secretary-General on the Sudan, 17 April 2009
http://daccessdds.un.org/doc/UNDOC/GEN/N09/299/93/PDF/N0929993.pdf?OpenElement
Date accessed 28 April 2009

UN Security Council Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur, 14 April 2009
http://daccessdds.un.org/doc/UNDOC/GEN/N09/296/93/PDF/N0929693.pdf?OpenElement
Date accessed 28 April 2009

UN Security Council Report of the Secretary-General on children and armed conflict in the Sudan, 26 March 2009
http://daccessdds.un.org/doc/UNDOC/GEN/N09/282/44/PDF/N0928244.pdf?OpenElement
Date accessed 28 April 2009

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Background information

GEOGRAPHY

1.01 The Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). (Europa World Online, 2006) **[1b] (Area and Population) (p1)** Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. (UN Map, April 2007) **[6a]**

1.02 The US Department of State (USSD) Country Report on Human Rights Practices 2008, Sudan, and released 25 February 2009 recorded that: "The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab. Interethnic and intercommunal fighting in the south continued. **[3a] (Section 5)**

See also Annex D: Main ethnic groups and Annex G: States of Sudan

1.03 Europa World Online, accessed on 9 February 2009 noted that: "Arabic is the official language, although other languages are spoken and English is widely understood." **[1b]**

1.04 The CIA World Fact book, updated 10 February 2009 noted that the population of Sudan was 40,218,456 (July 2008 est.) **[2a] (p3)** Europa 2006 recorded that, a mid-2003 UN estimated, the population of the capital, Khartoum, was approximately 1,802,299. **[1b] (Area and Population) (p2)** However, the Foreign and Commonwealth Office Country Profile on Sudan, updated 6 November 2007 estimated the population of Khartoum City to be 2.5 million and Khartoum State to be 7 million. **[4a] (p1)** Europa 2006 also noted that the principle towns included Omdurman, Khartoum (Capital), Khartoum (North), Port Sudan, Kassala, El-Obeid, Nyala, El-Gezira, Gedaref, Kosti, El-Fasher and Juba. **(Area and Population) [1b] (p2)**

See also Annex E: Languages of Sudan

1.05 Most northern Sudanese are Muslims, while in the south most of the inhabitants are animists or Christians. (Europa World Online, 2006) **[1b] (Location, Climate, Language, Religion, Flag, Capital) (p1**

MAP OF SUDAN AND NEIGHBOURING COUNTRIES

1.06 Sudan, political map, April 2007, from main United Nations Human Rights Commission (UNHCR) website: **[6a]**
http://www.un.org/Depts/Cartographic/map/profile/sudan.pdf

Further maps of Sudan can be located on the ReliefWeb website located at: http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&emid=ACOS-635PJQ

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Economy

2.01 Freedom House reported in its 2008 World Country Report for Sudan that: "Sudan's economy, while weak, has been improving thanks to high oil prices. China has been harshly criticized for lending Sudan diplomatic support and actively participating in its oil industry and other ventures." **[53b]**

2.02 The *Sudan Tribune* reported on 13 January 2009 that there has been a sudden drop in oil for the month of November 2008. "Sudan's oil revenue for November tumbled more than 40% from a month ago as demand for crude suffers the fallout from the global financial crisis." Adding that the total November oil revenue totalled $347.79 million compared to $608 in October 2008. **[12at]**

2.03 The CIA World Fact book, updated 10 February 2009, stated:

"Until the second half of 2008, Sudan's economy boomed on the back of increases in oil production, high oil prices, and large inflows of foreign direct investment. GDP growth registered more than 10% per year in 2006 and 2007. From 1997 to date, Sudan has been working with the IMF to implement macroeconomic reforms, including a managed float of the exchange rate. Sudan began exporting crude oil in the last quarter of 1999. Agricultural production remains important, because it employs 80% of the work force and contributes a third of GDP. The Darfur conflict, the aftermath of two decades of civil war in the south, the lack of basic infrastructure in large areas, and a reliance by much of the population on subsistence agriculture ensure much of the population will remain at or below the poverty line for years despite rapid rises in average per capita income. In January 2007, the government introduced a new currency, the Sudanese Pound, at an initial exchange rate of $1.00 equals 2 Sudanese Pounds." **[2a] (p7)**

2.04 The Economist Intelligence Unit (EIU) reported in its February 2009 monthly review that.

"The deputy finance minister, Al-Tayib Abu-Gnaya, told Sudan's National Assembly on February 11th that oil revenue had declined so much that he did not expect the treasury to receive any net oil revenue this year until April. Mr Abu-Gnaya's forecast illustrates the Sudanese authorities growing concern about the deterioration in the fiscal outlook. Earlier in February, the finance minister, Awad Ahmed al-Jaz, declared that Sudan's 'era of oil dependency' was over. Mr Jaz said that the 2009 budget was calculated on the basis of an expected average oil price of US$50/barrel." **[114a]**

FOREIGN INVESTMENT

2.06 The *Sudan Tribune* reported on 24 April 2008 of new investments in Sudan:

"Sudan is targeting an increase of 100,000 barrels of oil a day mid-2009 as the result of new investments, particularly Chinese, come on stream, the Sudan oil minister has said." In an interview with Dow Jones Newswires, the minister said: "The African country plans a daily output of 600,000 barrels mid-2009, compared with 500,000 now. "The country holds one of Africa's largest proven

oil reserves at 6.4 billion barrels but growth in output has been hindered by a civil war in the South that formally ended in 2005." **[12d]**

2.07 The *Sudan Tribune* reported on 14 January 2009 that the Government of Sudanese and Malaysia were planning to enter into a joint venture partnership to build an oil refinery. "We are meeting with our joint venture partner to see how we can move forward with this project" the report noted. Adding that: "Oil exports represent 65% of revenue for Sudan and helped fuel its unprecedented economic growth despite US economic sanctions. However the sharp drop in crude prices will make it difficult for Sudan to attract new investments the oil sector." **[12au]**

MICRO CREDIT

2.08 Five Talents UK reported on 18 January 2008 that the organisation would be funding a new micro credit programme in South Sudan. "Five Talents announced today it will be funding an innovative micro credit programme in southern Sudan, an area that is transitioning from more than 20 years of war. Almost three years after a peace agreement, hundreds of thousands are still internally displaced and others who have found a home are looking to rebuild their shattered lives." **[110a]**

2.09 The report added:

"Working with a consortium of partners including the Episcopal Church of Sudan, Five Talents will be assisting a village banking project in Wau Diocese, which was started in September 2005, and currently has 270 members. This is one of the first projects of this type in southern Sudan. 'We have a Christian imperative to reach those who are living in extreme conditions', said Craig Cole, executive director of Five Talents International. 'Life must get better for those affected by generations of war. Creating jobs is one way to transform these communities'." **[110a]**

2.10 Micro Capital reported on 27 August 2008 of the announcement of the first Sudanese financial institution specialized in the micro credit, by the President of Sudan.

"President Omer Al-Bashir will inaugurate on Tuesday the Bank of Family, which is the first Sudanese financial institution specialized in the micro credit. The bank will extend very small loans to the unemployed, to poor entrepreneurs and to others living in poverty that are not considered bankable. With a capital of USD 32 million, the bank is will include public and private partners." **[109a]**

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

"The Minister of Commerce, Trade and Supply, Honourable Anthony Lino Makana, has criticised the South Sudan Legislative Assembly for neglecting the plight of the physically disabled. Speaking during the opening ceremony a new referral rehabilitation centre for the physically disabled in Juba, the minister cited the construction of the assembly that does not favour the physically challenged as it cannot support the use of wheel chairs." **[8u]**

2.12 " 'Our Parliament has not made it easy for the disabled persons to access the Parliament offices' … 'there is need to provide the disabled with micro credit facilities and short term loans besides training in entrepreneurship skills in a bid to uplift their living standards'," the Minster added. **[8u]**

Also see disability

2.14 *The Gurtong* reported on 3 January 2009 that the level of unemployment in Eastern Equatoria State is high. The report stated that the Governor of the state had expressed concern over the high rates of unemployment of university graduates in the state, noting that approximately two-thirds of the youth remain unemployed despite having graduated with marketable courses.

"…due to the frustrations of studying hard in the hope of getting jobs and failing to do so, the idle youths have resorted to theft and other sorts of crimes in order to sustain their livelihoods. 'This is one of the major problems facing the unemployed youth and the State Government is trying to contain it by creating job opportunities in the coming year in an attempt to reduce the rate of crimes which currently appears rampant', the Deputy Governor stated". **[18v]**

2.15 The Economist Intelligence Unit (EIU) recorded the following in its February 2009 monthly review regarding the exchange rates.

"The central bank operates a managed float of the pound through foreign currency purchases and daily limits on the trading band" although the authorities sometimes intervene directly to smooth out short-term volatility related to oil production and foreign direct investment flows. This is in contrast to the policy in place for much of 2007, when maintaining a de facto peg to the dollar at around SP2.01: US$1 reduced foreign-exchange reserves to very low levels (an estimated 1.2 months of import cover at end-March 2008). The loosened constraints allowed the pound to fall steadily to SP2.08: US$1 at the end of August and then more rapidly as the dollar strengthened against other major currencies and we expect further depreciation over the outlook period, as the dollar continues to appreciate and rising fiscal pressures and political concerns weigh on the Sudanese currency. The pound is therefore projected to depreciate to an average of about SP2.28: US$1 in 2009 and SP2.42: US$1 in 2010." **[114a]**

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HISTORY

3.01 Europa World (accessed 7 January 2009) notes that Sudan achieved independence from the UK on 1st January 1956, followed shortly afterwards by a military coup in November 1958 which established the Supreme Council of the Armed Forces. This Council ruled until October 1964, when it was overthrown in a civilian revolution. In May 1969 power was seized by a group of officers, led by Col Gaafar Muhammad Nimeri, who proclaimed the Democratic Republic of The Sudan, having abolished all existing political institutions. In October 1971 Nimeri was confirmed President by referendum and the Sudanese Socialist Union (SSU) was recognized as the only political party. (Europa world) **[1b]**

3.02 "Meanwhile, southern Sudan was suffering from escalating conflict between the Government forces and rebels. In 1972 Nimeiri signed a peace agreement with the southern rebels (South Sudan Liberation Movement)…The regime's pledges gradually unravelled and by 1983, when Nimeiri proclaimed the application of Islamic law (Shari'a) throughout the country, southern resistance forces were re-mobilising into what became the Sudan People's Liberation Army/Movement (SPLA/M). Nimeiri was little more popular in the North, but challenges to his rule were met with bloody purges. Widening anger eventually sparked a military take-over in April 1985 and the following year elections were held. Parliamentary rule was to last less than four years, a period in which five governments were formed, each under the premiership of veteran politician Sadiq al-Mahdi. Peace talks with southerners and the poor state of the economy strengthened dissent." (FCO Country Profile History) **[4a]**

THE AL-BASHIR REGIME

3.03 The FCO's country profile 2007 stated 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." (History) **[4a]**

3.04 Throughout al-Bashir's rule, conflict between the north-central Arab-led government and the disenfranchised, marginalised areas of south, and later west and east Sudan has been continuous. (Europa World Online, accessed 9 January 2009 – Recent History) **[1b]**

PEACE AND CONFLICT IN SUDAN

3.05 When al-Bashir came to power in 1989, the latest civil war with the south was already six years old and would not reach a conclusion for a further 16 years – despite repeated attempts to find a peaceful resolution during the 1990s – until

the signing of the Comprehensive Peace Agreement (CPA) in January 2005. (FCO Country Profile, 6 November 2007) **[4a]**

The north-south Comprehensive Peace Agreement (CPA): 9 January 2005

3.06 The Department for International Development (DfID) reported that on 9 January 2005, a Comprehensive Peace Agreement (CPA) was signed by the Government of Sudan and the Sudanese Peoples' Liberation Movement to bring Africa's longest-running conflict to an end. (DfID country profile on Sudan, updated 3 December 2007) **[8a]**.

3.07 The FCO's Country Profile on Sudan, updated on 6 November 2007, also noted that "The two sides established a Government of National Unity (GNU). The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang (leader of the SPLM/A) and Vice President Taha, was sworn in on 9 July 2005. The National Assembly met on 1 September 2005 and the formation of the GNU was announced on 20 September 2005". The GNU includes Ministers from the National Congress Party (NCP), the SPLM, the National Democratic Association (NDA) primarily the Democratic Unionist Party (DUP), Umma Party Reform and Renewal (UP R&R), the Umma Party Collective Leadership (UP CL), Democratic Unionist Party (Registered - DUP-R), United Sudanese African Parties (USAP), the United Democratic Salvation Front (UDSF), South Sudan Democratic Forum, and Ansar al-Sunnah. The CPA provided for a devolved Government of Southern Sudan (GoSS). (Southern Sudan) **[4a]**

3.08 The FCO's Country Profile on Sudan, updated 6 November 2007 noted that Dr John Garang, the original head and lead negotiator for the SPLM/A, was killed in a helicopter accident in Southern Sudan on 30 July 2005 shortly after the CPA's signing. Though there were rumours of sabotage, an international commission of enquiry found no evidence of wrongdoing. Garang was succeeded by Lt. Gen. Salva Kiir Mayardit, as First Vice President and President of the GoSS and President of the SPLM.

"The GNU functioned until October 2007 when Kiir announced the suspension of GoSS from the GNU, citing several CPA provisions that had not been implemented on schedule. Both sides remain in dialogue to resolve the political impasse and have re-affirmed their commitment to the full implementation of the CPA. In spite of the political difficulties, there has not been a return to armed conflict between the North and South". (Southern Sudan) **[4a]**

3.09 The report further added:

"Despite the CPA, peace in southern Sudan remains fragile. The timetable for implementation of the CPA is beginning to slip. Northern troops have not withdrawn from all parts of the South as envisaged in the CPA, and troops loyal to the Khartoum government remain around some of the economically important oil fields. Preparations for a new census, an important pre-requisite for successful elections, are also behind. While the CPA's security arrangements are making progress in parts of the South, the presence of other armed groups such as the Lord's Resistance Army remains a threat to maintaining peace". (Southern Sudan) **[4a]**

3.12 The International Crisis Group reported on 13 March 2008 that:

> "On 11 October 2007, the Sudan Peoples Liberation Movement (SPLM) announced it was suspending participation in the Government of National Unity because the National Congress Party (NCP) was not implementing key aspects of the 2005 Comprehensive Peace Agreement (CPA) that ended the generation-long, primarily North-South conflict. After months of high-level meetings, military posturing and increasingly aggressive rhetoric, the parties agreed on a series of measures and drew back from the brink. The SPLM rejoined the government, which includes a reorganised cabinet, on 27 December. The immediate crisis has been defused, but underlying difficulties remain, and the risk of significant new fighting is growing in the Abyei area. Both parties must re-commit to full CPA implementation if peace is to hold, and the international community must re-engage robustly in support of the still shaky peace deal and recognise that CPA implementation would create the best environment for peace in Darfur and beyond." **[14a]**

THE DARFUR CONFLICT

3.13 Prior to the signing of the CPA in January 2005, as detailed above, "… a separate conflict, the Darfur crisis, began in early 2003, putting government forces and Janjaweed militia against the rebel forces of the Sudan Liberation Movement/Army [SLM/A] and the Justice and Equality Movement [JEM] in the western region of Darfur." **[10eh]** (IRIN Humanitarian Country profile) The FCO's Country Profile, last reviewed on 6 November 2007, attested to the existence of conflict in the western region, which was "… largely a local struggle for resources, land, water and grazing rights and the related attempts to win power within the indigenous tribal administration structure …" prior to 2003 recording that:

> "In late 2002/early 2003 the conflict reached new heights with the overt involvement of government forces and the establishment of the Sudan Liberation Movement (SLM). The SLM waged an increasingly effective guerrilla war against the central government, police and security forces. In response, the government equipped and mobilised groups of Arab militias (known as 'Janjaweed') as counter insurgency forces to fight the rebels. The excesses of the Janjaweed included rape, burning of thousands of villages and forcing the sedentary population to flee to refugee camps." (Darfur) **[4a]**

The Darfur Peace Agreement (DPA): 5 May 2006

3.14 "The African Union (AU) brokered Darfur Peace Agreement (DPA) was signed on 5 May 2006 between the Government of Sudan and the Minni Minawi faction of the SLM. The DPA gives the rebels a say in government at the national and regional levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to show good faith in the Agreement, particularly by disarming the Janjaweed Arab militias." (FCO Country Profile, 6 November 2007 – Darfur Peace Agreement) **[4a]**

3.15 Implementation of the DPA "…has been slow, held back by the refusal of other rebel factions to sign it." The conflict in Darfur has continued. **[4a]** (FCO Country Profile, 6 November 2007 – Darfur Peace Agreement) With the

displacement of around 2 million people (one third of the population) and over 3.5 million in need of humanitarian assistance, the situation has attracted world wide attention. Attacks have continued, including targeted attacks on aid workers, and the humanitarian and security situation has greatly deteriorated in the troubled western region. **[8a]** (DfID, 3 December 2007)

(See also Annex B)

3.16 International Crisis Group (ICG) in its 26 November 2007 report on the conflict in Darfur, commented that the May 2006 Darfur Peace Agreement (DPA) had been too limited in scope and signatories.

"The Darfur conflict has changed radically in the past year and not for the better. While there are many fewer deaths than during the high period of fighting in 2003-2004, it has mutated, the parties have splintered, and the confrontations have multiplied. Violence is again increasing, access for humanitarian agencies is decreasing, international peacekeeping is not yet effective and a political settlement remains far off. The strategy the African Union (AU)/UN mediation has been following cannot cope with this new reality and needs to be revised. After a highly publicised opening ceremony in Sirte, Libya, on 27 October 2007, the new peace talks have been put on hold. The mediation should use this opportunity to reformulate the process, broadening participation and addressing all the conflict's root causes." **[14d]**

3.17 The USSD Human Rights report for 2008, released 25 February 2009, stated: "Conflict in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A). Civilians in Darfur continued to suffer from the effects of genocide." **[3a] (p1)**

CONFLICT IN EASTERN SUDAN

3.18 United Nations Development Programme (UNDP) 2008 gave a brief account by way of background information to the Eastern conflict and reported on how the organisation is doing in promoting rule of law in order to bring about a peaceful resolution to the conflict in Eastern Sudan.

"Eastern Sudan, a vast sun-blasted land of some 300,000 square kilometers, is home to an estimated three to four million of Sudan's poorest people. The region is made up of three states: Red Sea, Gadaref and Kassala. In each of these states the living conditions are so harsh that the local population has been facing acute poverty, persistent drought and famine, a lack of adequate access to healthcare and education, high levels of unemployment in addition to land degradation and shrinking pasture areas, for a very long time. This state of affairs led to a low-intensity rebel insurgency over the past eleven years that was settled with the signing of the Eastern Sudan Peace Agreement (ESPA) in October 2006, between the Government of Sudan and the Eastern Front.

"This breakthrough highlighted opportunities for peace-building, such as promoting development, social equity, and peace and reconciliation. As peace is sustained, the strenuous economic and social realities in this region have made it very difficult for the poor and marginalized segments of society to obtain affordable legal counseling [sic] and representation. … In addition, in

Eastern Sudan, traditional administrative structures have played a crucial role in promoting the culture of rule of law and conflict transformation. However, these structures need to be adjusted to the realities of the 2006 ESPA. Their roles in fostering and nurturing the culture of rule of law and peaceful conflict resolution also need to be revitalized.

"Moreover, the root causes of conflict in this part of the country are related to natural resources. Since Eastern Sudan's population is predominantly rural, competition over scarce natural resources, such as water, land and grazing, is one of the causes of inter and intra tribal tension and sometimes conflicts. The presence of a significant number of arms and the unresolved issue of access to land, and equity in resource distribution, is another factor that makes this region prone to conflict. In order to sustain peace by preventing conflict, UNDP established a presence in Kassala in October 2005 and launched the "Promoting Rule of Law and Peaceful Conflict Resolution in Eastern Sudan" project with the support of the Netherlands government, The European Commission and Norwegian embassy." **[98a]**

The Eastern Sudan Peace Agreement (ESPA): 14 October 2006

3.19 "… in August 2006, the Government of Eritrea convened negotiations between the Eastern rebels, known as the Eastern Front (EF), and the Government of Sudan. A peace deal (the Eastern Sudan Peace Agreement, or ESPA) was signed in the capital of Eritrea, Asmara, on 14 October, guaranteeing greater development for Eastern Sudan" (FCO Country Profile, 6 November 2007 – Eastern Sudan) **[4a]**

3.20 UN News reported on 27 April 2007 of The UNHCR's pledge to "shine the spotlight on the 'forgotten situation in eastern Sudan', where the agency has been running camps since 1968 for displaced Eritreans and Ethiopians, but has attracted little international attention." **[6aq]** Mr. Guterres visited the Wad Sherif and Kilo 26 camps and held talks in Kassala with local authorities and officials from UNHCR's Sudanese Government counterpart, the Commissioner for Refugees. "We have a huge refugee population here to whom nobody is paying attention," Mr. Guterres said. "These are forgotten people … Today, the whole world focuses on Darfur and South Sudan and nobody thinks of the refugees in the east. People also forgot that Sudan has been one of the most generous countries [for] hosting refugees for 40 years. Personally I believe this generosity is rooted in Islam." **[6aq]**.

3.21 The UN Secretary General's (UN SG) Report of 17 April 2007 stated that:

"Implementation of the Eastern Sudan Peace Agreement, signed in October 2006, has stagnated, owing largely to internal power struggles within the leadership of the Eastern Front. A split among Beja factions of the Front prevented it from presenting a list of nominees for the posts allocated to it under the Agreement. The Eastern Front leadership has now requested mediation by the Government of Eritrea to help resolve the abiding conflict among the Beja factions. For its part, the Sudanese Government continued to express optimism about the implementation of the Agreement and has begun preparations for the disarmament and integration of former Eastern Front combatants." **[6ad]**

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RECENT DEVELOPMENTS

GENERAL

4.01 The United Nations Development Programme (UNDP) reported on 8 January 2009 that the Japanese government had signed an agreement with UNDP to provide 1.575 billion yen (about $17 million) in grant assistance to the Disarmament and Demobilization and Reintegration (DDR) programme in Sudan.

"'The Disarmament, Demobilization and Reintegration programme will ensure the fundamentals of peace and stability in Sudan, and pave the way to sustainable development across the country', said Ambassador Ishii. 'With this contribution from the people of Japan, we strongly hope that all parties will make further efforts to overcome challenges and implement the programme in a timely and smooth manner'." **[98b]**

4.02 Médecins Sans Frontières (MSF) and Care International amongst many other sources reported on 6 March 2009 that on 3 and 4 March, the Sudanese government ordered a number of relief organisations to stop all their medical relief programs. This will have serious medical and humanitarian consequences for the population of Darfur the reports stated. An example of which is the meningitis outbreak in Kalma camp where an estimated 121,000 people who are in urgent need of vaccination will no longer receive help. **[41e], [117a]**

4.03 The *Sudan Tribune* reported on 12 March 2009 that the aid organisations CARE and Doctors Without Borders (Medecins Sans Frontieres), recently expelled from Sudan, expressed their 'deep concern' for the humanitarian situation in Darfur and warned of outbreaks of disease epidemics and a spill-over of refugees into Chad. **[12bg]**

4.04 The *Sudan Tribune* also on 12 March 2009 reported that three Medecins Sans Frontieres aid workers were reportedly kidnapped on 11 March 2009 in Darfur. **[12bh]**

4.05 The Sudan Tribune reported on 15 March that China has refused to endorse a draft UN statement calling for the government of Sudan to back down on its expulsion of 13 humanitarian aid organisations from Darfur. China is the largest foreign investor in Sudan, which supplies about 7% of China's oil, and has a vested interest that the "Sudanese government is not a subject to punitive measures." **[12bj]**

Also see NGOs, 28.01

SECURITY

4.06 The UN Security Council report dated June 2008 recorded the key recent developments in Darfur.

"The security situation in Darfur and Chad remains extremely volatile. Clashes involving the Sudanese government and Darfur rebel groups, as well as Chadian armed forces and Chadian rebels continue. Sudanese government planes bombed three villages in North Darfur, killing several civilians including

children. This was denounced by the Secretary-General as unacceptable. The UN estimates that more than 150,000 civilians have been forced to flee in 2008 alone." **[102a]**

4.07 Referring to the Justice and Equality Movement (JEM) attack on the Capital, Khartoum on 10 May 2008, the UN report of June 2008 added:

"On the 10 May the rebel Justice and Equality Movement (JEM) mounted an unprecedented attack reaching the outskirts of Khartoum. This might have been related to the JEM's own national political ambitions, as well as the recent government offensive in West Darfur. It surprised both the government and UNAMID. Briefing the Council on 14 May, Under Secretary-General Jean-Marie Guéhenno said that the attack underscored 'serious shortfalls in the Mission's resources'." **[102a]**

4.08 The same UN report further added that following the attack, the government announced a curfew and initiated efforts to hunt and arrest rebels. "The government also accused the JEM of foreign connections, and called on states to list it as a terrorist organisation and arrest its leaders." **[102a]**

4.09 UN News Centre reported on 28 January 2009 that Darfur remains tense following the recent eruption of fighting in the Darfur region.

"'The situation on the ground is still very fluid and very confusing', Assistant Secretary-General for Peacekeeping Operations Edmond Mulet told reporters. 'You have actions from the JEM [the rebel Justice and Equality Movement], you have actions from SLA/MM [Sudan Liberation Army/ Minni Minawi – another rebel group], you have actions from the Government, fighting each other, so it is very complex'." **[6w]**

4.10 The report added:

" 'The problem here is that they have chosen right now to follow the path of confrontation and war instead of negotiations'," he said of the conflict between rebels and the Government and allied Janjaweed militiamen that has led to an estimated 300,000 deaths since 2003 and forced 2.7 million people to flee their homes. 'We do hope that the Council will call on all parties to stop these military actions and to abide by the respect of humanitarian laws and the respect of civilians who have been the recent victims again of this fighting', he added." **[6w]**

4.11 UN News Centre reported on 1 February 2009 that a Senior United Nations (UN) official had appealed to all the militia rebel groups in Darfur to end fighting and begin talks. Adding that since the appointment of Mr. Bassolé in June 2008, he had consulted with all parties in an effort to resolve the conflict that had been raging between rebels, government forces and the Janjaweed.

"The chief of the joint United Nations-African Union effort to bring peace to Darfur today urged all armed forces in the region to put down their weapons and engage in peace negotiations. Djibril Yipènè Bassolé, the Joint Chief Mediator for Darfur, called on rival factions on the western flank of the Sudan 'to consult each other and to work together to create the conditions for peace negotiations, to help resolve the crisis and alleviate the suffering of Darfurians'." **[6x]**

4.12 The same UN News report added: "Over the past five years in Darfur around 300,000 people are estimated to have been killed, either through direct combat or a result of disease, malnutrition or reduced life expectancy, while 2.7 million others have had to flee their homes." **[6x]**

4.13 AllAfrica reported on 3 February 2009 that a UN human rights official had asked for the fighting in a town in South Darfur to stop immediately for the sake of the civilians.

"The top United Nations human rights official today voiced her alarm at reports of the worsening conditions for civilians in the South Darfur town of Muhajeria, where fighting between Sudanese Government forces and rebels has led to at least 30 deaths and uprooted some 30,000 people. 'I'm extremely concerned at the impact the fighting is having on the already dire humanitarian situation in Muhajeria', said High Commissioner for Human Rights Navi Pillay." **[97c]**

4.14 Afrol reported on 5 February 2009 that the government had ordered the United Nations peacekeeping mission (UNAMID) to leave Muhajiriya as it moved ahead to launch an attack against the JEM. "… 'The Sudanese army is moving tanks to Muhageriya; this move indicates that they are intending to bomb the town. This intention is confirmed by the demand of UNAMID pullout', said a rebel spokesman, JEM Legislative Council Speaker Tahir Al-Faki." **[87b]**

4.15 However, on 5 February 2009 Afrol reported that Darfur rebels, the Justice and Equality Movement (JEM) had threatened to recapture Muhajiriya town.

"The Justice and Equality Movement (JEM) has warned that it will advance to reclaim a major town of Muhajiriya in southern Darfur that witnessed heavy fighting over the last few days. The Sudanese army has announced taking control of the strategic Darfur town after three weeks of clashes with rebels that have left more than 30 people dead and displaced thousands. However, the rebel leader has claimed that their forces were pulled back some 50-60 kilometres away, to avoid more bloodshed in the region." **[87c]**

4.16 In the UN Security Council's monthly report for February 2009 the key recent developments in Darfur were summarised as:

"The situation in Darfur remains dire, with more than 2.5 million people living in internally displaced person (IDP) camps dependent on humanitarian assistance. Attacks against aid workers and their property reached unprecedented levels in 2008. These attacks were mainly attributed to rebel movements, but many incidents also occurred in areas under government control. " **[102b]**

4.17 The report added that: "UNAMID has now lost 22 personnel, including a peacekeeper that died on 29 December. Violence and ongoing clashes continues to limit UNAMID and humanitarian access to affected populations. Despite the unilateral declaration of a ceasefire on 12 November by the Government of Sudan, bombing attacks against rebels continue." **[102b]**

4.18 Reuters Alert Net reported on 23 February 2009 that gunmen had shot dead two people working for a French aid group in an ambush in south Darfur. The two Sudanese staff from Aide Médicale Internationale were attacked in the

evening on Saturday, 14 February 2009 as they drove in a remote area where fighting had increased between government forces and rebels.

"… Investigations suggested the gunmen, who rode camels and horses, were bandits, a spokesman for the joint U.N./African Union UNAMID peacekeeping force said. But the killings took place at a time of growing fears of targeted attacks on foreign aid groups in the war-torn region. Tensions have mounted in Darfur in the countdown to an expected decision from judges from the International Criminal Court on whether to issue an arrest warrant for Sudan's president on charges he orchestrated war crimes in the region." **[70h]**

4.19 The Sudan Tribune reported on 16 March 2009 that around a dozen students were wounded (three of them seriously) by government para-military troops at Deling University in southern Kordofan. The students were at a meeting organised by the United Democratic Front to express support for the issuance of an arrest warrant by the International Criminal Court for Sudanese president, Omar al-Bashir. **[12bi]**

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POLITICAL DEVELOPMENTS

4.20 The *Sudan Tribune* reported on 30 June 2008 that:

"Eight southern Sudanese political parties established a new alliance aiming at expanding and deepening cooperation between the coalition and the signatories of the 2005 peace agreement over the future of southern Sudan. The "Alliance of South Sudan Political Parties" aims to ensure and broaden cooperation with major parties signatories to the Comprehensive Peace Agreement (CPA°, enrolment of civil society, busine ss personals, women and youth full participation to protecting and ensuring implementing the CPA are done to the letter and spirit." **[12m]**

4.20 The *Sudan Tribune* reported on 1 July 2008 that South Sudan Political Parties have forged alliance for election and referendum:

"The South Sudan political parties held three days conference from 28th to 30th June 2008 at Rock city Hotel in Juba the capital of southern Sudan to forge alliance in favor of elections and 2001 referendum. Are members of the opposition alliance: United Democratic Front (UDF), Sudan African National Union (SANU), Union of Sudan African Parties (USAP Two), United South Sudan Party (USSP), South Sudan Democratic Front (SSDF), South Sudan Democratic Forum (SSDF), Covenant Democratic Party (CDP) and Sudan National Labour Party (SNLP)." **[12ak]**

4.22 The report added that: "The conference was convened to explore method of cooperation among south Sudan political parties and how to broaden this cooperation to include civil society, business personals, women and youth in addition to NCP and the SPLM, northern political parties as a mean to protect implementation of the CPA." **[12ak]**

4.23 The Gorton reported on 15 July 2008 that new ministers have been appointed in Northern Bahr el Ghazal State. Details as follows:

"New ministers, advisors and commissioners of Northern Bahr el Ghazal State were sworn in on Tuesday at 10 am in a State Council of Ministers. 'When a knife is blunted you should look for where to sharpen it', said NBEG's new Governor Paul Malong during the swearing in ceremony while he briefed the new government after they took an oath. He further told the new ministers, advisors and commissioners to be ready to face the challenges of the new tasks and responsibilities that are given to them." **[18s]**

4.24 The report added that: "All commissioners sworn in except Aweil South County commissioner as who is to be the post holder is still unclear and needs clarification from President of Government of Southern Sudan, explained Malong. After the swearing in, the state governor took the new government to the new airstrip of Rumtit which is just being constructed." **[18s]**

4.25 The *Sudan Tribune* reported on 1 January 2009 of the release of a general of the Sudan People's Liberation Army (SPLA) who had been detained in prison for almost two years. "Maj. General Isaac Obuto Mamur Mete was released and reinstated to his position as deputy chief of staff for political and moral orientation. He appeared publicly for the first time in Kator cathedral in Juba, accompanied by his wife Mary and twelve children." **[12az]**

4.26 The *Sudan Tribune* reported on 4 January 2009 that the proposed elections scheduled to take place towards the end of the year are key prerequisites of the Comprehensive Peace Agreement (CPA), which was concluded on January 9, 2005, between the Government of the Sudan (GOS), represented by the National Congress Party (NCP), and the Sudan People's Liberation Movement and Army (SPLM/A) that ended a 22-year civil war. It is hoped that the elections would be followed quickly by a self-determination referendum for the south. **[12ap]**

4.27 The same source added "The elections, thus, serve as a mechanism for democratic transformation after almost two decades (1989-2005) of monopolizing state power by one party, as well as provide a political space for making unity 'attractive' by persuading southerners to vote for unity in the upcoming referendum." **[12ap]**

4.28 Amnesty International (AI) reported on 15 January 2009 that: "Hassan Al Turabi, leader of the opposition group Popular Congress Party (PCP), was arrested on 14 January by armed agents of the Sudanese National Intelligence and Security Services (NISS), at his home in the capital, Khartoum. He has been held incommunicado, without charge, since then, and has had no access to medical treatment." **[16e]**

4.29 The *Gurtong* reported on 16 January 2009 that the SPLA Bill was passed by Parliament on 4 January 2009. "The South Sudan Legislative Assembly on Wednesday passed the Sudan People's Liberation Army (SPLA) 2009 Bill." The report added that the spokes person of the South Sudan Legislative Assembly, Honourable James Wani Igga, said that all army authorities would have to respect the law once the Bill was passed and appealed to all the SPLA members to follow the law in order for peace and order to prevail. He further added that no one was above the law and that soldiers who commit

crimes as indicated in chapter eight of the SPLA 2009 Bill would be punished as a method of sustaining the law and maintaining order in South Sudan. **[18n]**

4.30 The *Sudan Tribune* reported on 2 February 2009 that the ex-rebels of the Sudan People Liberation Movement (SPLM) were scheduled to discuss preparations for the upcoming general elections. This is because the ruling Party, the National Congress Party (NCP) and the SPLM have failed to agree on National Security Law, Press Law, Land Commission and Human Rights Commission.

"The independent Al-Sahafa daily quoted the SPLM deputy Secretary General Yasir Arman as saying that the National Assembly needs to pass a number of 'crucial' laws before the elections." Further more: "Arman said that any delay in passing the laws 'will harm the elections and the chances that they will be held on time. This will make the [Sudanese] constitution hanging in the air' he said." **[12ar]**

4.31 The *Sudan Tribune* reported on 10 February 2009 that:

"Several Arab countries are contemplating an offer of refuge for the Sudanese president Omer Hassan Al-Bashir following a likely decision by the International Criminal Court (ICC) judges to issue an arrest warrant for him. The ICC expected to release a decision within days agreeing to issue an arrest warrant for Bashir at the request of its prosecutor Luis Moreno-Ocampo who accused Al-Bashir of masterminding a campaign to get rid of the African tribes in Darfur; Fur, Masalit and Zaghawa." **[12ax]**

4.32 The report added: "… unspecified number of Arab countries are working on creating an acceptable offer to Bashir that would convince him to be hosted by them in return for protection from judicial prosecution." Stressing that an offer would only be extended "if the need arises". **[12ax]**

4.33 The *Telegraph* reported on 12 February 2009 that a warrant for the arrest of the Sudanese President over alleged Darfur genocide was to be issued by the International Criminal Court. Noting that this was the first time the tribunal had sought the detention of a sitting head of state in its seven years of operating. **[108a]**

4.34 The *Sudan Tribune* reported on 18 February 2009 that the Sudanese government and the rebel Justice and Equality Movement (JEM) had signed an agreement of good intentions following one week of meeting in the Qatari capital, pledging to negotiate a peaceful settlement to the six-year conflict in the western Sudan region of Darfur. "…According to the signed document the two warring parties declared 'their intention to join forces in order to end the conflict' peacefully. They also agreed to adopt a 'comprehensive approach' and to address the 'root causes' of the crisis." **[12be]**

4 35 Several sources, including the BBC and UN reported on 4 March that the International Criminal Court (ICC) had issued an arrest warrant for Sudan's President, Omar al-Bashir, on charges of war crimes and crimes against humanity in Darfur. The President denies the charges and has dismissed any ruling by the court as worthless. **[9g], [6bd]**

4.36 Times online reported on 9 March 2009 that Hassan al-Turabi, the 76 year old Islamist opposition leader was freed from prison in Port Sudan in the early hours, two months after his detention for calling on President Al-Bashir to surrender to the International Criminal Court. **[95b]**

4.37 Swiss Agency for Development and Cooperation (SDC), accessed via ReliefWeb reported on 9 March 2009 that the Swiss foreign ministry expressed concern over the expulsion of humanitarian organisations operating in Darfur. The expulsions followed the decision of the International Criminal Court on 4 March 2009 to issue an international arrest warrant for the Sudanese president as reported above. **[68i]**

4.38 The *Sudan Tribune* reported on 15 March 2009 that China, one of the Five Veto waving Permanent Members of the United Nations Security Council (UNSC), has refused to endorse the draft statement calling for the government of Sudan (GoS) to back down on its expulsion of 13 humanitarian aid organisations from Darfur. This decision was reported as having a huge impact on the suffering of the people of Sudan in Darfur. **[12bk**

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IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

4.39 On 9 January 2008 the Sudanese Armed Forces (SAF) announced that it had completed its redeployment from the south in accordance with agreed deadlines, although according to UNMIS only 88 per cent had been deployed as at 15 January 2008. While the SPLA continued to question the extent of voluntary demobilisation of SAF troops. (UN Report of the Secretary- General on the Sudan 31 January 2008) **[6aw](p3)**

4.40 SPLA troops continued their redeployment from Blue Nile and Southern Kordofan States in January, but the SAF rejected the SPLA claim that its assembly area at White Lake/Jaw was located south of the 1 January 1956 border. On the 15 January 2008 SPLA redeployment remained at 8.5 per cent. (UN Report of the Secretary- General on the Sudan 31 January 2008) **[6aw](p4)**

See also 3.08

IMPLEMENTATION OF OTHER PEACE PROCESSES

4.41 The Institute of Security studies reported on 14 May 2008 that:

> "For the last two years, all eyes have been on the northern Uganda peace process in Juba, southern Sudan. Now the peace process between the government of Uganda and the Lord's Resistance Army (LRA) of Joseph Kony has fallen to pieces … Talks to end Kony's 22-year insurgency collapsed last month when the LRA commander-in-chief sacked his chief negotiator and then failed to show up at the signing ceremony of the peace deal in a forest clearing on the remote frontier - to the disappointment and embarrassment of the who's who gathered there to witness the event." **[104c]**

4.42 IRIN News reported on 22 May 2008 of a climate change for small farmers and pastoralists:

"The United Nations Environment Programme (UNEP) has called for a moratorium on the expansion of large mechanised farms in Sudan's central semi-arid regions, sounding a warning that it was a 'future flashpoint' for conflict between the farmers and pastoralists." Adding that: "Northern Sudan's huge commercial farms have been blamed for fuelling conflict, driving small-scale farmers off the land and into menial jobs, environmental degradation and human rights abuses. However, in its Green Programme, launched in 2006, Sudan's Government of National Unity has called for the expansion of both rainfed and irrigated mechanised agriculture." **[10a]**

4.43 The Economist Intelligence Unit (EIU) reported in its February 2009 monthly review that:

"On February 10th talks began between the Sudanese government and the Darfur rebel group the Justice and Equality Movement (JEM) in Doha, Qatar. These are the first direct talks between the Sudanese government and the JEM since the ill-fated talks in Abuja, Nigeria, in 2006, and as such they are a small step forward. The JEM has developed into the most significant fighting force in Darfur, eclipsing the military capacity (but not the popularity) of the mainstream factions of the Sudan Liberation Movement (SLM). **[114a]**

4.44 The report added that: "The glacial progress towards a peaceful political settlement to the Darfur conflict is disappointing but not surprising. Mediation efforts for Darfur have long been muddled by regional rivalries and conflicting offers to mediate." **[114a]**

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CONSTITUTION

5.01 The CIA World Fact book, last updated 10 February 2009, records the following timeline "Constitution implemented on 30 June 1998, partially suspended 12 December 1999 by President BASHIR; under the CPA, Interim National Constitution ratified 5 July 2005; Constitution of Southern Sudan signed December 2005." **[2a]**

INTERIM NATIONAL CONSTITUTION OF SUDAN (INC)

5.02 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text is available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]**

5.03 Article 4 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 is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,
(b) religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people,
(c) the cultural and social diversity of the Sudanese people is 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 through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot." **[94a] (p3-4)**

5.04 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. **[94a] (p13-18)**

INTERIM CONSTITUTION OF SOUTHERN SUDAN (ICSS)

5.05 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94b]** Article 3 of the ICSS records the supremacy of the Constitution as follows:

"Without prejudice to Article 3 of the Interim National Constitution, this Interim Constitution shall be the supreme law of Southern Sudan and shall have binding force on all organs and agencies of government and persons throughout Southern Sudan. The interim constitutions and laws of the States of Southern Sudan shall comply with this Constitution and the Interim National Constitution." **[94b] (p2-3)**

5.06 As with the INC, 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. **[94a] (p6-12)** Article 9 (1) of the ICSS also affirms that "The

people of Southern Sudan have the right to self-determination through a referendum to determine their future status." **[94b] (p4)**

5.07 Part eleven of the ICSS concerns: 'The States, Local Government, Traditional Authority and Abyei Area'. **[94b] (p65-72)** Article 167 states that:

"The Government of Southern Sudan shall discharge its duties and exercise its powers as set forth in this Constitution, the Interim Constitution of Southern Sudan, the Comprehensive Peace Agreement and any other agreement relating to the development and reconstruction of Southern Sudan." **[94a] (p65)**

Articles 168 to 172 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]. **[94b] (p66-69)**

See also Annex G: States of Sudan

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POLITICAL SYSTEM

GOVERNMENT OF NATIONAL UNITY (GONU)

6.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** Article 24 INC records that:

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

(a) The national level of government [Government of Southern Sudan (GoSS)], 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 level of government, which shall exercise authority at the state level throughout the Sudan and render public services through the level closest to the people,
(d) Local level of government, which shall be throughout the Sudan." **[94a] (p10-11)**

6.02 In January 2008, Physicians for Human Rights (PHR) highlighted the appointment of a Janjaweed leader as Advisor to Federal Affairs Minister, noting that "Bashir continues to promote war crimes suspects to senior positions". **[34b]**

"Physicians for Human Rights (PHR) called on members of the UN Security Council and other countries to publicly condemn the appointment of Musa Hilal, a known leader of the Janjaweed who is suspected of committing war crimes, to the position of advisor to Sudan's Minister of Federal Affairs and actively work to end impunity for his crimes. The US Government believes that Hilal is a central coordinator of the Janjaweed, a group responsible for the Government of Sudan's orchestrated campaign of killing, displacement, and looting throughout Darfur." (PHR, 22 January 2008) **[34b]**

6.03 The *Sudan Tribune* reported on 14 February 2008 that the Sudanese President Omar Hassan Al-Bashir had reshuffled the ministers of the National Congress Party in the national cabinet, sacking the justice minister and making seven new cabinet appointments:

"Omer al-Bashir, Justice Minister Mohamed Ali al-Mardi, recently locked in repeated rows with the media over alleged mismanagement, was fired and replaced by Abdel Basset Saleh Sbidrat, federal affairs minister in the outgoing cabinet. Ibrahim Mohamed Hamed, a former provincial governor, was appointed interior minister, replacing Zubir Beshir Taha who was demoted to agriculture. Energy minister Awad al-Jaz swapped jobs with finance minister Zubeir Ahmed al-Hassan, while Mohamed Ahmed Taher Abu Kalabish moved from the state education portfolio to take up the reins at the animal resources ministry. The Sudanese president also made Ibrahim Mohamed Omar, a senior member of his ruling National Congress Party, minister of science and technology." **[12aj]**

6.04 The USSD Background Note: Sudan, updated in March 2009 stated that the provisional government was:

"… established by the Comprehensive Peace Agreement (CPA) signed in January 2005 that provides for power sharing pending national elections. The CPA stipulates that national elections are to occur no later than July 2009…executive authority is held by the president, who also is the prime minister, head of state, head of government, and commander in chief of the armed forces; effective July 9, 2005, the executive branch includes a first vice president and a vice president. As stipulated by the Comprehensive Peace Agreement, the first vice president position is held by a person selected by the Sudan People's Liberation Movement (SPLM)… The National Assembly, the lower house, has 450 members with a power-sharing formula which allows the ruling National Congress Party to get 52%; the SPLM, 28%; other northern and southern parties, 14% and 6% respectively. There is also an upper house, the Council of States, which is composed of two representatives from each of the nation's 26 states, including two observers from Abyei." **[3j]**

6.05 The USSD Human Rights report for 2008 released 25 February 2009 stated:

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

6.06 The report added:

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

6.07 Furthermore:

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

6.08 The report stated further that: "Although the Interim National Constitution provides citizens the right to change their government peacefully, the CPA established an interim government; under the CPA, national elections are scheduled for 2009. **[3a] (Section 3)** Additionally "The law permits the existence of political parties, but prohibits parties linked to armed opposition to the government, and the government routinely denied permission for, or disrupted, gatherings viewed as politically oriented. **[3a] (Section 3)**

Political parties in Sudan

6.09 The USSD Human Rights report for 2008 noted that:

"The Interim National Constitution and law provide for freedom of association, but the government severely restricted this right in practice. Although there were 20 officially registered political parties, the law effectively prohibits political parties linked to armed opposition to the government.
The government continued to harass some opposition leaders who spoke with foreign organizations or embassies." **[3a] (Section 2b)**

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

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

See also Annex B: Political organisations and Annex C: Prominent people, past and present

GOVERNMENT OF SOUTHERN SUDAN (GOSS)

6.11 The Article 50 of the Interim Constitution of Southern Sudan 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 within a state and render public services through the level closest to the people; and
(c) local government level within the state, which shall be the closest level to the people." **[94b] (p18)**

Political parties in southern Sudan

6.12 One the Gurtong's website, last updated 9 June 2008 noted the following, concerning the opposition parties in south Sudan:

"The signing of the Comprehensive Peace Agreement (CPA) saw the coming together of several military factions that are now being transformed in to political entities in South Sudan. At present, the Sudan People's Liberation Movement (SPLM) has the largest known membership. However, the composition of the South Sudan legislative assembly comprises of several political parties.

- Sudan People's Liberation Movement – SPLM
- National Congress Party – NCP
- South Sudan Defense Force – SSDF
- United Democratic Front – UDF
- Union of Sudan African Parties 1 – USAP 1
- Union of Sudan African Parties 2 – USAP 2
- United Democratic Sudan Forum – UDSF" **[18c]**

See also Annex B: Political organisations and Annex C: Prominent people, past and present

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Human Rights

INTRODUCTION

7.01 Article 27 of the Interim National Constitution (INC) stated:

"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. Legislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights." **[94a] (p13)**

7.02 The Office of the High Commissioner for Human Rights (OHCHR) report on the situation of human rights in Sudan recorded on 20 March 2008 of attacks on civilians in Saraf Jidad, Sirba, Silea and Abu Suruj in January and February 2008 as follows:

"Military attacks in Sirba, Silea and Abu Suruj (8 February), involved aerial bombardments by helicopter gunships and fixed-wing aircraft, accompanied by ground offensives by militia and SAF. Consistent information gathered by UNAMID Human Rights Officers (HROs) indicated that these actions violated the principle of distinction stated in international humanitarian law, failing to distinguish between civilian objects and military objectives. Moreover, the scale of destruction of civilian property, including objects indispensable for the survival of the civilian population, suggests that the damage was a deliberate and integral part of a military strategy. Information on extensive pillaging during and after the attacks was also gathered. In addition, consistent and credible accounts of rape committed by armed uniformed men during and after the attack in Sirba were collected." **[6n] (p2)**

7.03 The report added:

"As a result of the attacks, at least 115 persons were killed, including elderly people, women and children, and more than 30,000 individuals forcibly displaced to other locations, including neighboring Chad. Civilian homes, NGO clinics and offices, community centers, water structures, schools, food storages, milling machines and shops were systematically pillaged, vandalized and/or set ablaze. Livestock was also looted." **[6n] (p2)**

7.04 The USSD Human Rights Report for 2008 summarised the human rights situation in Sudan as:

"The government's human rights record remained poor, and there were numerous serious abuses, including: abridgement of citizens' right to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; disappearances, including of hundreds of Darfuris in Omdurman and Khartoum following the May 10 JEM attack; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison

conditions; arbitrary arrest and detention, incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; obstruction of the delivery of humanitarian assistance; restrictions on privacy; restrictions on freedom of speech; increased restrictions on the press, including direct censorship; restrictions on freedoms of assembly, association, religion, and movement; harassment of IDPs and of local and international human rights and humanitarian organizations; violence and discrimination against women, including female genital mutilation (FGM); child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur; preventing international human rights observers from travelling to/within Sudan; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced and child labor." **[3a] (section1)**

7.05 The USSD Human Rights Report for 2008 added:

"There were numerous reports that the government and its agents committed arbitrary and unlawful killings. Government forces, government-aligned militias, and rebels killed civilians in connection with the conflict in Darfur. Civilians were also killed in connection to conflict in Abyei. Fighting between government forces and JEM rebels killed civilians during the May 10 JEM attack on Omdurman. A UN report cited the government as asserting that 57 civilians were killed, but the actual number of civilian casualties was believed to be far higher." **[3a] (section1a)**

7.06 The report further added: "In the aftermath of the May 10 JEM attack, National Intelligence and Security Services (NISS) forces committed three confirmed extrajudicial killings in Khartoum and Omdurman. NISS forces killed one woman as she tried to prevent the arrest of her brother; one Darfuri student; and beat one man who later died of his injuries." **[3a] (section1a)**

7.07 The report continued:

"Civilians were killed and injured as a result of fighting between the SPLA and civilians during a GOSS disarmament campaign. On June 5, in Iloli and Loguruny villages in Eastern Equatoria, eight civilians were killed and an estimated 1,410 persons displaced by fighting; the incident was not under investigation by year's end. On September 8, the SPLA injured persons during a disarmament activity in Rumbek." **[3a] (section1a)**

7.08 Additionally: "Approximately 50 civilians reportedly died due to landmines in the south during the year, although some observers believed the number to be much higher since only a small percentage of deaths were actually reported to the UN. The government continued to cooperate with the UN Mine Action Group to remove landmines in the south." **[3a] (section1a)**

7.09 The USSD Human Rights report also recorded that: "Conflicts among different rebel groups in Darfur resulted in civilian casualties throughout the year. On May 21, in Kafoud, North Darfur, fighting between SLA/Minni Minawi and SLA/Free Will killed 13 civilians and injured eight." **[3a] (section1g)**

7.10 The report further added that:

"There were developments in the September 2007 case of several hundred unidentified rebels who attacked an African Union Mission in Sudan camp in Haskanita, South Darfur, killing 10 peacekeepers and wounding many more. On November 20, the International Criminal Court (ICC) prosecutor requested an arrest warrant for three rebel commanders for war crimes pertaining to this attack; the names of the rebel commanders were not released by year's end. On December 9, the ICC pretrial chamber requested that the prosecutor first submit additional information." **[3a] (section1g)**

7.11 Human Rights Watch (HRW) in its 2009 World Report, chapter on Sudan, released on 14 January 2009, summarised the human rights situation in 2008 as follows:

"With war continuing in the west and a fragile peace in the south, the dynamics of respect for human rights remain complex and the challenges severe. In Darfur hundreds of thousands remain internally displaced as the Sudanese government uses indiscriminate bombings and attacks on civilians by ground forces and allied Janjaweed militias in counterinsurgency. Throughout Sudan delay in implementing the Comprehensive Peace Agreement (CPA), signed in 2005 by the National Congress Party (NCP) government and the Sudan Peoples' Liberation Movement (SPLM), is straining relations between the parties, threatening the CPA itself." **[19f](p121)**

7.12 Concerning the call for the arrest of the President, on accounts of war crimes, the same report noted:

"In July [2008] the International Criminal Court (ICC) prosecutor requested an arrest warrant for President Omar al-Bashir on 10 counts of war crimes, crimes against humanity, and genocide relating to Darfur. Khartoum threatened that this would lead to violence in Darfur; and, according to many observers, aiming to secure diplomatic support for suspension of the ICC investigation, Khartoum made minor concessions to UNAMID and ostensible overtures towards peace. Meanwhile, Sudan continued to refuse to hand over Ahmed Haroun, minister of state for humanitarian affairs, and Ali Kosheib, who have been subject to ICC warrants since 2007." **[19f](p121)**

7.13 The Office for the High Commissioner on Human Rights 2008-2009 report on the situation in Sudan stated that: "Serious violations of human rights continue in varying forms in different parts of the Sudan. While the situation in Darfur is well known to the international community, violations also occur in northern, eastern, and southern Sudan and in the Transitional Areas." **[6bc]**

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SECURITY FORCES

8.01 The USSD Human Rights report for 2008 stated that: "Several government entities have responsibility for internal security including the police, the NISS, the Ministry of Interior, and the Ministry of Defense; all had active security forces. Government security forces committed serious and widespread abuses against civilians with impunity, including in connection with the conflict in Darfur. **[3a] (Section 1c)**

8.02 The report added: "The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict government forces, rebel groups, and tribal factions committed torture and abuse. SPLA forces sometimes abused persons in the south. " **[3a] (Section 1c)** Also that: "Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes."**[3a] (Section 1f)**

8.03 The report further added that: security forces arrested, detained, and abused political opponents. They also beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. **[3a] (Section 1c)** Furthermore, conflicts between different government security forces resulted in civilian casualties. **[3a] (Section 1g)**

8.04 The following incidents were observed:

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

"On May 18, NISS officers arrested Al-Ghali Shegifat, journalist for the independent Rai Al-shaab newspaper and head of the Darfur Journalist Association; he was detained for 60 days without charge, during which time he was regularly beaten." **[3a] (Section 1c)**

"On November 24, the NISS detained human rights activists Abdel Moniem El Gak, Osman Hummaida, and Amir Suleiman. Suleiman was released the same day. El Gak was released on November 26, after having been released and detained again on November 25. Hummaida was released on November 28. Security forces physically abused El Gak and Hummaida, and threatened Suleiman that he would be tortured. El Gak and Suleiman fled the country following their release." **[3a] (Section 1c)**

8.05 Furthermore: "Security forces in the north often targeted southern women in IDP camps because they produced and sold traditional home brewed alcohol beverages; these women were arrested and imprisoned for up to six months under Shari'a." Also that: Women in Southern Sudan were frequently arrested and detained on suspicion of adultery." **[3a] (Section 1d)**

8.06 The United Nations Office in Geneva reported on 23 January 2009 that the UN High Commissioner for Human Rights (OHCHR) and the United Nations-African Union Mission in Darfur (UNAMID) had issued a joint report on the disastrous results of a law enforcement operation on 25 August 2008, at the

Kalma camp for internally displaced persons, in which 33 civilians died and 108 others were injured.

"Sudanese forces violated international human rights law by using lethal force in 'an unnecessary, disproportionate and therefore unlawful manner', when they fired on a crowd in a displaced persons camp in Darfur last August, killing 33 civilians, states a new United Nations report. The report, issued today [23 January 2009] by the UN High Commissioner for Human Rights (OHCHR) and the UN–African Union Mission in Darfur (UNAMID), is the result of an investigation into the 25 August incident at the Kalma camp for internally displaced persons (IDPs) in South Darfur, which also left 108 civilians wounded. Witness testimonies confirmed that security forces shot arbitrarily at a large crowd of IDPs including women and children." **[6an]**

8.07 The report added:

"The Sudanese forces had entered the camp, home to about 80,000 IDPs, to execute a search warrant for illegal weapons and drugs. They were confronted by a group of camp residents who tried to stop them from entering the camp. The security forces fired shots in the air, before opening fire on the crowd. According to the report, the 33 people killed included 14 men, ten women and nine children. The casualties include one 75-year-old woman who drowned in a pool of water as she attempted to flee the shooting. The 108 people injured during the incident included 38 children and 25 women." **[6an]**

POLICE

8.08 The USSD report for 2008 stated that corruption, impunity, and lack of effectiveness were problems in the police force, and that: "some police officers supplemented their incomes by extorting bribes". The report added that "There were reports of retaliation against persons who complained about police abuses." **[3a] (Section 1d)**

8.09 The USSD Human Rights report for 2008, noted:

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

8.10 Jane's Sentinel Country Risk Assessments, Country Report for Sudan (accessed on 24 February 2009) recorded:

"Following the signing of the Comprehensive Peace Agreement in January 2005, law enforcement is undergoing restructuring, with the new interim constitution indicating the decentralisation of the police service at national, state and southern Sudanese levels in accordance with the pact." **[116a] (Security and foreign forces, 4 December 2008)**

"Responsibilities previously falling under the mandate of the United Police Forces (UPF) included responsibility for public order, criminal investigations, civil defence, prisons, passport control, immigration and customs, traffic control and wildlife protection. The UPF was divided into different functional divisions operating within provincial commands. Provincial police commissioners would answer to the director general of police in Khartoum, who in turn answered to the minister of the interior. The sheer size of the country, however, made uniform policing difficult and traditionally tribal sheikhs were allowed to enforce law and order in rural districts, with the police maintaining a presence only in more urbanised areas. The war-torn southern and western areas were previously the responsibility of the military and other security forces." **[116a] (Security and foreign forces, 4 December 2008)**

8.11 The *Sudan Tribune* reported on 4 November 2008 that United Nations (UN) agencies, implementing construction of Jonglei police and prison stations, had started work at the various sites.

"The project is part of GoSS' Rule of Law Program which encompasses capacity building and infrastructural development in all states and co-funded by MDT. United Nations Development Program (UNDP) and United Nations Office for Project Services (UNOPS) are the implementers as Everest Ltd and RA International merge as contractors for police headquarters and prison respectively." **[12ay]**

8.12 The report added:

" 'To be relieved is Prison force where inmates are kept in congeste-collapsing cells, built quite earlier before Sudan's independence (around 1940s). Criminals have either being breaking jails or [their] health severely endangered while serving their sentence', Sgt. Arem Alier, a prison license officer said. He added that many prisoners remain in various Counties of Jonglei state, making trails and court proceeding difficult. 'This will ease our work and produce change citizens. We hall provide vocational training for inmates in order to opt for better style of maintaining living', Alier affirmed." **[12ay]**

See also Section 12: Prisons and Prison conditions

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Arbitrary arrest and detention

8.12 The USSD Human Rights report 2008 noted that:

"Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. Following arrests of an unknown number of Darfuris in Khartoum and Omdurman after the May 10 JEM attack, lawyers belonging to the Darfur Bar Association volunteered to represent the detainees, but authorities severely restricted their access to the detainees and arrested some defense lawyers. Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance." **[3a] (Section 1d)**

8.13 The same report added: "The Interim National Constitution prohibits arbitrary arrest and detention without charge; however, the government continued to arbitrarily arrest and detain persons, often under the National Security Act. In Southern Sudan, arbitrary arrests and detention were common. While the law does not provide the SPLA with arrest powers, the SPLA arrested and detained persons. **[3a] (Section 1d)**

8.14 The USSD report further added that the government routinely mistreated persons in custody, stating: "There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions." **[3a] (Section 1c)**

8.15 The Sudan Organisation Against Torture (SOAT) reported on 23 May 2008 that a large number of prisoners have been transferred to East Sudan following mass arrests in and around Khartoum, following the JEM attack on 10 May 2008:

"The Sudan Organisation Against Torture (SOAT) expresses concern about the reported transfers of large numbers of detainees from Khartoum to locations in East Sudan, in the wake of the mass arrests that followed recent attacks launched near the capital by the Darfuri rebel Justice and Equality Movement (JEM). Following the 10 May attacks, hundreds of people were detained in and around Khartoum. The arrests appeared to be extremely arbitrary, targeting Darfuris, especially those of Zaghawa ethnicity, and individuals who simply bear a physical resemblance to people from the region. SOAT has received credible reports that many of those rounded up in these mass arrests have been subjected to physical abuse in custody. It remains unclear how many are still in detention." **[15a]**

8.16 The report added that:

"SOAT has received unconfirmed reports that a group of 70 detainees were transferred from Kobar Prison in Khartoum to Port Sudan Prison, Red Sea State, in the days following the JEM attacks. All were said to have been sentenced to death and to have been transferred to Port Sudan in order to be executed. Although it could not be independently confirmed that these individuals had been arrested in connection with the JEM attacks, sources noted that they were all of Darfuri origin." **[15a]**

8.17 SOAT further added that:

"SOAT also received unconfirmed reports that 65 individuals who were arrested in the wake of the JEM attacks were transferred from Kobar Prison in Khartoum to Suakin Prison, also in Red Sea State, on 20 May. They had reportedly not yet faced trial. There were further unconfirmed reports that this group of 65 detainees were subsequently moved from Suakin to an unknown location on 21 May." **[15a]**

On the same day, Messrs. Osman Hummaida and Abedlmonim Aljak were also arrested by the NSS at SIHA's offices and brought to the political department of the NSS offices in Khartoum North. Mr. Abedlmonim Aljak spent the night in the NSS offices and was then released without charge on November 25, 2008 at 6 am. **[15a]**

8.18 AllAfrica reported on 23 May 2008 of the abduction and torture of Mr. Ahmed Mohamed Abdu Hassan, a 25 years old student at the Economics Faculty of al-Bahr al-Ahmar University and member of the Democratic Union, by an unidentified group of individuals in Port Sudan, Red Sea State. **[97d]**

"According to the information received, Mr. Ahmed Mohamed Abdu Hassan was abducted at 3pm on 13 May 2008 from a location near the university. He was allegedly taken away in a car belonging to the Military Service Department. Mr. Ahmed Mohamed Abdu Hassan was reportedly taken to a deserted area known as Kilo 7, where he was allegedly tortured in an effort to force him to reveal the whereabouts of another political activist in Port Sudan. This reportedly included kicking him and beating him with hands, a water hose and metal bars. Mr. Ahmed Mohamed Abdu Hassan also reported that his abductors injected him twice with unknown liquids." **[97d]**

8.19 The International Federation for Human Rights and the Sudan Organisation Against Torture (FIDH) reported on 25 November 2008 of arbitrary arrests as detailed below:

"The Observatory has been informed by reliable sources of the arbitrary arrests of Mr. Amir Mohamed Suliman, Chairperson of the Khartoum Centre for Human Rights and Environmental Development (KCHRED), Mr. Osman Hummaida, human rights researcher and member of OMCT Assembly of Delegates, and Mr. Abedlmonim Aljak, member of the Strategic Initiative for Women in Horn of Africa (SIHA)." **[38d]**

8.20 The report added: "According to the information received, on November 24, 2008, at noon, a National Security Service police (NSS) officer as well as three policemen arrested Mr. Amir Mohamed Suliman at KCHRED's offices and took him to the political department of the NSS offices in Khartoum North. He was released the same day at 8 pm without charge." **[38d]**

8.21 UN News Centre reported on 28 November 2008 that the organisation had released a 51 page document covering the capital Khartoum and other parts of northern Sudan, southern Sudan, and the three central areas of Abyei, Southern Kordofan and Blue Nile state. "Arbitrary arrest and detention are rife in many parts of Sudan, and are often linked to further serious violations such as torture." **[6ax]**

8.22 Furthermore: "… intelligence and security services, police, and the Sudan Armed Forces (SAF), as well as the Sudan People's Liberation Army (SPLA) in the country's south, have all committed violations of Sudanese and international law in the form of arbitrary arrests of civilians, in the length and manner of their detention, and in the physical treatment of detainees." **[6ax]**

8.23 Additionally:

" 'In Khartoum and other parts of northern Sudan, the National Intelligence and Security Services (NISS) systematically use arbitrary arrest and detention against political dissidents', states the report. The NISS has reportedly been responsible for a large number of cases involving ill-treatment and torture, including attempts to intimidate detainees, punish them, extract information or force them to incriminate themselves or others'." **[6ax]**

8.24 The International Secretariat of the World Organisation Against Torture (OMCT) reported on 16 January 2009 about the arbitrary and incommunicado detention of Dr. Hassan Al Turabi, the 76-year-old leader of the opposition group Popular Congress Party (PCP), and Dr. Bashir Adam Rahama, political officer of the PCP. The two were being detained in Kober Prison, the report added.

"According to the information received, Dr. Hassan Al Turabi and Dr. Bashir Adam Rahama were arrested by agents of the Sudanese National Intelligence and Security Services (NISS) on 14 January 2009 in Khartoum. Since then, they have been refused access to their families and legal representation. Both individuals reportedly suffer from high blood pressure and Dr. Hassan Al Turabi's family was not allowed to give him his medicine. Furthermore, till now, no charges were brought against them and the exact reasons of their arrest remain unclear." **[55e]**

8.25 The same report recorded that:

"… The International Secretariat of OMCT is gravely concern for the safety of Dr. Hassan Al Turabi and Dr. Bashir Adam Rahama, being at particular risk of torture and other forms of ill-treatment due to their conditions of detention. OMCT is further concerned with regard to their detention, which, according to the information received, seemed to be based solely for the peaceful exercise of their rights to freedom of expression. OMCT recalls to Sudan that according to article 9 1) of the International Covenant on Civil and Political Rights (ICCPR) "no one shall be subjected to arbitrary arrest or detention". OMCT has been informed of an increase in incidents of enforced censorship, arbitrary detention and interrogation since the ICC Prosecutor asked the pre-trial judges to indict President Al-Bashir for genocide, war crimes and crimes against humanity." **[55e]**

ARMED FORCES

8.26 World Organisation Against Torture reported on 23 May 2008 of the torture and ill-treatment of eight Darfuris as follows:

"The International Secretariat of OMCT has been informed by the Sudan Organisation Against Torture (SOAT), a member of OMCT SOS-Torture network, about the torture and ill-treatment suffered by eight Darfuris (names below) in White Nile State and the disappearance of one of them, Mr. Khalil Abdulhalim. According to the information received, on 11 May 2008 at around 10am, members of the Sudanese Armed Forces manning a military checkpoint by a bridge in the town of Kosti, White Nile State, stopped a public bus travelling to Khartoum from el-Obeid, the capital of Northern Kordofan State, and ordered eight Darfuri passengers to disembark. The names of two of the Darfuri passengers are unknown." **[55c]**

8.27 Jane's Sentinel Country Risk Assessments, Country Report for Sudan (accessed on 24 February 2009) recorded:

"Sudan has been seeking to enhance the capabilities of the armed forces by procuring modern weapons systems. Historically, Sudan's military forces were handicapped by limited and outdated equipment. The Sudanese Government

was assisted by the US during the 1980s to upgrade the forces' equipment, with a particular emphasis on airlift capabilities and logistics. However, following the military coup of 1989, US military assistance came to an end and Sudan looked to other suppliers." **[116a] (Armed Forces, 6 February 2009)**

Security forces: South Sudan

8.28 Article 162 of the Interim Constitution of Southern Sudan (ICSS), signed into law on 5 December 2005, 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 organization, structure, functions, powers and terms of service shall be regulated by law,
(3) The police service shall be headed by an Inspector-General of Police to be appointed by the President of the Government of Southern Sudan on the recommendations of the minister in charge and approval of the Council of Ministers,
(4) The Police of Southern Sudan shall be governed by this Constitution and the law. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights. **[94b] (p63)**

8.29 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 [sic] of any obligations under law and regulations it shall also be responsible for the custody of any unclaimed properties." (Police Act: Chapter 3, Section 10) **[18e]**

8.30 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. (Police Act) **[18f]** (Police General Regulation Act) **[18e]**

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MILITARY SERVICE

9.01 The Coalition to Stop the Use of Child Soldiers 'Child Soldiers Global Report 2008, Sudan released on 20 May 2008 recorded that:

"The 2005 interim constitution stated that 'Defence of the Country is an honour and duty of every citizen' and 'Every citizen shall defend the country and respond to the call for national defence and national service'. 34 Under the National Service Law of 1992 (under review in late 2007), all men between 18 and 33 were liable for military service, which applied to all branches of the armed forces. The length of military service was 18 months for high-school graduates, 12 months for university and college graduates and 24 months in all other cases. According to the law, women were also liable for military service but in practice were not called up.36 The draft Sudan Armed Forces Act, which set 18 as the minimum age for recruitment and criminalized the recruitment of children, had not, reached the National Assembly as of June 2007." **[42a]**

9.02 Article 18 of the Interim National Constitution (INC) stated that: "Defence of the Country is an honour and a duty of every citizen; the State shall care for the combatants, the afflicted in war, the families of martyrs and those missing in action." **[94a] (p9)**

9.03 The Immigration and Refugee Board of Canada (IRB), on 28 February 2007 provided the following information regarding military service in Sudan. **[52d]**

"Information on the age of conscription for military service varied among the sources consulted by the Research Directorate. According to the Europa World Year Book 2006 and the United States (US) Central Intelligence Agency (CIA) World Fact book, persons between the ages of 18 to 30 years are liable for national military service (Europa World Year Book 2006, 4095; US 8 Feb. 2007). However, the Child Soldiers Global Report 2004 indicates that under Sudan's National Service Act of 1992, persons between the ages of 18 to 33 years must submit to national military service (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004; Denmark 2001, 68). The report also indicates that the compulsory recruitment age is 17 years for the regular armed forces and 16 years for the paramilitary Popular Defence Force (PDF), while there is no minimum age for the reserve forces and for persons volunteering in the regular armed forces (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004). Country Reports on Human Rights Practices for 2005 indicates that persons aged 17 to 19 were required to undergo military service (8 Mar. 2006, Sec. 5)." **[52d]**

9.04 IRB added that:

"Desertion from Sudan's national service is punishable by a jail term of up to three years (SHRO June 2003; Denmark 2001, 73). Deserters could also reportedly be fined (ibid.). According to Sudan's 1992 National Service Act, provided in the 2001 Danish fact-finding mission report, those who fail to present themselves for recruitment, or try to avoid military service "through deceit, or by inflicting any harm to [themselves]" could face a two- to three-year jail term (ibid.; see also The Des Moines Register 24 Dec. 2005)." **[52d]**

9.05 The Report continued:

"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." **[22a]**

Also see Children

POPULAR DEFENCE FORCES (PDF)

9.06 Jane's Sentinel Country Risk Assessments, Country Report for Sudan (accessed on 24 February 2009) recorded:

"The Popular Defence Force (PDF) was formed by the government soon after it took power in 1989. The PDF could be considered as a loose amalgamation of various local defence forces and militias that was rapidly organised to relieve the army of local defence duties and allow it to concentrate on its primary duties of holding major garrisons and offensive action.

"The PDF has also been described as the armed or paramilitary wing of the National Islamic Front (NIF) regime. In reality, it is likely that the PDF was a relatively disparate organisation that included all these different sorts of militias. Operationally it appeared that the PDF militias were responsible for local defence, including roadblocks, and are mobilised on a larger scale for dry season offensives." (Security and foreign forces, 4 December 2008) **[116a]**

CONSCIENTIOUS OBJECTION, DESERTION AND EVASION

9.07 The National Service Act 1992, contained at annex 4 of the Danish 2001 FFM Report outlines the general laws and penalties of avoiding or postponing military service. **[23b] (p73)** War Resisters' International's 1998 Survey noted that: "The right to conscientious objection is not legally recognised." **[21a]** It also stated that: "Avoiding military service is punishable by two to three years' imprisonment (National Service Law, art. 28)." **[21a]**

RECRUITMENT/CONSCRIPTION

9.08 "The 1992 National Service Law was introduced in an attempt to meet [the] increasing personnel needs of the armed forces." (War Resisters' International's 1998 Survey). **[21a]** 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." **[4b]**

9.09 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." **[20a] (p4)**

9.10 Child Soldiers Global Report 2008 noted: "Thousands of child soldiers were recruited and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south." **[42a] (also see 20.29)**

9.11 The USSD report for 2008 stated that: "A 2007 UN report cited the SAF, police including the CRP, janjaweed, government-aligned PDF, and Darfur rebel groups JEM, the SLA/Gasim, the SLA/Free Will, the SLA/Minni Minawi, the SLA/Abdul Wahid, and the SLA/Shafi as recruiting or using child soldiers. The UN report also cited recruitment or use of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad. **[3a] (Section 1g)**

FORCED CONSCRIPTION

9.12 The USSD report for 2008 stated that the forcible recruitment of persons into armed groups continued. **[3a] (Section 6c)** Also that children were used as soldiers in armed groups. **[3a] (Section 5)**

DARFUR

9.13 Concerning Darfur, the USSD Human Rights report for 2008 noted that the: Government and other armed groups continued to recruit child soldiers. **[3a] (Section 5)**

SOUTH SUDAN

9.14 Article 45 of the Interim Constitution of Southern Sudan (ICSS) states that: "(1) Defence of Southern Sudan in particular, is an honour and duty of every citizen in Southern Sudan without prejudice to Article 18 of the Interim National Constitution. (2) The law shall provide for the combatants, the wounded, the families of martyrs and those missing in action." **[94b] (p16)**

9.15 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. **[20a] (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." **[20a] (p3)**

9.16 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." (SPLA Act: Chapter I, Section 4) **[18g]**

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

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

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

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

See also Children

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JUDICIARY

NORTH SUDAN (GOVERNMENT OF UNITY)

10.01 Article 34 of the Interim National Constitution (INC) INC states that:

"(1) An accused is presumed to be innocent until his/her guilt is proved according to the law.
(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her .
(3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by law.
(4) No person shall be charged of any act or omission which did not constitute an offence at the time of its commission.
(5) Any person shall be entitled to be tried in his/her presence in any criminal charge without undue delay; the law shall regulate trial in absentia.
(6) Any accused person has the right to defend himself/herself in person or through a lawyer of his/her own choice and to have legal aid assigned to him/her by the State where he/she is unable to defend himself/herself in serious offences." A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] **[94a] (p14)**

10.02 Article 123 of the INC records that:

"(1) The National judicial authority in the Republic of the Sudan shall be vested in the National Judiciary.
(2) The National Judiciary shall be independent of the Legislature and the Executive, with the necessary financial and administrative independence.
(3) The National Judiciary shall have judicial competence to adjudicate on disputes and render judgments in accordance with the law.
(4) The Chief Justice of the Republic of the Sudan, who is the head of the National Judiciary and the President of the National Supreme Court, shall be answerable to the President of the Republic for the administration of the National Judiciary.
(5) All organs and institutions of the State shall execute the judgments and orders of the courts." **[94a] (p48)**

10.03 The USSD report for 2008 stated that: "Although the Interim National Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of alleged crimes against the state. The judiciary was inefficient and subject to corruption. **[3a] (Section 1e)** The report added: "An executive-level judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court's seven members. On occasion courts displayed a degree of independence. However, political interference with the courts was commonplace" **[3a] (Section 1e)**

10.04 The report continued:

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

10.05 The same source also noted that: "Lawyers wishing to practice were required to maintain membership in the government-controlled Sudanese Bar Association. The government continued to arrest and harass members of the legal profession whom it considered political opponents, and did not allow the Darfur Bar Association to register as an NGO." **[3a] (Section 1e)** Furthermore: "In both the north and south, women were usually not allowed to testify as witnesses without the backing of three men." **[3a] (Section 1e)** Additionally, "Lengthy pretrial detention was common. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court." **[3a] (Section 1d)**

10.06 The USSD report also recorded that: "In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order." **[3a] (Section 1d)**

STRUCTURE

10.07 Article 124 of the 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." **[94a] (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, his/her deputies, Justices and Judges shall be appointed by the President of the Republic in accordance with Article 58 (2) (c) herein, where applicable, and upon the recommendation of the National Judicial Service Commission. (2) The law shall determine the terms of service, discipline and immunities of Justices and Judges. (3) Southern Sudan shall be adequately represented in the National Supreme Court and other national courts that are situated in the National Capital." **[94a] (p50)**

10.08 The USSD Human Rights report for 2008 recorded that:

"The judicial system includes four types of courts: regular, military, special, and tribal. In the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military

personnel and did not provide the same rights as civilian and criminal courts. Special courts existed in Darfur under the state of emergency to try crimes against the state. There were three such courts, one in each Darfur state capital; however, the courts did not function during the year. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters." **[3a] (Section 1e)**

10.09 The report added:

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

10.10 Article 156 of the 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 according to law." **[94a] (p62)**

10.11 Article 157 continues:

"(1) The Presidency shall establish in the National Capital a special commission for the rights of Non-Muslims which shall have the following functions: - (a) to ensure that the rights of Non-Muslims are protected in accordance with the general principles provided for under Articles 154 and 156 of this Constitution, (b) ensure that Non-Muslims are not adversely affected by the application of the Sharia law in the National Capital. (2) The special commission shall submit its observations and recommendations to the Presidency." **[94a] (p62)**

10.12 The USSD Human Rights report for 2008 stated that: "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 drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security related cases. **[3a] (Section 1e)**

WEST SUDAN (DARFUR)

10.13 The USSD Human Rights report for 2008 noted that: "In August the Ministry of Justice appointed a special prosecutor for crimes in Darfur, Nimr Ibrahim Mohamed. Human rights observers asserted that the special prosecutor was biased in favor of the ruling party, and that the process was not credible. The special prosecutor did not begin judicial proceedings against any persons for crimes in Darfur by year's end." **[3a] (Section 1e)**

10.14 The report added: "Antiterrorism courts were set up to try persons arrested in connection with the May 10 JEM attack on Omdurman. Persons tried under these courts did not have the same rights as those tried in regular courts." **[3a] (Section 1e)** Furthermore Shari'a law is applied in the north, but not in the south, under the Interim National Constitution. **[3a] (Section 1e)**

SOUTH SUDAN

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

10.16 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. **[94b] (p8-9)** Article 23 of the ICSS states that:

"(1) An accused is presumed to be innocent until his or her guilt is proved according to the law.
(2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her.
(3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by a competent court of law in accordance with procedures prescribed by law.
(4) No person shall be charged with any act or omission which did not constitute an offence at the time of its commission.
(5) Every accused person shall be entitled to be tried in his or her presence in any criminal trial without undue delay.
(6) Any accused person has the right to defend himself or herself in person or through a lawyer of his or her own choice and to have legal aid assigned to him or her by the government where he or she is unable to defend himself or herself in serious offences." **[94b] (p8-9)**

10.17 The Laws of the New Sudan Judiciary Act, 2003 stated 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)]." (Judiciary Act: Chapter 1, Section 4) **[18d]** as to the Powers and jurisdiction of the Courts:

"1) Court 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." (Judiciary Act: Chapter 1, Section 6) **[18d]**

10.18 The USSD Human Rights report for 2008 stated:

"In the south the GOSS employed a judicial system of traditional chiefs' courts, payam (district) courts, county judges, regional judges, and a court of appeals.

Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The GOSS recognized traditional courts or courts of elders, which applied customary law to most cases in remote and rural areas of the south, including domestic matters and criminal cases." **[3a] (Section 1e)**

10.19 The report added that delays in trial also resulted in unreasonably lengthy pretrial detentions, and persons were not provided prompt access to lawyers. **[3a] (Section 1d)** Also that some judges in the south reportedly continued to follow Shari'a legal procedures and that in the south, traditional or customary law was often used. **[3a] (Section 1e)**

10.20 The report continued: "Shari'a is applied in the north, but not in the south, under the Interim National Constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In the south, traditional or customary law was often used." Also that: In Southern Sudan, according to the UN, most persons sentenced to death had not had adequate legal representation." **[3a] (Section 1e)**

10.21 Furthermore: "In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order." **[3a] (Section 1e)**

10.22 Additionally:

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

STRUCTURE

10.23 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." (Judiciary Act: Chapter 1, Section 5) **[18d]**

10.24 Chapter 2 of the Act went on to describe the establishment, constitution, powers and jurisdiction of each court. (Judiciary Act: Chapter 2, Sections

8-19) **[18d]** Chapter 3 detailed the provisions for the appointment of judges at each court level. (Judiciary Act: Chapter 3, Sections 20-28) **[18d]**

LOCAL LAWS AND CUSTOMS

10.25 The FCO's travel advice website last updated 5 March 2009 stated that: "Local laws reflect the fact that Northern Sudan and the capital Khartoum are predominantly Muslim. You should respect local traditions, customs, laws and religions at all times and be aware of your actions to ensure that they do not offend other cultures or religious beliefs, especially during the holy month of Ramadan or if you intend to visit religious areas." **[4h]**

10.26 The FCO's website added that:

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

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ARREST AND DETENTION – LEGAL RIGHTS

11.01 Article 29 of the Interim National Constitution (INC) states that: "Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with procedures prescribed by law." **[94a] (p13)**

While Article 34 states:

"(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her." **[94a] (p14)**

11.02 The USSD Human Rights report 2008 stated that: "Individuals were arbitrarily arrested and detained. The NISS committed numerous arbitrary arrests. Authorities often detained persons for a few days before releasing them without charge, but many persons were held for much longer." **[3a] (Section 1d)**

11.03 The report further noted that:

"Warrants are not required for an arrest. The Criminal Code permits authorities to detain individuals for three 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 superseded the Criminal Code, an individual accused of violating national security may be detained for three months without charge, and the director of security may extend this period for another three months. In practice, indefinite detentions were common. The law provides for the individual to be informed of the charges at the time of arrest and for judicial determination without undue delay, but these provisions were rarely followed." **[3a] (Section 1d)**

11.04 The USSD Human Rights report of 2008 also noted 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 in the north. Southern Sudan had no functioning bail system; suspects granted bail in exceptional cases were generally required to post exorbitant amounts as bond." **[3a] (Section 1d)**

ARREST AND DETENTION – LEGAL RIGHTS: SOUTH SUDAN

11.06 The USSD Human Rights report of 2008 recorded that "Although the law provides for access to a lawyer, government security forces often held persons incommunicado for long periods in unknown locations without access to lawyers or family members. … Southern Sudan had fewer than 60 practicing defense lawyers, and no system of legal assistance." **[3a] (Section 1d)**

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PRISONS AND PRISON CONDITIONS

STRUCTURE

12.01 Kings College, London website last updated 1 September 2008 recorded the following prison brief for Suda:

Country	**SUDAN**
Ministry responsible	**Ministry of the Interior**
Prison administration	**Department of Prisons**
Contact address	**PO Box 551, Khartoum, Sudan**
Telephone/fax/website	tel: **+249 11 772 451 or 771 319 or 331 890** fax: **+249 11 770 280**
Head of prison administration (and title)	**Moi-ed-den Awad** Head of prison administration
Prison population total (including pre-trial detainees / remand prisoners)	**c.12,000** at March 2003 (national prison administration)
Prison population rate (per 100,000 of national population)	**c.36** based on an estimated national population of 33.2 million at March 2003 (from United Nations figures)
Pre-trial detainees / remand prisoners (percentage of prison population)	**c.10%** (March 2003)
Female prisoners (percentage of prison population)	**c.2%** (March 2003)
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	**c.2%** (March 2003)
Foreign prisoners (percentage of prison population)	**c.1%** (March 2003)
Number of establishments / institutions	**125** (August 2002 - 4 federal prisons, 26 local government prisons, 46 provincial prisons, 45 open and semi-open prisons, 4 reformatory centres for juveniles)
Occupancy level (based on official capacity)	*****(Prisons were overcrowded in 2006 - U.S. State Department Human Rights Report.)

[115a]

PRISON CONDITIONS

12.02 The USSD Human Rights report for 2008 stated:

"Prison conditions throughout the country remained harsh and overcrowded. Almost all prisons lacked basic facilities such as toilets and showers. Health care was primitive; prisoners usually relied on family or friends for food. Officials continued to arbitrarily deny visits to prisoners." **[3a] (Section 1c)** Adding 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. Prisoners died from lack of health care and poor prison conditions." **[3a] (Section 1c)**

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

WOMEN IN PRISON

12.04 The International Criminal Law Reform for Criminal Justice Policy report dated 2008 the Government of Southern Sudan (GoSS) has identified a need for a new building for prisoners, particularly children, women and other groups in prison with special needs.

"A specific need has been identified by the Government of Southern Sudan (GoSS) for assistance in building the capacity of prison management to lead the process of prison reform; including enhancing the capacity of the Southern Sudan Prisons Service (SSPS) to respond more effectively to the needs and circumstances of children, women and other groups in prison with special needs. The Southern Sudan Prison Reform Project is building the capacity of the Prisons Service as a whole to respond more effectively to the needs and circumstances of those groups within the prison population with special needs." **[119a]**

See also Women

CHILDREN IN PRISON

12.05 The USSD Human Rights report for 2008 further noted that: "Government authorities detained 109 children in connection with the May 10 JEM attack. Most of the children were sent to a detention facility for children after having been initially held with adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and remained detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process." **[3a] (Section 1c)** The report added that Juveniles often were held with adults in the north. **[3a] (Section 1c)**

See also Children

SOUTH SUDAN

Structure

12.06 Article 163 of The Interim Constitution of Southern Sudan (ICSS) stated that:

"(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.
(2) The Prisons Service shall be organized at the level of Southern Sudan and States of Southern Sudan.
(3) The Prisons Service shall be headed by a Director-General of Prisons to be appointed by the President of the Government of Southern Sudan on the recommendation of the minister in charge and approval of the Council of Ministers.
(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) 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, and
(6) Organization, powers, terms and conditions of service of the Prisons Service shall be prescribed by law. " **[94] (p64)**

12.07 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. **[20a] (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." **[20a] (p3)**

12.08 The Prisons Act itself outlined the constitution, duties and powers of the Prison Forces, appointment and duties of officers of the Prison Forces, and penalties of any contravention of those duties by Prison Officers. **[18h] (Prisons Act)**

12.09 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." (Chapter 7, Section 42) **[18h]**

"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." (Prisons Act: Chapter 7, Section 42) **[18h]**

12.10 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. (Prisons Act: Chapter 7, Sections 43-54) **[18h]**

PRISON CONDITIONS

12.11 Relief Web and United Nations Office on Drugs and Crime both reported on 26 March 2008 that the UNODC has started to assist South Sudan's government in its prison reform process:

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

12.12 The report added " 'This includes enhancing the capacity of the Southern Sudan Prison Service to respond more effectively to the needs and circumstances of children, women and other groups with special needs in prison,' said Mark Shaw, UNODC Inter-Regional Adviser, who leads UNODC's work in Sudan'. " **[68g] [100a]**

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

12.14 The USSD 2008 report added: "Pretrial detainees were generally held in jails separate from convicted prisoners in the south. Detention centres in Southern Sudan were under the control of local tribal or state authorities, and were uniformly substandard. Some were holes dug in the ground around a tree, with detainees shackled to the tree. Sanitary and medical facilities were uniformly inadequate." **[3a] (section 1c)**

12.15 The United Nations reported on 18 November 2008 that Corrections Advisers together with the United Nations Mission in Sudan (UNMIS) are working in close collaboration with the United Nations Office on Drugs and Crime (UNODC) and the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) to lead the process of prison reform in Southern Sudan. Since December 2007, UN Corrections Advisers have been working to strengthen the capacity of prison management by training prison staff to work with prisoners with special needs, particularly women and children, prisoners with mental illness and those suffering from HIV/AIDS. Prison staff are also being trained in information management, human resources and policy development. **[6am]**

12.16 The *Sudan Tribune* reported on 4 November 2008 that UN agencies, implementing construction of Jonglei police and prison stations, had started work at the various sites. **[12ay]**

See also: Police

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DEATH PENALTY

13.01 Article 36 of the Interim National Constitution (INC) states that:

"(1) No death penalty shall be imposed, save as retribution, hudud or punishment for extremely serious offences in accordance with the law.
(2) The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud.
(3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation." A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a] [94a] (p15)**

13.02 The *Sudan Tribune* reported on 26 February 2008 that:

"Sudanese justice today executed five men from Nile state in Khartoum rejecting demands to convert the death penalty sentences to prison sentences. The executed men, from the village of al-Bouga, were convicted by the Berber criminal court for the murder of 30-year-old farmer Hassan Mohamed Hassan in 2004". **[12g]**

13.03 The World Organisation Against Torture (OMCT) reported on 12 August 2008 that the Sudanese government had imposed the death penalty on 30 individuals including a minor for their alleged involvement in the Justice and Equality Movement (JEM) 10 May attacks on Omdurman. The report stated that the individuals had been found guilty and sentenced to death by hanging.

"The OMCT is concerned that these individuals may be executed after trial proceedings that failed to meet international standards of fair trials. … According to the information received, on 29 July 2008 Khartoum Anti-terrorism Court No 1, found eight defendants guilty and sentenced them to death. Another defendant was acquitted and a 10th was referred to a juvenile court because he was under age (no further information is currently available on these two individuals). Lawyers for the convicted defendants had reportedly no access to their clients and were forced to withdraw." **[55f]**

13.04 The report gave details of a further 12 people who had been charged as a group under various articles of the 1991 Penal Code and the 2001 Anti-Terrorism Law:

"The defendants, whom the government alleges are members of JEM, have been charged as a group under various articles of the 1991 Penal Code and the 2001 Anti-Terrorism Law, which is being used for the first time after Sudan classified JEM as a terrorist group following the May 10 attack. The charges include waging war against the state, inciting hatred, possessing guns and belonging to an outlawed group. They are also accused of using official military uniforms and terrorizing civilians, armed robbery and violating the 'Terrorist Crimes' and 'Terrorist Organization' provisions of the 2001 law, which carry the death penalty." **[55f]**

13.05 The USSD report of 2008 stated that: "While the law permits non Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities

occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death." **[3a] (Section 2c)** The report added: "The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death; however, the government did not effectively enforce these provisions." **[3a] (Section 5)**

13.06 Referring to the JEM attacks on 10 May 2008, the same source reported:

"In August the court sentenced 42 defendants to death on charges of subverting the state and engaging in terrorism, and trials of 87 additional suspects were ongoing at year's end. Defense lawyers for the accused claimed that two were mentally ill. Nine children were tried in the courts: four of them were acquitted and released; the trials of five were ongoing; and one was sentenced to death and had on ongoing appeal." **[3a] (Section 1d)**

SOUTH SUDAN

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

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

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

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POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

14.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 40 of the INC states that:

"(1) The right of peaceful assembly shall be guaranteed; every person 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) 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 the national, Southern Sudan or state level unless it has:
(a) its membership open to any Sudanese irrespective of religion, ethnic origin, or place of birth,
(b) a programme that does not contradict the provisions of this Constitution,
(c) democratically elected leadership and institutions,
(d) disclosed and transparent sources of funding;" **[94a] (p16)**

14.02 The USSD report for 2008, noted that: "Although the Interim National Constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced." (Section 2b Freedom of Assembly) **[3a]**

MEETINGS AND DEMONSTRATIONS

14.03 On 19 June 2007 SHRO condemned the government's violence against peaceful demonstrations: "The Sudan Human Rights Organization Cairo Office is strongly shocked by the State's unjustifiable use of extreme violence to end a peaceful demonstration protesting the construction of the Kajabar Dam at the Fareeq County in the Wadi Halfa Province of North Sudan". **[17n]**

SHRO reported that on Wednesday 13 June, the police forces, supported by the State Security Department, used a great amount of tear gas to disperse a peaceful assembly. These attacks led to the instant death of Sheikhaddin haj Ahmed, Mohamed Faqeer Diab, al-Sadiq Saleem, and al-Mouiz Mohamed 'Abd al-Rahman. Adding that several people were injured by the police violent assault in the process. **[17n]**

14.04 The report added:

"The security force also arrested tens of citizens arbitrarily, including four journalists reporting the massacre: al-Fatih 'Abd-Allah (from al-Sudani paper), Qadafi 'Abd al-Mutaloib (al-Ayyam), Abu al-Qasim Farahna (Alwan), and Abu Obaida 'Awad (Ral al-Sha'b). The police/security force detained as well the lawyers 'Alamaddin 'Abd al-Qayoum, 'Ali 'Abd al-Qayoum, and 'Imad Merghani Seed-Ahmed. Many other citizens were unlawfully arrested and

detained in the towns of Halfa and Dongola, and the National Capital Khartoum." **[17n]**

14.05 AI reported in its 2007 annual report that excessive force was used against many demonstrations opposing government policy "Peaceful demonstrations against price rises in petrol and sugar in Khartoum on 30 August were put down with tear gas and batons by the police. Sentences of up to two months' imprisonment for public order offences were passed on 80 people." **[16y] (p4)**

14.06 The USSD Human Rights report for 2008 stated that:

"Police use of excessive force to disperse demonstrators resulted in deaths and injuries. On May 21, SAF soldiers shot student protestors, killing two and injuring 15, at Ed Damazin SAF training camp, On July 27, police killed two demonstrators in White Nile [and] on November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released." **[3a] (Section 2b)**

POLITICAL ACTIVISTS

14.07 The *Sudan Tribune* reported on 10 May 2007, of the arrest of a political activist as follows:

"On the 1st of May 2007, the investigative police of the Sudan Railways Corporation (SRC) in Atbara arrested Aiman Tagelsir Bakri (31 years old), a graduate of Wadi Alniel University, working as a office clerk in the SRC in Atbara.He was arrested by the police on the 1st of May 2007, at 11:00 am, while he was distributing a press release, issued by Sudanese Communist Party- Atbara, on the occasion of the international day of workers. At 2:00 pm, he was transferred from Police into the National Security and Intelligence Service custody, after the Prosecutor of Atbara advocated that the case is a matter of 'national security' ". **[12ab]**

14.08 The USSD Human Rights report for 2008 stated that:

"The government held an undetermined number of political detainees. Security forces detained without charge, abused, and held incommunicado political opponents. Detentions of such persons often were prolonged. The NISS arrested and detained large numbers of Darfuris in May and June following the May 10 JEM attack on Omdurman. Human rights organizations claimed that while most of the detainees were released, the government continued to hold several hundred detainees without charges at year's end." **[3a] (Section 1d)**

14.09 The USSD report for 2008 added that: "Several members of SLA/Minni Minawi were arrested at their homes, beaten, and detained overnight following the May 10 JEM attack. Hassan al Turabi, leader of the Popular Congress Party (PCP), was also arrested and detained for 12 hours after the attack." **[3a] (Section 1d)**

14.10 Furthermore: "PCP members were detained for short periods of time; members arrested in previous years remained in detention. Journalists and lawyers active in the PCP were also detained." **[3a] (Section 1d)** The report also

added that the government did not permit international humanitarian organisations to have access to political detainees. **[3a] (Section 1d)**

STUDENT ACTIVISTS

14.11 Sudan Human Rights Organization (SHRO-Cairo) reported abuses by the police and security forces on students of the Gezira University in Medani on 22 January 2008 **[17c]**

"The police and security forces in the city of Medani, the Gezira State, arrested 40 students of the Gezira University this past week. Students Khadija al-Dowaihi (agricutlure) [sic], Hiba al-Rasheed (medicine), Julia alSir (engineering), Suha Ahmed (economics), Amel Faisal (engineering), Sarya Murad and Aisha (pharmacy) were beaten up by both police and security officers. Students Mutawakil Mohamed Osman (engineering), Ali Mohamed Ali (education), Omer Osman (economics) were brutalized. The Medani security officers tortured, in particular, student Ali Mohamed Ali who witnessed the tortures of several colleagues, including the immediate death of student Mutasim Hamid AbulGasim (computer science) as a result of brutal tortures by police and security officers." **[17c]**

14.12 The report further stated that:

"The authorities' assault on the students occurred at the College of Education during scheduled discussions by the Students Democratic Front as a part of students' campus activities. Following the police brutality on the college of education, the police launched another intimidating attack on the Students Club at al-Nishayshiba, which ended with serious destruction of the club's property, as well as the enforcement of further arrests and tortures of students." **[17c]** The *Sudan Tribune* also reported the "… 'the brutal attacks, murders, and tortures' by the Medani police and security forces on students of the Gezira University in Medani and the Nishayshiba area, last week." **[12af]**

14.13 SOAT reported on 22 May 2008 that the organisation condemns the recent abduction and torture of a member of a student political group in Port Sudan, Red Sea State. "Ahmed Mohamed Abdu Hassan (25 years old, student at the Economics Faculty of al-Bahr al-Ahmar University, member of the Democratic Union) was abducted at 3pm on 13 May 2008 from a location near the university. He was taken away in a car belonging to the Military Service Department, with the license plate number 1007.

14.14 The report added:

"His abductors took him to a deserted area known as Kilo 7, where he was tortured in an effort to force him to reveal the whereabouts of another political activist in Port Sudan. This included kicking him and beating him with hands, a water hose and metal bars. Ahmed Mohamed Abdu Hassan also reported that his abductors injected him twice with unknown liquids. After he lost consciousness, they abandoned him at the site. He was discovered at around 6pm on the same day by the driver of a passing vehicle belonging to al-Naser company. He subsequently filed a complaint about the incident at the Port Sudan Central Police Station." **[15b]**

14.15 The USSD Human Rights Report for 2008 reported incidents concerning student demonstrations.

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

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

14.16 The Popular National Congress Party (PNCP) was created in 2000 by Dr. Hassan al-Turabi after being expelled from the National Congress (NC), which was formerly known as the National Islamic Front (NIF). (The US Department of State's Human Rights Report, 2000) **[3c] (p1)**

THE UMMA/UMMAH PARTY (UP)

14.17 "The Sudanese Patriots who established Umma Party in Feb 1945 as the first Popular Political Party, aimed at attaining the country's independence from the Condominium Reign. The Umma Party is the Party of Sudanese Independence. It championed that cause until it became the basis for Sudanese consensus in 1955. (The country's Independence was announced in 1st Jan 1956)" (umma.org website, 6 February 2008) **[26a]**

14.18 The USSD Human Rights report for 2008 recorded that:

"Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings." **[3a] (Section 2b)**

THE SUDANESE COMMUNIST PARTY (SCP)

14.19 The *Sudan Tribune* reported on 19 December 2007 that the first-ever meeting between the leaders of the Sudanese communist Party (SCP) and the ruling National Congress Party (NCP) on 12 December 2007 was aimed at building national consensus among major political forces towards democratic transition in the country. It was reported by a member of the SCP Central Committee, Shafee Khidir that the meeting, "comes in line with SCP strategy to build momentum in democratic process." **[12ad]**

"Khidir pointed out that the meeting between president Omer al-Bashir, Chairman of the ruling NCP and Mohamed Ibrahim Nugud, the SCP Secretary General, discussed the implementation of the Comprehensive Peace Agreement (CPA), Cairo agreement, and Eastern Sudan agreement. The two parties also reiterated the need to put an end to the ongoing crisis in Darfur.

He also said that the meeting tackled the upcoming 2009 elections and ways to build the best conditions for the success of the first general elections held in the country since 1989 coup d'etat." **[12ad]**

ARMED OPPOSITION FACTIONS: WEST SUDAN (DARFUR)

14.20 US Aids reported on 6 June 2008 in its humanitarian situation report of a rebel attack in the capital:

"In May, banditry and hijacking of relief vehicles continued throughout Darfur, further limiting humanitarian operations. Targeting of humanitarian staff and non-governmental organization (NGO) compounds increased, and implementing partners reported additional incidents of livestock theft and attacks on empty convoy vehicles as well as increased impersonation of U.N. staff by bandits." **[3d]**

ARMED OPPOSITION FACTIONS: EAST SUDAN

14.21 The *Sudan Tribune* reported on 24 June 2007 that:

"Former east Sudan rebel fighters have entered the main towns for the first time under a fledgling peace deal, but opposition divisions have halted political progress. Adding that: The east Sudan strife, overshadowed by bloodier conflicts in Sudan's western Darfur region and the south, dragged on for a decade before a peace deal last year." **[12ao]**

FREEDOM OF ASSOCIATION AND ASSEMBLY: SOUTH SUDAN

14.22 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.
(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." **[94b] (p10-11)**

14.23 The USSD Human Rights report for 2008 recorded that; "In the south, on November 11, in Central Equatoria State, teachers and students violently protested the non-payment of teachers' salaries. The UN reported that two student protestors were injured during clashes with GOSS authorities, one of whom later died as a result of his injuries." **[3a] (Section 2b)**

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FREEDOM OF SPEECH AND MEDIA

15.01 Reporteurs sans Frontières, (RSF) in its 2008 annual report stated that:

"The Sudanese press appearing in Khartoum was once again in 2007 a regular target for the security services who will not allow journalists to get in the way of government action. Several arrests and a generally bad atmosphere do not however detract from the fact that newspapers and civil society play an active part in ongoing debates, including on the crisis in Darfur." **[27i]**

15.02 The Freedom House report, Freedom of the Press 2008, Sudan, covering events in 2007, released in April 2008 stated"

"Despite the ongoing conflict in Darfur and the failed attempts to broker peace between the government of Sudan and the Darfuri rebel movements, the media environment remained relatively stable during 2007, marked by a freer environment and less violence against journalists in the southern part of the country. The signing of the Comprehensive Peace Agreement in 2005, which ended the civil war between the north and the south, initiated a process of constitutional reform that brought about some positive changes for the media, such as the lifting of official censorship and an interim constitution that provides for freedom of thought and of expression. Nonetheless, there are no existing laws that explicitly guarantee freedom of the press. Sudanese authorities continue to use arbitrary measures to limit press freedom. In fact, the government often invokes the code of criminal procedure to suspend media outlets for covering sensitive issues, including the conflict in Darfur, even though the code was not designed to address the media. Media outlets are also required to employ security personnel to review stories prior to publication. Another way that authorities control the media is through the government-influenced National Press Council, which is responsible for licensing and has the power to suspend journalists and newspapers. Entry into the media is difficult unless one is a supporter of the government, and all journalists must pass a difficult Arabic-language exam regardless of what language they intend to write in. Restrictions on covering the Darfur region continued in 2007 when the National Press Council issued a ban in March on coverage of the prosecution of crimes committed in Darfur and a ban in May on publishing information on Darfuri rebel activities. Nonetheless, these bans were not always explicitly enforced. Draft media legislation on freedom of information, public service broadcasting, and the establishment of new print and broadcast regulators are in the early stages of review, although press freedom advocacy groups have expressed concerns about the absence of discussion during the drafting process and restrictive provisions that would allow for continued government control over the media." **[53b]**

15.03 The HRW World Report 2009, Sudan, covering events in 2008, released on 14 January 2009, observed

"The government resumed pre-print censorship on newspapers in 2008, in the wake of a Chadian rebel coup attempt at N'Djamena on February 2-3-which the Chad government said was supported by Khartoum-and again after the JEM attack on Omdurman. Between May and September, NISS media

censors removed or partly removed more than 150 articles, 50 of which covered the Darfur conflict." **[53b]**

15.04 The USSD Human Rights report for 2008 stated:

"The Interim National Constitution provides for freedom of thought, expression, and of the press 'as regulated by law'; however, the government severely restricted these rights in practice. Restrictions on the media increased during the year. The government, through the NISS, continued to censor print and broadcast media, ban the printing of newspapers, and harass vocal critics of the government. The government controlled media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship." **[3a] (Section 2a)**

15.05 The USSD 2008 report added: "Individuals who criticized the government publically or privately were subject to reprisal, including arrest. [and also] attempted to impede such criticism, and monitored political meetings. [Additionally], the government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship." **[3a] (Section 2c)**

15.06 Furthermore:

"The government directly controlled radio and television and required that both reflect government policies. Some foreign shortwave radio broadcasts were available. A private FM radio station continued to operate, and UN radio operated throughout the country. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs." **[3a] (Section 2c)**

15.07 RSF reported on 1 October 2008 that the organisation "notes with satisfaction that the National Press and Publications Council decided on 29 September to allow the English-language daily, The Citizen to resume publication after being suspended for 27 days. The council said the newspaper is now complying with all administrative requirements. 'This is a very satisfactory decision', the press freedom organisation said. 'The NPPC is sending a positive signal at a difficult time for the Sudanese press'." **[27b]**

15.08 CJP reported in its Attack on the Press 2008 report, 10 February 2009, that:

"Sudan's Comprehensive Peace Agreement, which formally ended a decades-long civil war between north and south, officially protects press freedom. However, Sudanese officials ignored these guarantees in practice. In February, the government reinstated formal censorship of the print news media, instructing local editors to submit each issue for pre-approval. Throughout the year, authorities confiscated newspapers and harassed journalists for attempting to report on sensitive topics, such as the conflict in Darfur, the Sudanese security forces, and official censorship itself. The government also used more subtle methods to control content, such as withholding government advertisements and imposing strict licensing that allows for the suspension of critical publications on administrative technicalities." **[28c]**

FREEDOM OF SPEECH AND MEDIA: SOUTH SUDAN

15.09 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94b]** Article 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." **[94b] (p10)**

15.10 Freedom House reported in its 2008 World Country Report for Sudan that: that:

"Press freedom conditions in Southern Sudan are better than in areas controlled directly by Khartoum. Journalists in the south are not as restricted as those in the north and have more leeway to criticize government policies." **[53b]**

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

JOURNALISTS

15.12 The USSD Human Rights report for 2008 stated that:

"The government directly censored the media and that Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting." The report added that: "The government restricted international media in the north. While some foreign journalists were denied visas, others had regular access to opposition politicians, rebels, and civil society advocates. [Following incidents were recorded]

"In February the government detained overnight Sid Ahmed Khalifa and Adil Sid Ahmed, the editor and deputy editor of Al-Watan, after they published an article regarding the police.

"On May 18, the NISS arrested Al Ghali Shegifat, a journalist for the independent Rai Al-shaab newspaper, and head of the Darfur Journalists Association. Shegifat was held for 60 days without charges, and was beaten regularly during his confinement.

"On November 1, journalist Salah Bab Allah of Al Entibaha was reportedly arrested after he wrote an article on hemorrhagic fever; he was later released." **[3a] (Section 2a)**

"On November 17, police arrested approximately 70 demonstrators, many of whom were journalists, during a protest against censorship. The protesters were subsequently released." **[3a] (Section 2a)**

15.13 Reporteurs sans Frontières (RSF) reported on 14 October 2008 that:

"Nhial Bol, the editor of the English-language daily The Citizen, was released on 12 October after being held in Malakia police station in the southern capital of Juba for three days. He appears to be accused of libel and publishing false information although no formal charges have so been brought and no date has been set for a trial. We are waiting for the case to be taken before a court," the report added. **[27c]**

15.14 The Committee to Protect Journalists (CJP) also reported on 14 October 2008 of their concern for the same journalist who had been charged with criminal defamation, noting that he was released on bail on that day.

"Nhial Bol, editor of The Citizen, told CPJ he is facing a criminal charge for an October 7 article about corruption in the Ministry of Legal Affairs and Constitutional Development of the government of Southern Sudan, he said. Bol said the article had compared the salaries of officials at the ministry to the equivalent salaries in Khartoum, and found that they were higher in the south. of Southern Sudan, for three days. He was released today on bail. **[28b]**

15.15 The report added:

"… 'We are alarmed that our colleague is facing a criminal charge', said CPJ Executive Director Joel Simon. 'The authorities have unjustly gone after an editor who has fairly carried out his job as a journalist. We call on them to drop these overblown charges immediately'." **[28b]**

15.16 However, the Committee to Protect Journalists (CJP) reported on 19 November 2008 that on the previous day, 10 newspapers suspended publication for a day to protest government censorship and the detention of journalists a day earlier. "The journalists protested censorship measures imposed in February and urged legislators to end 'gross violations of press freedom and freedom of expression in the country' " **[28a]**

15.17 The report stated further that:

"Journalists have consistently complained about the sweeping censorship regime, which was imposed after reports in some papers accused the government of backing a failed Chadian coup, according to news reports. Ghali told CPJ that government censors visit his office and those of other newspapers each day and instruct editors as to what can and cannot be published." **[28a]**

15.18 RSF reported on 11 February 2009 of the expulsion of the Canadian-Egyptian journalist Heba Aly, who worked in Khartoum for several international media from June 2008 on 2 February 2009. She told RSF about the latest incident, which was amongst a long series of incidents and about her time in Sudan and her early exit.

" 'The administrative harassment dealt out to this journalist during the six months she was in Sudan reminds us, if ever it was needed, that obtaining official accreditation in this country amounts to a veritable assault course and that practising journalism there is particularly difficult. Her expulsion is revealing about the government's desire to strictly control news and the media. We urge the Sudanese authorities to stop using these absurd and pointless procedures', said Jean-François Julliard, secretary general" **[27e]**

15.19 The USSD Human Rights report for 2008 recorded that "In March [2007] the NISS instituted a policy that required newspaper editors to bring their broadsheets to NISS headquarters for review before printing. Censors removed controversial articles before newspapers were printed at a government-controlled printing press." **[3a] (Section 2a)** The report also noted that: "In May [2007] three Arabic-language newspapers were shut down for refusing to comply with the NISS policy. After several days of negotiations, the NISS instituted a new policy requiring newspapers to permit NISS censors to review newspapers each evening in their respective editorial offices. Human rights lawyers estimated that censors removed an average of five press articles each day." **[3a] (Section 2a)**

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FREEDOM OF RELIGION

16.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article five of the INC records that:

"The State shall respect the following religious rights to:

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

16.02 Article 38 of the INC states that:

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

16.03 The USSD Human Rights report for 2008 stated that:

"The Interim National Constitution and law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies." (Section c, Freedom of Religion) **[3a]**

16.04 The report also stated: "Religious organizations, including churches, were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register." (Section c, Freedom of Religion) **[3a]**

16.05 Furthermore:" While the law permits non Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, or intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death." (Section c, Freedom of Religion) **[3a]**

16.06 The same report added that: there were numerous ongoing disputes between the government and various churches involving confiscated church property. But there were no reports of court-ordered property restitution or compensation. **[3a] (Section 1d)**

16.07 The USSD report on International Religious Freedom 2008 (US IRF report 2008), stated that:

"Although the 2005 Interim National Constitution (INC) provides for freedom of religion throughout the entire country, the INC enshrines Shari'a as a source of legislation in the north, and the official laws and policies of the Government favor Islam in the north. The Constitution of Southern Sudan provides for freedom of religion in the south, and other laws and policies of the Government of South Sudan (GoSS) contributed to the generally free practice of religion." **[3h] (p1)**

16.08 The US IRF report 2008, added: "There was some improvement in the status of respect for religious freedom during the reporting period. Restrictions on Christians in the north were relaxed, continuing gains realized with the creation of the Government of National Unity (GNU) in 2005. The GoSS generally respected religious freedom in the ten states of the South." **[3h] (p1)**

16.09 The same report also noted that:

"The INC provides for freedom of religion throughout the entire country, but disparities in the legal treatment of religious minorities exist between the north and south. The INC preserves Shari'a as a source of legislation in the north. The Constitution of Southern Sudan provides for freedom of religion, and other laws and policies of the GoSS contributed to the generally free practice of religion. The INC and the Constitution of Southern Sudan both deny recognition to any political party that discriminates on the basis of religion." (Section II – Restrictions on Religious Freedom) **[3h]**

16.10 Furthermore "There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice, and religious prejudices remained prevalent. Muslims in the north, who express an interest in Christianity or convert to Christianity, faced strong social pressure to recant." **[3h] (p1)**

ABUSE AND RESTRICTION OF RELIGIOUS FREEDOM

16.11 The US IRF report 2008 stated that:

"Although the Government generally did not vigorously enforce its strictest restrictions on religious freedom, it does not generally respect religious plurality in the north … The Government favored Muslims over Christians in the north in part by funding the construction of mosques but not churches. Many southern Christians living in the north are economic migrants, and due

to many factors, they suffer from social, educational, and job discrimination." (Section II – Restrictions on Religious Freedom) **[3h]**

16.12 The report further stated that:

"The National Intelligence and Security Service routinely monitored religious activities at mosques and churches throughout the country, often posing as members of the congregations. Christian leaders acknowledged that they usually refrain from preaching on political or other sensitive topics. Some Muslim imams avoided political topics in their preaching as well. The GoSS did not appear to monitor religious activities at mosques or churches in the South." (Section II – Restrictions on Religious Freedom) **[3h]**

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

16.15 The USSD Human rights report noted that there were no reports of religious leaders being arrested and beaten, unlike in previous years. **[3a] (Section 1d)**

VOLUNTARY AND FORCED RELIGIOUS CONVERSION

16.14 The International Religious Freedom Report (US IRF) 2008 stated that:

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

See also Annex F: Religions of Sudan

FREEDOM OF RELIGION: SOUTH SUDAN

16.15 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94b]** Article 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." **[94b] (p10)**

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

16.17 The US IRF report, 2008 stated that: Muslim religious leaders in the south reported less interreligious tension during the reporting period. (Section II - Status of Religious Freedom) **[3h]**

See also Annex F: Religions of Sudan

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ETHNIC GROUPS

17.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 13 of the INC records that:

"(4) The State shall recognize the cultural diversity of the country and shall encourage such diverse cultures to harmoniously flourish and find expression, through the media and education.
(5) The State shall protect Sudan's cultural heritage, monuments and places of national historic or religious importance, from destruction, desecration, unlawful removal or illegal export." **[94a] (p7)**

17.02 Article 47 of the INC states that:

"Ethnic and cultural communities shall have the right to freely enjoy and develop their particular cultures; members of such communities shall have the right to practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures and customs," **[94a] (p18)**

Article 156 of the INC states that:

"Without prejudice to the competency of any national institution to promulgate laws, judges and law enforcement agencies 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 violation of the law, shall be deemed in the eyes of the law as an exercise of personal freedoms," **[94a] (p62)**

17.03 The Minority Rights Group International, accessed via UNHCR Refworld, reported in its State of the World's Minorities 2008, covering events in 2007, report that:

"In Sudan in 2007 the position of minorities worsened. In a country which is home to more than 56 ethnic communities, and over 600 sub-ethnic groups, the relations between different minorities are extremely complex. However, the primary difficulty is that of governance. Successive governments in Khartoum, including the current one, have pursued a policy of disenfranchising minorities, while concentrating the economic and political power in the hands of narrow elite based in the capital. Marginalization has, in turn, fuelled conflict – historically in the south, among the peoples of mainly Christian and animist traditions, more recently in Darfur in the west and Beja in the east. And in 2007 new flashpoints emerged in Kordofan, in the heart of the country, and in the north among the Nubian and Manassir peoples." **[6ba]**

17.04 The Minority Rights Group International website accessed 13 February 2009 reported the following regarding the current state of minorities and indigenous peoples.

"… More recently, reports have emerged of growing restiveness in the north, among the Nubian and Manassir peoples, as Khartoum presses ahead with unpopular plans to build dams on their traditional lands (ICG, 2007) The hydro-electric dams would cause massive disruption of local communities, and some – particularly among the Nubians – fear that the projects have the covert aim of destroying their ancient traditions and cultures." **[112a]**

17.05 The USSD Human Rights report for 2008 noted that: "The population is a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab. Interethnic and intercommunal fighting in the south continued." **[3a] (Section 5)**

17.06 The USSD report for 2008 added:

"The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south." **[3a] (Section 5)**

17.07 The report continued: "The government and government supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the government supported one tribe over another, arming certain tribal militias against other tribes." **[3a] (Section 5)**

17.08 The USSD Human Rights report for 2008 also recorded that

"Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur. Fighting in June between the Tarjam and Benihalba Arab tribes in South Darfur resulted in more than 100 deaths, including of a Benihalba sheikh who had attempted to mediate between the two parties. SAF aerial bombardment of Benihalba villages following the fighting resulted in an unknown number of deaths." **[3a] (Section 1g)**

17.09 Furthermore: "In July and August, in South Darfur, fighting between the Rizeigat and Misseriya Arab tribes killed at least 60 persons. In October, near Abu Dangal village and Muhajeria town, in South Darfur, interethnic fighting and ethnic militia attacks destroyed villages, killed persons, and displaced thousands. " **[3a] (Section 1g)**

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

NORTH SUDAN: NUBIANS

17.10 The Nubians: "are a people of north-eastern Sudan … They constitute the largest ethnic group in the northern part of the country. The Nubians of the

Halfa District and Dungulah speak Nubian, although most Nubians speak Arabic. The Nubians, traditionally living in the Nile River valley linking Sudan with Egypt, have always been a settled people, living in towns and villages and cultivating irrigable land. The poverty of their region, however, encouraged them to migrate and they can now be found in all parts of Sudan and Egypt. The Nubians include many subgroups such as the Maha and, further south, the Dongolawin (Dangla). The Gerkid and the Midob of the Darfur area speak Nubian languages." (The Encyclopaedia of Peoples of the World) **[29a]**

EAST SUDAN: BEJA AND RASHAIDA

17.11 "The three main groups making up the Beja are the Bishariyyn, the Amar'ar/Atmaan and the Hadendowa….The life of the Beja groups has been regulated by a customary law called silif, a complex but flexible body of rules based on Beja traditional values. Silif regulates access to and redistribution of resources, reciprocal use of environmental resources (grazing land, water points, arable land or firewood), conflict resolution and reciprocity around major social events (birth, marriage and death). Clear land rights codes embodied in the silif (asl and amara) have helped minimise conflict over land, supported by the mediation of the tribal authorities who were entrusted with the management of land rights. However, the resilience of this system has significantly weakened over the last three or four decades due to a number of external factors." (Save The Children, September 2005) **[24b] (p12-13)** "Asl is the customary right over a piece of land and its resources inherited from the ancestors for the entire lineage; amara is the usufruct right given to non lineage members to use pasture, water and cultivable land on the asl of another lineage against the payment of a tribute called gwadab." **[24b] (p12)**

WEST SUDAN (DARFUR) – FUR, MASSALEIT AND ZAGHAWA

17.12 The USSD Human Rights Report for 2008 recorded that: "The government was responsible for hundreds of politically and ethnically-motivated disappearances, particularly of Zaghawas living in Khartoum and Omdurman." **[3a] (Section 1b)** The report added that following an attack by the Justice and Equality Movement (JEM) on 10 May 2008 the NISS arrested hundreds of Darfuris in May and June, detaining pedestrians and car passengers who appeared to be Zaghawa. **[3a] (Section 1b)**

17.13 The Minority Rights Group International reported the following concerning the minorities in West Sudan in its State of the World's Minorities 2008 report:

"The conflict in Darfur is roughly said to pit 'African' farmers (the Fur, Masalit, Zaghawa and other, smaller ethnic groups) against 'Arab' nomads. This has always been an overly simplistic explanation, but in 2007 the picture in Darfur darkened even further, as allegiances started to fracture and shift. At the start of the fighting in 2003, there were two main rebel groups. Now, there are over a dozen – some sponsored by regional governments, such as Chad, Eritrea and Libya." **[112b]**

Nomadic groups

17.14 *New Sudan Vision* reported on 24 December 2007 that the South Sudan's President Salva Kiir has ordered neighbouring states to give free passage to Baggara nomads in order to keep the peace. **[89a]**

"In a new development related to escalating military situation in northern Bahr el Ghazal, South Sudan President Salva Kiir ordered the governor of Northern Bahr el Ghazal State and related states bordering southern Sudan to allow nomadic Baggara Arabs to graze around Kiir River to avoid clashes. For the last few days, war broke out between SPLA and armed Baggara trying to enter northern Bahr el Ghazal by force. More than 5 SPLA soldiers are reported dead with more than 20 wounded. The report on the ground further revealed that lots of arms and ammunition were captured from the Baggara." **[89a]**

17.15 The report added that:

"President Salva Kiir told the press today in Khartoum; 'We have entered dry season, the movements of the nomads will be frequent, also citizens are moving, there will be inter-states movements. I order all the governors whose states are bordering southern Sudan to open corridors known since 1940s. These people will graze and water their cattle until the beginning of new rainfall'." **[89a]**

17.16 BBC News reported on 2 March 2008 that nearly 70 armed Arab nomads had been killed in clashes on the border between the north and south of the country.

"The clashes occurred between Misseriya tribesmen and fighters from the Sudan People's Liberation Movement (SPLM). This is the latest in a series of clashes in the oil-rich Abyei border region, which correspondents say is a potential flashpoint for renewed conflict between the north and south. The latest clashes took place in the state of Northern Bahr El Ghazal, west of Abyei, said the SPLM, which governs the semi-autonomous south." **[9b]**

17.17 News 24 reported on 2 March 2008 that:

"Dozens of Arab nomads and several soldiers have been killed in clashes with forces from the ex-rebel Sudan People's Liberation Army in southern Sudan, the SPLA said on Sunday. At least 69 nomads and nine soldiers were killed in the latest fighting in the volatile area on Saturday, said Major General Hoth Mai. Adding that: " 'the fighting also left nearly 120 people wounded, including 97 nomads and 21 soldiers', the ex-rebel deputy chief of staff said." **[101b]**

The question of genocide

17.18 USSD Human Rights Report for 2008 stated:

"Conflict in Darfur continued despite the 2006 Darfur Peace Agreement (DPA) between the government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A). Civilians in Darfur continued to suffer from the effects of genocide. Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January

and February, violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad. Darfur rebel groups continued to commit serious abuses." **[3a](p1)**

17.19 In an article entitled 'the genocide in Darfur - briefing paper, June 2007', Save Darfur Organisation reported that "No portion of Darfur's civilian population has been spared violence, murder, rape and torture. As one illustration of how Khartoum has waged its war, the Sudanese military paints many of its attack aircraft white - the same color [sic] as UN humanitarian aircraft - a violation of international humanitarian law. When a plane approaches, villagers do not know whether it is on a mission to help them, or to bomb them. Often, it has been the latter." **[69a]**

CENTRAL SUDAN: NUBA

17.20 The USSD Human Rights report for 2008 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 applying for government jobs and contracts in the north and government-controlled southern areas." **[3a] (Section 2c)** The report also stated that "In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially of offenses against civil order. **[3a] (Section 1e)**

SOUTH SUDAN: DINKA, NUER AND SHILLUK

17.21 The USSD Human Rights report of 2008 stated that:

"An estimated 15,000 Dinka women and children were abducted, mainly from 1983 to 1999; thousands of them remained unaccounted for. In contrast to 2007, the government's Committee to Eradicate the Abduction of Women and Children (CEAWC) reportedly returned 228 previously abducted Dinka to their ancestral villages in Southern Sudan during the year. During the year CEAWC received four million Sudanese pounds (approximately $180 million) in government funding. The UN Children's Fund (UNICEF) estimated that 4,000 Dinka abductees remain in South Darfur." **[3a] (Section 1b)**

17.22 The same reported added

"The government's Committee to Eradicate the Abduction of Women and Children (CEAWC) and its 22 joint tribal committees investigated a limited number of abduction cases involving Dinkas abducted by the Misseriya and Rezeigat tribes that dated back to the 1980s and 1990s, and repatriated 228 individuals to their home regions during the year. However, there were problems with the return process, including the insufficient provision of food, water, shelter, and reintegration services to the released abductees; these problems were not resolved by year's end. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation." **[3a] (Section 5)**

17.23 It was reported by the BBC, IRIN, the International Federation for Human Rights (FIDH), 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. **[9a] [11ak] [38a] [4a]** Garang was succeeded by Salva Kiir. (BBC Timeline, 4 March 2009) **[9a] (p3)**

17.24 Sudan Net reported on 16 August 2007 that cattle raids between south Sudanese tribes have killed 56 people and wounded 16 others in July 2007 in Jonglei, adding that this is the deadliest of such clashes there has been in years:

"Cattle raids and revenge killings have been going on for decades, but governor Philip Thon Leek said these were the worst since a peace deal was signed in January 2005 to end a war between the northern government and south Sudanese rebels. 'The number of people who died was 27 Murle and 29 Lou Nuer,' he told Reuters by satellite phone, referring to tribes in the state. 'Both during and after the war, violence has been magnified by the availability of guns'." **[57e]**

17.25 The *Sudan Tribune* reported on 24 January 2009 that renewed Inter-clan fighting had left dozens of people dead in Warrap and Lakes states. **[12aw]**

17.26 IRIN News also reported on 27 January 2009 of the same ethnic clashes in Southern Sudan between the Dinka and the Apuuk that had left a number of people dead and caused several others to flee their homes.

"Clashes in Southern Sudan's Warrap state have left 41 people dead and displaced hundreds of others from their homes in the past two months. 'The fighting has not stopped', Wol Deng Atak, a deputy chairman of Warrap State parliamentary caucus, told IRIN. 'There is still sporadic fighting all over the state'." Adding that: "A total of 24 people died in the past week alone, while 17 lost their lives in December. The latest fighting, he added, pitted the Dinka Lou community against the Apuuk. Other clashes occurred at the border between Warrap and Lakes State." **[10e]**

Also see 25.01 Humanitarian Issues

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

18.01 The USSD Human Rights report for 2008, recorded that: "The law prohibits homosexuality, but there were no reports of persons being prosecuted on the charge. Societal, but not official, discrimination existed against homosexuals.." **[3a] (Section 5)**

18.02 ILGA's State-sponsored Homophobia dated May 2008 recorded that Section 148, sodomy of Sudan's Penal Code 1991 states:

> (1) Any man who inserts his penis or its equivalent into a woman's or a man's anus or permitted another man to insert his penis or its equivalent in his anus is said to have committed Sodomy.
> (2) (a) Whoever commits Sodomy shall be punished with flogging one hundred lashes and he shall also be liable to five years imprisonment.
> (b) If the offender is convicted for the second time he shall be punished with flogging one hundred lashes and imprisonment for a term which may not exceed five years.
> (c) If the offender is convicted for the third time he shall be punished with death or life imprisonment." **[67a] (p36)**

18.03 Section 151, Indecent Acts of the Penal Code, states: "Whoever commits an act of gross indecency upon the person of another person or any sexual act which does not amount to Zina or Sodomy shall be punished with not more than forty lashes and shall also be liable for imprisonment for a term which may not exceed one year or fine." **[67a] (p36)**

18.03 Behind the Mask accessed 1 August 2008 reported that:

"In 1983 a new penal code was promulgated; ostensibly it is based on the shari'a without adherence to any special school. Article 316 defines zina [fornication] as penetration with the penis (or part thereof) into the vagina or the anus of a person on whom one has no legal right to or as granting permission to someone without legal right to penetrate one's vagina or anus. For a muhsan [married man] capital punishment is described, for a gair muhsan [bachelor] 100 lashes."

18.04 Additionally:

"The laws was {sic] seldom applied. No cases of executions for sodomy were reported prior to April 1985, when the government of an-Numairi was overthrown and these rules were temporarily put aside. Between September 1983 and April 1985 hundreds of men and women were lashed for "intended" unlawful heterosexual intercourse, but none, as far as is known, for sodomy." **[105b]**

18.05 The FCO travel advice, last updated 5 March 2009 recorded under local laws and customs the following concerning Homosexuality: "Homosexual practices and extra marital relations are illegal and subject to severe penalties under Islamic Sharia law. Sudanese society is not, therefore, tolerant of homosexual relationships." **[4h]**

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DISABILITY

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

"The Minister of Commerce, Trade and Supply, Honourable Anthony Lino Makana, has criticised the South Sudan Legislative Assembly for neglecting the plight of the physically disabled. Speaking during the opening ceremony a new referral rehabilitation centre for the physically disabled in Juba, the minister cited the construction of the assembly that does not favour the physically challenged as it cannot support the use of wheel chairs…'Our Parliament has not made it easy for the disabled persons to access the Parliament offices' … 'there is need to provide the disabled with micro credit facilities and short term loans besides training in entrepreneurship skills in a bid to uplift their living standards' " the Minster added. **[8u]**

Also see Micro Credit

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WOMEN

20.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 15 of the INC states that:

"(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.
(2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life." **[94a] (p8)**

20.02 Article 32 of the INC states that:

"(1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits," **[94a] (p14)**

20.03 The USSD Human Rights report for 2008 however stated that: "Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly. To obtain an exit visa, children must receive the permission of their father or a paternal uncle. Women cannot apply for exit visas for their children." **[3a] (Section 5)**

20.04 The same report added: "A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim). Adding: Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery." **[3a] (Section 5)**

20.xx The USSD Human Rights report for 2008 also noted: "Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, and there were isolated instances in which police in the north and south arrested women for their dress. However, women often appeared in public wearing trousers or with their heads uncovered. In Khartoum, persons known as religious police, who were not government officials, occasionally demanded that women pay on-the-spot fines for violating Islamic standards." **[3a] (Section 5)**

20..xx Furthermore: "Women experienced economic discrimination in access to employment, credit, and pay for substantially similar work, and owning or managing businesses. **[3a] (Section 5)** Also that: Women were accepted in professional roles; more than half the professors at Khartoum University were women." **[3a] (Section 5)**

20.05 FCO Country Profile, last updated in October 2007, stated that:

"A number of constraints continue to challenge the implementation of women's rights, including patriarchal customs and continuous conflict between written

law and customary/religious laws, according to the UN Development Fund for Women (UNIFEM). In the ongoing Darfur crisis, women and girls remain vulnerable to sexual attacks in remote areas when they go out to fetch water or take their wares to the market, according to Human Rights Watch (HRW)." Furthermore, Sudan has not ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women, in relation to the protection of women's rights. **[4a] (p4)**

20.07 The FCO recorded on its website on dated 5 March 2009 that whilst non-Muslim women are not expected to wear a veil or cover their heads, they should dress modestly and respect local customs and sensitivities. **[4h]**

20.08 The International Development Research Centre reported on 31 October 2008 that decentralisation fails women in Sudan. "Decentralization a form of governance required by many donor organizations is intended to disperse power and resources from the central government to each of Sudan's 26 states, for the benefit of all Sudanese…. [but] Power and budgets are still tightly controlled by Khartoum, Unfortunately, health and education services for women have worsened under the decentralization model that Sudan's constitution and a 2005 Comprehensive Peace Agreement dictate." **[113a]**

See also Section:12.05 Women in Prison

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POLITICAL RIGHTS

20.09 Freedom House reported in its 2008 World Country Report for Sudan that: "Female politicians and activists play a role in public life, but they face extensive legal and societal discrimination. **[53b]**

20.10 The USSD Report 2008 observed

"Women had the right to vote. There were approximately 70 women in the 450-seat National Assembly, three national female state ministers, and one female minister in the GNU. The GOSS agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. The DPA also includes provisions to ensure the representation of women at all levels of government; however, in practice, there were few women in government in Darfur. " **[3a] (Section 5).**

SOCIAL AND ECONOMIC RIGHTS

Marriage

20.11 The USSD report for 2008 recorded that: "The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child marriage was a problem." **[3a] (Section 5)**

20.12 The same report also stated that: "A Muslim woman cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim)." **[3a] (Section 5)**

20.13 The website of the US Embassy in Khartoum (accessed on 29 January 2008) recorded that Sudanese legal requirements governing marriage and divorce do not apply to non-Muslims. Also, in mixed marriages, the marriage contract is drawn up according to the national laws of each spouse. **[88b]**

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

Forced Marriage

20.14 BBC News reported on 18 July 2007 regarding the return of a young Sudanese refugee, one of more that the 3,000 Sudanese 'Lost boys' who were given the opportunity to resettle in the US. The BBC reported that John Majok, 26 returned to the Kenyan refugee camp at Kakuma where he grew up, for the first time in six years since moving to America, in order to get married. The report stated that:

"Many other 'Lost Boys' are also taking out bank loans to pay for brides in the camp, who are seen to be girls of good virtue. Such inflation is worrying aid agency officials who say it is encouraging forced marriages. 'The higher the amount of money you pay, the younger the girl you get and that is where our concern comes in', says Mohammed Hussein, who heads the camp on behalf of UNHCR." **[9i]**

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Family Planning

20.15 In its 2007 country profile, the International Planned Parenthood Federation (IPPF) stated that:

"The Sudan Family Planning Association (SFPA) plays a pioneering role in a country where service delivery is in urgent need of reinforcement. Advocacy and Information, Education and Communication (IEC) represent important objectives since religious and political leaders and the population are unaware of the socio-economic benefits of family planning. SFPA also aims to improve the status of women as an indirect contribution to successful family planning programmes. SFPA provides services through its 93 clinics and government structures, while non-clinical services are delivered through a community based distribution (CBD) project. In 1994, SFPA recorded a total of 30,074 new acceptors and 33,639 couple years of protection. The association meets 64% and 2% of the demand for pills and IUDs respectively. Its programme targets a reinforcement of advocacy and IEC to increase awareness of FP in remote areas and to increase the prevalence rate. Also the integration of

development efforts in the rural areas, encouraging literacy and vocational training for women, human resources development, including increasing the number of volunteers." **[86a]**

20.16 The report added that:

"More than 100 voluntary social workers from grass roots level have been recruited to expand service outreach to remote and isolated rural areas. These dedicated field workers play an important role in raising women's awareness of their reproductive health rights. In addition, they participate actively in combating harmful practices such as female genital mutilation which is widely practised in rural Sudan. These voluntary field workers have won recognition and credibility as effective social agents of change within their communities." **[86a]**

Abortion

20.17 Sudan's Abortion policy published in November 2005 by the UN stated the following:

"Until 1983, abortion was governed in Sudan by the provisions of the Penal Code of 1 August 1925 (sections 262-267). Under the Code, abortion was prohibited except when performed to save the life of the pregnant woman. A person performing an abortion with the woman's consent was subject to imprisonment for a term not exceeding three years and/or payment of a fine if the pregnancy had not reached the stage of 'quickening'. A woman performing her own abortion was subject to the same penalties. Harsher penalties were applied if the abortion was performed without the consent of the pregnant woman, if the pregnancy had reached the stage of 'quickening', or if the abortion resulted in the death of the pregnant woman. On the other hand, if the unmarried woman performed an abortion on herself in order to conceal her dishonour, the punishment was reduced." **[6j]**

20.18 The report further stated that the code was replaced in 1983 by a new criminal legislation designed to conform more closely to the principles of Islamic law than had the 1925 Penal Code. "The performance of abortions was still prohibited except to save the life of the pregnant woman; but the punishment had been changed to reflect the Islamic penalty of payment of blood money. Persons who violated the law were subject to the payment of compensation, as well as to imprisonment and payment of fines." **[6j]**

20.19 Also that the Penal Code was amended once again 1991, resulting in changes in the abortion law.

"The major change was the expansion of the circumstances under which the performance of an abortion was legal. A person who intentionally causes a woman to miscarry is not guilty of an offence where (a) the miscarriage is necessary to save the mother's life; (b) the pregnancy is the result of rape which has occurred not more than 90 days before the pregnant woman has desired to have the abortion; or (c) it is proved that the quick unborn child has died in the mother's womb. If the pregnancy is of less than 90 days' duration, the person who performs the illegal abortion is subject to up to three years' imprisonment and/or payment of a fine. If the pregnancy is of more than 90 days' duration, the penalty is increased to up to five years' imprisonment and

payment of a fine. In both cases, the person may be subject to the payment of compensation. As of 1991, the new legislation did not apply to largely Christian Southern Sudan." **[6aj]**

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Pregnancy and early pregnancy

20.20 The USSD Human Rights report for 2008 stated that: "Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for 'illegal pregnancy'. The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery." **[3a] (section 5)**

Fistula

20.21 UN Sudan and ReliefWeb both reported on 8 and 10 June 2007 respectively that, the United Nations Population fund (UNFPA) Office in southern Sudan announced that since the beginning of the global campaign to end Fistula launched in 40 countries in 2003, the organisation has been implementing programmes, conducting training sessions and providing essential drugs and equipment aimed at the prevention and treatment of women who are suffering from fistula throughout Southern Sudan. **[6u]**, **[68h]** "Obstetric fistula [is] an abnormal hole in the birth canal caused by prolonged labour without prompt medical attention and [it] leaves women with chronic incontinence and, in most cases, results in stillborn babies. Fistula occurs when emergency obstetric care is not available to women who develop complications during childbirth, which places women living in remote rural areas with little access to medical care at risk. Like maternal mortality, fistula is almost entirely preventable and occurs disproportionately among impoverished girls and women, especially those living far from medical services." **[68h]**

20.22 The report added that:

"UNFPA estimates that 5000 new cases of obstetric fistula occur every year in Sudan where there are only three fistula centres across the country, in Western Darfur, Khartoum and Juba. In Southern Sudan, there are only eight qualified midwives with six in the capital city of Juba, Central Equatoria, and one each in Eastern and Western Equatoria States. This leaves seven States with no qualified midwives, where women are at an increased risk of developing fistula. This is further exacerbated by the fact that across the ten States of Southern Sudan, there are less than 30 general practitioners." **[68h]**

20.23 Likewise the UN News reported on 12 June 2007 that:

"Obstetric fistula, which leaves women with chronic incontinence and in most cases a stillborn baby, is almost entirely preventable. However, there are only three health centres for fistula across in the vast country. Occurring disproportionately among impoverished girls and women, it occurs when emergency obstetric care is not available to women developing complications during childbirth. Many Sudanese women live far from the reach of medical services." **[6af]**

20.24 Furthermore: "In Southern Sudan where reproductive health problems such as fistula are the leading cause of death and illness for women of childbearing age, there are only eight qualified midwives, and seven of the ten States have none. Further compounding the risk of developing obstetric fistula is the fact that there are fewer than 30 general practitioners in all of Southern Sudan." **[6af]**

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Prostitution

20.25 The USSD Human Rights 2008 report stated that: prostitution is illegal but widespread throughout the country. **[3a] (Section 5)**

VIOLENCE AGAINST WOMEN

20.26 The USSD Human Rights report for 2008 stated that:

"The law does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. 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. Statistics on the number of abusers prosecuted, convicted, or punished were not available. Prostitution is illegal but widespread throughout the country." **[3a] (Section 5)**

20.27 The USSD 2008 report added:

"While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere." **[3a] (Section 5)**

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Rape

20.28 The USSD Human Rights report for 2008 stated that:

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

20.29 The report also noted that: "Rape of women and girls throughout the country, including systematic rape in Darfur, continued to be a serious problem

Authorities often obstructed access to justice for rape victims, and during the year only one person was convicted of rape in Darfur." **[3a] (Section 5)**

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

20.31 Furthermore: Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for 'illegal pregnancy'. The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery. **[3a] (Section 5)** The report also stated that the authorities often obstructed access to justice for rape victims, and that only one person was convicted of rape in Darfur during the year. **[3a] (Section 1g)**

20.32 Human Rights Watch reported in April 2008 of the sexual violence in Darfur in 2007-2008

"Rape and other forms of sexual violence remain endemic to the Darfur conflict. As documented extensively, it featured prominently in the government's 'ethnic cleansing' campaign, both during and following displacement to date, sexual violence continues to threaten the safety of women and girls across Darfur in patterns that reflect current conflict dynamics and the breakdown of law and order." **[19i]**

20.33 Amnesty International's (AI) 2008 Annual Report for Sudan, covering events in 2007, noted that:

"Rape continued to be widespread, especially of displaced women and girls collecting firewood outside their camps. Sometimes women were beaten, or attacked but managed to escape. They rarely reported what happened to the police. Men continued to leave the task of collecting firewood to women because the men feared being killed if they ventured outside the camps. Several internally displaced women, including teenage girls, were raped as they went outside IDP camps in Zalingei to collect firewood in the second half of 2007. In August a woman was raped who was already eight months pregnant." **[16a]**

FEMALE GENITAL MUTILATION (FGM)

20.34 The USSD Human Rights 2008 report recorded that:

"Female genital mutilation (FGM) remained widespread, particularly in the north, where a 2005 UNICEF estimate put prevalence at 90 percent. The law does not prohibit FGM. While a growing number of urban, educated families no longer practiced FGM, there were reports that the prevalence of FGM in Darfur had increased as persons moved to cities. The government actively campaigned against it. Several NGOs worked to eradicate FGM." **[3a] (Section 5**

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

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

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

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

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WOMEN: WEST SUDAN (DARFUR)

20.37 HRW reported on 22 August 2007 that:

"… Women in Darfur are also at risk of sexual violence outside the context of large attacks. Women risk being raped if they leave their camp for internally displaced people to search for firewood. In some areas, the current African Union Mission in Sudan (AMIS) has provided 'firewood patrols' to accompany groups of women once or twice a week as they gather firewood. But these patrols have often been ineffective due to poor organization, lack of resources, and lack of communication with the people who benefit from the patrols. Human Rights Watch welcomed the recent agreement on a proposed AU-UN hybrid force for Darfur. However, that force will not be on the ground until next year. **[19e]** Furthermore: "In 2005, the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC). When serious sexual violence forms part of a widespread or systematic attack against civilians, it can constitute a crime against humanity. In the case of Darfur, such crimes could be prosecuted under the jurisdiction of the ICC." **[19e]**

20.38 The USSD Human Rights report for 2008 noted that government forces, government-aligned militias, rebel groups, and tribal factions killed, injured, and raped civilians. **[3a] (Section 1c)**

WOMEN: SOUTH SUDAN

20.39 The *Sudan Tribune* reported on 29 September 2007 regarding the importance of women being educated, organised and united in order to bring about change. **[12u]**

"For women to be able to bring changes in Sudan, they must be educated, organize and united before they could achieve anything, SPLM Deputy Secretary General Southern Sector Dr. Anne Itto has said. Opening the first SPLM Women League National Conference, today in Juba, under the theme: SPLM Women; shall power the liberation of the marginalized under the auspices of SPLM Secretary General Pagan Amum, Anne reminded SPLM Women delegates that late Dr. John Garang used to say that rights are not given but taken by force of unity. She emphasized that if southern Sudanese women understand their problems, then it will be easy to find a solution to it as was the case of southern Sudan problems that were finally resolved through Machakos protocols that pave ways to signing of the CPA on 9 January 2005. She also observed that previously parents in the then liberated areas of new Sudan were much more educated than their children partly because of war situation then. She appealed to all southern Sudanese women to seriously ensure that their children go to school." **[12u]**

20.40 The USSD report for 2008 stated that "Security forces in the north often targeted southern women in IDP camps because they produced and sold traditional home brewed alcohol beverages; these women were arrested and imprisoned for up to six months under Shari'a." **[3a] (Section 5)**

20.41 The report added that security forces frequently arrested and detained women in Southern Sudan on suspicion of adultery. **[3a] (Section 5)** And that there were cases where Southern Sudan Police Services (SPSS) officers and SPLA officers reportedly raped women, often with impunity. **[3a] (Section 1c)**

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CHILDREN

GENERAL INFORMATION

Brief Overview

21.01 The Interim National Constitution (INC) states in Article 14 that: "(1) The State shall adopt policies and provide facilities for child and youth welfare and ensure that they develop morally and physically; and protect children from moral and physical abuse and abandonment." **[94a] (p7)**

21.02 The USSD Country Human Rights Report 2008, Sudan, released on 25 February 2009 (USSD Report 2008) stated:

"The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued…. **(Section 5)** Although mandated by the Interim National Constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Child labor in the agricultural sector was common. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor." **[3a] (Section 6d)**

21.03 The USSD report for 2008 also recorded that:

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

21.04 Furthermore:

"There were reports that janjaweed raped children during the February 8 SAF attacks in West Darfur. In March, in Nyala, government soldiers raped two 14-year-old girls. On August 19, an IDP spokesman reported that janjaweed raped two girls and one woman after they left the camp to gather firewood. UNAMID reported that armed men in uniform raped two girls, age 11 and 12, in November in North Darfur." **[3a] (Section 1g)**

21.05 Save the Children reported on 9 January 2008, that, the mortality rate for children is still high in southern Sudan, further warning that three years after the signing of the Comprehensive Peace Agreement between north and south Sudan, thousands of children are still facing death.

"One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement promised to direct proceeds from Sudan's rich oil reserves to help rebuild the

country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change." **[24d]**

21.06 The report added that:

"The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can't get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish primary school because of the lack of schools and trained teachers," said Patience Alidri, Save the Children's Southern Sudan Country Director. **[24d]**

21.07 The UNICEF Sudan country page, accessed on 1 February 2009 noted

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

21.08 The same source stated

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

21.09 The UNICEF website also provides statistics and detailed information on the basic demographics regarding children in Sudan. **[40c]**

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Age of consent

21.10 The website of the US Embassy in Khartoum (accessed on 29 January 2008) Khartoum US Embassy reported that: Male applicants [for Civil Marriage] must be at least 18 years old, while females must be at least 16 years old. If an applicant does not meet the age requirements, then he/she must obtain the consent of the parents or the Khartoum Province Judge. **[88a]**

21.11 The USSD Human Rights report for 2008 recorded that: "The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage, but child marriage was a problem. " **[3a] (Section 5)**

Judicial and penal rights

21.12 The Office of High Commissioner for Human Rights reported the following concerning penal rights in Sudan. The March 2007 report has been taken from its global initiative to end all corporate punishment of children. "Corporal punishment is lawful in the home. There is no legislation concerning violence against children in Southern Sudan. Drafting of a children's act was due to begin in April 2005 but we have no further information." **[6t]**

21.13 The report stated that:

"Corporal punishment of boys is lawful in schools under the School Regulations (1993), and in alternative care settings. In the penal system, corporal punishment is lawful as a sentence for crime. The Sudanese Criminal Code (1991) is partly based on Shari'a law, reinstating hadd offences and the law of qisas and diyat, and allowing for flogging and amputation. Article 47 states that among the measures a court may order is 'flogging as a disciplinary punishment for any person having attained 10 years of age, although not more than 20 lashes of the whip may be administered'. Flogging is a penalty for other offences in the Criminal Code and the Public Order Act (1996), and the manner in which it should be carried out is regulated by the Criminal Procedure Act (1983). Amputation is also a penalty under the Criminal Code, e.g. for armed robbery (article 168). Corporal punishment is also lawful as a disciplinary measure in penal institutions." **[6t]**

21.14 The USSD Human Rights report for 2008 noted that: "Nine children were tried in the courts: four of them were acquitted and released; the trials of five were ongoing; and one was sentenced to death and had on ongoing appeal.**[3a] (Section 1e)**

See Section 12: Prison conditions, subsection Children in prison

CHILDCARE AND PROTECTION

Violence against children

21.15 The USSD Human Rights report for 2008 stated that:

The JEM used child soldiers as part of the May 10 attack. Government authorities detained 109 children in connection with the attack. Most were sent to a detention facility for children after having been initially held along with

adults for several days. UN officials described the conditions in the separate facility as good. However, some children were not sent to the separate facility and were detained with adults. Ninety-nine of the children were pardoned and released; four were tried, acquitted and released; five had ongoing trials and remained detained; and one, who was given a death sentence, was going through an appeal process." **[3a] (Section 1g)**

21.16 The report added: "Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement." **[3a] (Section 5)**

21.17 An article in the Forced Migration Review (FMR) of July 2007 stated that:

"The protection and well-being of children in Sudan are at a crucial juncture. While children in the South are enjoying improved security and access to services, those in Darfur continue to face appalling levels of violence and denial of basic services. Protection of children must be at the forefront of efforts to bring peace and stability to Sudan." **[32a] (p36)**

21.18 CRIN again reported on 17 September 2007 that:

"Sudanese children continue to face grave violations of their human rights, from being recruited and used by armed forces and groups to suffering rape or sexual abuse at their hands, according to Secretary-General Ban Ki-moon's latest report on children and armed conflict in the African country. Mr. Ban says the situation in general for Sudanese children 'is showing small signs of improvement', but cases of killings, abductions and rapes are still being recorded and the ongoing conflict in the Darfur region means there is limited humanitarian access to children at risk. "… Mr. Ban voices deep concern that 'sexual violence against women and girls continues with impunity throughout the country', and especially in Darfur, where rebel groups have been fighting Government forces and allied Janjaweed militia since 2003. He calls on Khartoum to step up its efforts to enforce the rule of law, including by establishing child and women protection units within the police force and by training social workers and judicial officials." **[71c]**

21.19 The report added that:

"… The allegations will be deeply embarrassing to the new UN Secretary General, Ban Ki-moon, as the UN is pushing to be allowed to launch a new peacekeeping mission to help end the humanitarian crisis in Sudan's north-western region, Darfur. The Telegraph understands that the Sudanese government, which is deeply opposed to the deployment of UN troops to Darfur, has also gathered evidence, including video footage of Bangladeshi UN workers having sex with three young girls. Further adding that many of the children who claim to have had sex with UN personnel in Juba belong to southern Sudan's 'lost generation', who have been separated from their families by the recent civil war, and are now sleeping who now sleep rough on the streets of Juba, the regional capital." **[12ac]**

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Forced/Customary Marriages

21.20 The Gurtong reported in 2004 the following concerning customary marriages in Sudan.

" 'Customary Law is a manifestation of our customs, social norms, beliefs and practices. It embodies much of what we have fought for these past twenty years. It is self-evident that Customary Law will underpin our society, its legal institutions and laws in the future' - Chief Justice Ambrose Thiik. During the past twenty years of civil war, customary law has been the primary source of social order and stability within southern Sudan. It has been the cement that has held together communities and tribes and a bridge between the many and varied tribal groups that make up the population of the region. It is also, as described by Chief Justice Thiik, a symbolic affirmation of southern Sudanese culture, tradition and indigenous identity." **[18r]**

Forced Labour

21.21 The USSD Human Rights report of 2008 noted that: "The law prohibits forced or compulsory labor, including by children; however, such practices continued. Including abduction, forced labor, and sexual slavery of women and children." **3a] (Section 6c)** The report also noted that many children were abused, abducted, or used as slaves and that child labour remained a problem. **[3a] (Section 5)**

21.22 The USSD report added: "The Ministry of Social Welfare, Women, and Child Affairs has responsibility for enforcing child labor laws; however, enforcement was ineffective. Also that: In the south, child labor laws were rarely enforced." **[3a] (Section 6d)**

21.23 Furthermore:

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

21.24 The report also added that: "A report by the Darfur Consortium documented several cases from 2003 to 2007 in which the janjaweed abducted persons for varying lengths of time, and raped or used them for forced labor." The report also cited other such incidents involving the SAF and the Popular Defense Forces (PDF). **[3a](Section 1g)**

21.25 IRIN News reported on 22 January 2009 that the lack of opportunities in Sudan is forcing children into work.

"Many children are being forced to work as the state, which was badly affected by Sudan's 21 years of conflict, grapples with reconstruction challenges. The state is mainly inhabited by the Nuba (central highland tribes) and Baggara Arabs (the Hawazma and Misseriya). A lack of development has also led to discontent. 'Signs of insecurity are widespread in the western area where grievances about lack of access to services and employment and the blockage of pastoralist movement towards the South have led a number of

Misseriya youth to resort to armed violence'." Said Sara Pantuliano, a research fellow at the Humanitarian Policy Group of the Overseas Development Institute." [**10g**]

HEALTH AND WELFARE

21.26 The USSD Human Rights Report for 2008 recorded that:

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

21.27 Additionally:" The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued." (USSD Human Rights Report 2008) **[3a] (Section 5) (also see 22.05)**

21.28 UNICEF's humanitarian report for 2008 recorded that:

"While some recovery and development actions are taking place in Southern Sudan, the area is still thought to have one of the highest, if not the highest, maternal mortality ratio in the world, with only 10 per cent of births assisted by qualified personnel. Over 15 per cent of children under the age of 18 are orphans, with one in five children an orphan in some regions. Infant and neonatal mortality rates are amongst the highest in the world, and child malnutrition rates, although not a problem for under-one children, are of major concern. Recurrent drought and chronic food insecurity over the past four decades have contributed to both acute and chronic malnutrition, and stunting in children under the age of 14 is amongst the highest in the world, reflecting inadequate nutrition over a long period of time. Wasting is a major problem, with the worst cases in Western Bahr el Ghazal affecting 9 per cent of under-five children. Water, sanitation and hygiene is a critical issue with only 15 per cent of people drinking treated water and less than 7 per cent having access to a safe means of excreta disposal." **[40h] (p148)**

21.29 Save the Children reported on 9 January 2008 that three years after the Comprehensive Peace Agreement was signed between north and south Sudan, thousands of children are still facing death.

"One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement promised to direct proceeds from Sudan's rich oil reserves to help rebuild the country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change." **[24d]**

21.30 The report added:

"The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can't get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish primary school because of the lack of schools and trained teachers," said Patience Alidri, Save the Children's Southern Sudan Country Director." **[24d]**

21.31 United Nations Children's Fund (UNICEF) in its humanitarian action report 2008 recorded that: "With continued violence, insecurity and increasing fragmentation of the various rebel factions, the situation of children and women remained precarious." **[40h] (p148)**

21.32 UNICEF reported on 19 February 2009 that a new nutrition policy covering the 15 northern states of the country was to be unveiled on Sunday, 22 February 2009 as part of ongoing efforts to improve child health and reduce mortality rates.

"Sudan's Federal Ministry of Health will unveil a new nutrition policy covering the 15 northern states of the country on Sunday, 22 February, as part of ongoing efforts to improve child health and reduce mortality rates towards attaining the Millennium Development Goals. The new policy, developed with the support of UNICEF, WFP and WHO, sets out the framework through which a range of integrated activities will be undertaken throughout the 15 states to improve the nutritional status of the population. It ensures that standardised and high quality nutrition services can be delivered, backed up by investments in technical capacity to ensure that health professionals have the required skills to implement and monitor nutrition-related activities." **[40m]**

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EDUCATION

21.30 The United Nation's Children Fund (UNICEF) reported in its humanitarian action report 2007 that: "Despite efforts that have increased the number of children receiving basic education, hundreds of thousands remain out of school, while child-friendly learning spaces and qualified teachers are lacking." **[40f]**

21.31 The USSD Human Rights Report for 2008:

"The law provides for free basic education up to eighth grade; however, students often had to pay school, uniform, and exam fees. In the north the primary school enrolment rate was approximately 68 percent in 2005. Boys and girls generally had equal access to primary education, although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In Darfur information on enrolment rates was unavailable, but few children outside of cities had access to primary education. Primary school enrolment in the south tripled since 2005, according to UNICEF; however, lack of schools remained a serious problem in the south, and girls in the south did not have equal access to education." **[3a] (Section 5)**

21.32 The same report also added that: "In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent." **[3a] (Section 5)**

21.33 The International Development Research Centre reported on 31 October 2008 that due to decentralisation, girls in Sudan were being denied of education.

"Education is also severely affected. Under decentralization, the federal Ministry of Education is in charge of planning, training, curriculum, evaluation, and foreign relations. The federal government has withdrawn from financing pre-school education. That poses a serious barrier to access by many poor families, according to Elkarib's research. Because state and local governments now control that program and other powers related to education, there is widespread variation in enrolment and literacy among the different states. Many local institutions have paid little attention to local planning, and those states with fewer resources have a hard time recruiting and retaining teachers and maintaining facilities. In eastern Sudan, for example, local authorities are responsible for teachers' salaries, maintaining schools, and supplying textbooks. The result is that local governments impose user fees or other taxes to try and fund education." **[113a]**

21.34 Adding: " 'They go straight to the people', says Elkarib. Although both the constitution and the Comprehensive Peace Accord stipulate that basic education is free, 'in real life, it is not'." **[113a]**

21.35 The Department for International Development (DFID) reported on 26 January 2009 that a project, run by Save the Children and funded by DFID had been set up to provide schooling for many disadvantaged children in Sudan. "The project, which is run by the development agency Save the Children and backed by DFID funding, provides school places to children who might otherwise miss out on an education. In this once war-torn region, this means, in particular, girls, disabled children and former child soldiers." **[8d]**

21.36 The report added that:

"Two central elements of the project are a drive to train more teachers to a professional standard and an effort to get parents fully behind their children's education. Teacher training has seen thousands of people, women as well as men, acquire the skills to help unschooled children catch up on years of missed lessons. And to change parental attitudes, each participating school has set up special volunteer groups. These go out into local communities, spreading the message about how life-changing an education can be." **[8d]**

21.37 UNICEF reported on 13 January 2009 that a new curriculum for schools, focusing on the risks from HIV and AIDS, was due to be launched in the northern states of Sudan the next day, as part of the government's efforts to improve knowledge and understanding of the virus amongst young people. "The curriculum, developed by the Ministry of General Education with support from the Sudan National AIDS Control Programme (SNAP) and UNICEF, has been under development for over two years and aims to reduce the risks from HIV and AIDS amongst adolescents." **[40k]**

21.38 The report added that approximately 2.5 million children aged between 10 and 18 years would benefit from the proposed curriculum content which would be introduced in schools throughout primary and secondary schools in the fifteen states in the north of Sudan. **[40k]**

21.39 The Sudanese News agency reported on 20 February 2009 that a joint cooperation plan between Sudan and UNICEF was due to be implemented, covering four areas of basic education expansion, improvement of education quality, support of nomads and girls education. The project would also target ten Sudanese states including the three Darfur states, Southern and Northern Kordofan, Blue Nile, White Nile, Kassala, Gadaref and Khartoum. **[68a]**

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Education - South Sudan

21.40 UNICEF in its humanitarian action report 2007 recorded that:

> "In Southern Sudan, UNICEF will ensure that 750,000 children already enrolled remain in school; enrol an estimated 500,000 out-of-school boys and girls, orphans and vulnerable children (OVC) and demobilized child soldiers as well as 100,000 returnee children, and promote their participation in basic education (including alternative learning systems for over-aged girls and out-of-school youth); improve the skills of 2,500 teachers/facilitators through fast-track training on interactive teaching methodologies, and provide intensive English language training to 200 returnee teachers. In North Sudan, UNICEF will ensure access to quality basic education for an additional 59,500 primary school-aged children, and nearly 9,500 nomadic children in Abyei and Darfur; strengthen the capacity of local educationalists through vocational and teacher training for 2,000 adolescents and 155 teachers; and reach 100,000 children and 200 teachers with correct information and life skills to reduce their risk of acquiring HIV/AIDS and increase their ability to inform others." **[40f]**

21.42 UNICEF reported on 8 July 2008 that Southern Sudan celebrated its annual Girls' Education Day the previous day, stating that the day was "an opportunity to acknowledge achievements in girls' enrollment [sic] and galvanize action to close the gender gap in education." **[40j]**

21.43 The UNICEF report added that:

> "This year celebrations were focused in the Lakes State capital of Rumbek where thousands of school children gathered in the town's Freedom Square. The event, which was attended by representatives of the Government of Southern Sudan, Ministers of Education from all ten States, United Nations and NGO partners, was presided over by the Governor of Lakes State, H.E. Daniel Awet Akot and the Minister of Education, Science and Technology of the Government of Southern Sudan, H.E. Professor Job Dhoruai." **[40j]**

Education - West Sudan (Darfur)

21.44 UNICEF reported on 5 November 2007 that the Executive Director of UNICEF Ann M. Veneman expressed her optimism at the progress she had witnessed

for women and children, during her recent tour in Sudan, while noting that more efforts were needed, especially in tackling high rates of child and maternal mortality.

"Ms. Veneman was particularly impressed by the number of children now learning again in Southern Sudan. In the town of Malakal, she toured classrooms in one UNICEF-supported school to see first hand how enrolment had leaped in the last two years, since the Comprehensive Peace Agreement that ended Sudan's civil war. Across Southern Sudan, primary school attendance has almost tripled from wartime estimates of 340,000 to some 1.2 million children now in classes." **[40b]**

21.45 In UNICEF's report above, Ms. Veneman described the new unit as a potential model for the rest of Africa in both raising awareness of, and providing support to, those affected by gender-based violence. " 'I come away from my time in Sudan with a sense of optimism about progress being made in many parts of Sudan', said Ms. Veneman. 'And while there is a lot to be done and lot of issues to be resolved, especially in Darfur," she added, "I think that the country is generally headed in the right direction with regards to progress for women and children'." **[40b]**

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CHILDREN'S HOMES

21.46 The Children's Rights Information Network (CRIN) reported on 3 July 2007 that the UN Children's Fund and Sudanese authorities have launched a campaign to prevent people from abandoning infants and to find temporary families to avoid placing the children in institutions. "A joint assessment carried out in 2003 by the Government and UNICEF found that an estimated 100 newborns were being abandoned on the streets of the capital Khartoum every month. 'Half of these were dying on the streets, the others left with no alternative but institutional care', the agency stated." **[71e]**

21.47 The report added:

"These 'alarming statistics' led the Ministry of Social Affairs for Khartoum State and UNICEF to develop a pilot programme to move away from institutional care towards the placement of children with alternative families. Evidence shows that children's development is improved when placed within alternative families, including dramatic changes in motor, language and social development, the agency noted. Based on the Islamic system of kaffala, which requires communities and families to support the welfare of vulnerable children, some 500 emergency alternative families that are willing to provide temporary care for abandoned babies have been identified." **[71e]**

21.48 The report continued:

"The launch of the initiative coincides with the planned closure of Khartoum's largest orphanage, Maygoma, which in 2004 received nearly 700 new referrals despite concerns over the quality of care being provided to abandoned children. In the last three years, as the pilot family care programme was developed and non-governmental organizations assisted in the management

of the orphanage, more than 2,500 children were moved to the family care system." **[71e]**

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FORCED CONSCRIPTION

West Sudan (Darfur)

21.50 The USSD Human Rights report for 2008 stated that:

"A 2007 UN report cited the SAF [Sudan Alliance Forces], police including the CRP [Central Reserve Police], janjaweed, government-aligned PDF, and Darfur rebel groups JEM, the SLA/Gasim, the SLA/Free Will, the SLA/Minni Minawi, the SLA/Abdul Wahid, and the SLA/Shafi as recruiting or using child soldiers. The UN report also cited recruitment or use of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also recruited child soldiers in the Sudanese refugee camps in Chad.

21.51 The USSD Human Rights report for 2008 continued:

In June 2007 UNICEF signed an action plan with SLA/Minni Minawi that committed the rebel group to identify locations of child soldiers; however, SLA/Minni Minawi continued to use child soldiers. In August UNAMID officers visited an SLA/Minni Minawi encampment and observed numerous boys bearing arms intermingled with older soldiers." **[3a] (Section 1g)**

21.52 The report also noted that: "In Darfur government-aligned militias killed and injured civilians, including during attacks on villages; raped women and children; destroyed and looted civilian property; and used child soldiers." **[3a] (Section 5)** Furthermore: "Rebel factions and bandits in Darfur killed and abducted persons, including civilians, humanitarian workers, and United Nations--African Union Mission in Darfur (UNAMID) peacekeeping troops and workers; beat and raped civilians; recruited and used child soldiers; and restricted humanitarian access." **[3a] (Section 5)**

21.53 Child soldiers' global report 2008 stated:

"The SAF denied recruitment or use of children in their forces, but military officials acknowledged that children from armed groups were transferred into their forces during the unification process. In May 2006, child soldiers were seen in a newly integrated SAF unit. In August 2006 the SAF estimated that there were approximately 19,000 soldiers in these units and it was thought that a significant number of them were under 18.40 There were reports of children associated with both the SAF and allied militias in Darfur." **[42a]**

21.54 The same report also noted that: "Thousands of child soldiers were recruited and used by armed forces, government-backed militias and armed opposition groups in Sudan. Recruitment of children from refugee camps in Chad occurred in 2006. DDR efforts were hampered by ongoing conflict in Darfur and the lack of basic infrastructure for successful reintegration in the south." **[42a] (also see 9.16)**

21.55 The US State Department's Trafficking in Persons Report, 4 June 2008, noted:

"There were confirmed reports of unlawful child recruitment in mid-2007 by the JEM/Peace Wing among communities of internally displaced persons in Dereig, South Darfur. Militia groups in Darfur, some of which are linked to the government, abduct women for short periods of forced labor and to perpetrate sexual violence. Forcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan's concluded north-south civil war was commonplace; thousands of children still associated with these forces await demobilization and reintegration into their communities of origin. In addition to the exploitation of children by armed groups during the two decades-long north-south civil war, thousands of Dinka women and children were abducted and subsequently enslaved by members of the Missiriya and Rezeigat tribes during this time. An unknown number of children from the Nuba tribe were similarly abducted and enslaved. A portion of those who were abducted and enslaved remained with their abductors in South Darfur and West Kordofan and experienced varying types of treatment; others were sold or given to third parties, including in other regions of the country; and some ultimately escaped from their captors. While there have been no known new abductions of Dinka by members of Baggara tribes in the last few years, inter-tribal abductions continue in southern Sudan, especially in Jonglei and Eastern Equatoria states." **[3g](p11)**

South Sudan

21.56 Save the Children accessed via Child Right Information Network (CRIN) reported on 5 February 2007 that child soldiers were being actively recruited as frontline fodder in at least 13 countries including Sudan. "Ten years after international guidelines were established to stamp out the recruitment and use of child soldiers, under-age fighters are still actively being recruited the report stated. Government forces are also implicated in countries such as Southern Sudan, where the SPLA is re-recruiting children who have already been released from their own ranks." **[24c]**

21.57 The report added that children as young as eight are being recruited by the government army of Southern Sudan.

"Child soldiers are subjected to brutal intimidation, often forced to commit atrocities as military 'training', and then used on the frontline. Whether violently abducted, coerced into signing up or 'volunteering' because they have no safe alternative, they get no access to school or healthcare and are exposed to abuse and exploitation. Girls taken to become army 'wives' are often subjected to physical, sexual and emotional abuse. When released, ex-child soldiers are frequently rejected by society, refused access to school, and find it impossible to re-enter 'normal' life after so long immersed in violence. Girls as young as 12 have to deal with rape, and care for babies in isolation without any support from the community." **[24c]**

21.58 IRIN reported also on 2 February 2007 that "Boys in Sudan's war-torn Darfur region are increasingly at risk of being recruited into armed groups, while sexual violence against girls is unabated, despite growing official awareness, a top United Nations envoy said." **[10ei]**

21.59 Following visits to Darfur and the South Sudanese capital of Juba and meetings with top Sudanese government representatives, the UN Special Representative to the Secretary-General on children and armed conflict, Radhika Coomaraswamy stated:

"While Sudanese officials have made promises to reduce threats to children, little progress has been seen on the ground. There is recognition in Sudan at the official level of the problems of child recruitment and sexual violence, [Sudan] has agreed to frameworks and they have agreed to commitments. However, we are concerned that there's not enough implementation and that the results are not showing on the ground." (IRIN News, 21 February 2007). **[10ez]**

21.60 The report also stated that children are being increasingly recruited by both rebel factions and the Sudanese army. "Independent monitors have pointed out to us through verified data that child recruitment is increasing in Darfur and that all parties to the conflict engage in child recruitment." The report however noted that child recruitment in southern Sudan was decreasing, following the signing in 2005 of the Comprehensive Peace Agreement. "However, Coomaraswamy said. Programmes aimed at reintegrating former child soldiers into society had faced difficulties." **[10ei]**

21.61 Furthermore:

"Thousands of children were recruited into the SPLA during the civil war and some former child soldiers are struggling to readjust to life outside the military. We found that reintegration programmes of child soldiers are not working as well as we would like, Coomaraswamy said. "What happens is children are demobilised, but they come back to the armed camps because they feel alienated in their communities." **[10ei]**

21.62 A report by UNICEF, accessed via the Child-soldiers website on 30 April 2007, stated that the organisation's Ambassador James Nesbitt, returned from southern Sudan that week where he reported that he "heard harrowing stories from children who were recruited into the armed forces during Sudan's long-running civil war. While conflict still rages in Darfur, the South has been at relative peace since 2005; however the children still bear the scars." **[40e]** Visiting the small town of Leer in Unity state the Ambassador said he heard stories from girls and boys who are amongst the "thousands used as soldiers during the war but also as porters, cooks messengers and for sexual purposes." **[40e]**

21.63 The report noted however that, "Child recruitment has declined in southern Sudan and the government is leading on the demobilisation process. The region is desperately poor and infrastructure is limited." **[40e]** The report added that: "In order to ensure that children are not re-recruited they need opportunities to go to school and learn skills so that they can earn an income. There is a pressing need to increase reintegration programmes to enable children to successfully return to civilian life without fear of re-recruitment." **[40e]**

21.64 The USSD Human Rights report for 2008 stated that: "The GOSS generally did not interfere with privacy, home, or correspondence in the south; however, there were reports that rural detention centres held family members of

accused persons who had fled before they could be arrested in the south." **[3a](Section 1f)** The report further stated that: The LRA, which used child soldiers, continued to operate in the south despite its 2006 signing of an agreement to cease hostilities. The LRA abducted adults and children in the south. **[3a] (Section 5)**

See also Section 9.01: Military Service

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EDUCATION

22.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 13 (1) of the INC records that:

"(a) The State shall promote education at all levels all over the Sudan and shall ensure free and compulsory education at the primary level and in illiteracy eradication programmes.
(b) Every 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." **[94a] (p7)**

22.02 Prior to the signing of the INC, the Encyclopaedia Britannica (EB) Online undated, 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." **[62c] (p3)**

22.03 The USSD Human Rights report for 2008 stated that:

"The government was somewhat committed to children's rights and welfare, but there were great disparities by region. The government cooperated with UNICEF on the issues of child health, FGM, and child soldiers; however, significant problems continued. The law provides for free basic education up to eighth grade; however, students often had to pay school, uniform, and exam fees. In the north the primary school enrolment rate was approximately 68 percent in 2005. Boys and girls generally had equal access to primary education, although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In Darfur information on enrolment rates was unavailable, but few children outside of cities had access to primary education. Primary school enrolment in the south tripled since 2005, according to UNICEF; however, lack of schools remained a serious problem in the south, and girls in the south did not have equal access to education." **[3a] (Section 5) (also see 21.25)**

22.04 The report added: "In 2005 UNICEF reported that in Southern Sudan, which has an estimated population of seven million, only approximately 500 girls completed primary school each year; the primary school completion rate for girls was estimated at 1 percent." **[3a] (Section 5)**

22.05 The USSD report for 2008 also noted that: "The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic speaking areas who did not

speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south." **[3a] (Section 5)**

22.06 Furthermore:

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

22.07 Additionally:

"The government restricted academic freedom. In public universities, the government appointed the vice chancellors, who were responsible for administering the institutions. The government also determined the curriculum. Some universities required students to participate regularly in progovernment rallies and other activities. Some professors exercised self-censorship." **[3a] (Section 2a)**

See also Section 21.01: Children

22.08 UNICEF reported on 5 November 2007 of optimism at the progress made by primary school children across southern Sudan during a recent tour by UNICEF's Executive Director give a glimmer of hope in terms of educational progress in a major part of Sudan. **[40b]**

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SOUTH SUDAN

22.09 ReliefWeb reported in its humanitarian action report on Sudan published 28 August 2007, that:

"In Southern Sudan, estimated Gross Enrolment (GE) in primary schools has reached 1.2 million children, including 400,000 who have enrolled in 2007. Since 01 January, the United Nations Children's Fund (UNICEF) has provided 11,378 student kits, 13,718 teacher kits, and 9 million exercise books, to support the increased demand for primary education. A total of 150 programme trainers and tutors were trained for fast-track training of teachers, 1,300 teachers were trained, and 1,100 teachers also received English language training." **[68k]**

22.10 Sudan American Foundation for Education (SAFE), was established in 1985 as a non-profit [organisation] by concerned American and Sudanese business persons, academics, and government officials to help improve educational opportunities for Sudanese children and youth. SAFE reported on its website, accessed 13 March 2009 that since the beginning of 2008, the organisation had started accumulating books and educational materials and supplies for

delivery to schools, colleges, and universities in the southern region of Sudan. **[54a]**

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TRAFFICKING

23.01 The US State Department's Trafficking in Persons Report, 4 June 2008 noted that:

> "Sudan is a source country for men, women, and children trafficked internally for the purposes of forced labor and sexual exploitation. …Sudanese women and girls are trafficked within the country, as well as possibly to Middle Eastern countries such as Qatar, for domestic servitude. In 2007, Greek law enforcement authorities identified a female sex trafficking victim from Sudan. The terrorist rebel organization, Lord's Resistance Army (LRA), continues to harbor small numbers of Sudanese and Ugandan children in the southern part of the country for use as cooks, porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. In March 2007, six Sudanese girls were abducted by the LRA near Maridi, Western Equatoria. Sudanese children are unlawfully conscripted, at times through abduction, and utilized by armed rebel groups—including all SLA factions, the Popular Defense Forces, Janjaweed militia, and Chadian opposition forces—in Sudan's ongoing conflict in Darfur; the Sudanese Armed Forces and associated militias also continue to exploit young children in this region." **[3g] (p11)**

23.02 USSD's Report on Human Rights Practices 2008 stated that:

> "The law does not prohibit all forms of trafficking in persons, but does prohibit abduction, luring, and forced labor. The Interim National Constitution prohibits slavery. The State of Emergency Law prohibits all forms of sexual exploitation, and penalties include fines and imprisonment. However, internal trafficking for the purposes of forced labor, sexual exploitation, and domestic servitude occurred. Women and girls were also possibly trafficked to Middle Eastern countries for domestic servitude. Ethiopian women were trafficked to and through the country for domestic servitude. In the south, intertribal abduction of women and children continued." **[3a] (section 5**)

23.03 The same report also noted that: there were no reports of children being trafficked for use as camel jockeys, in contrast to previous years. And that there were no informed estimates on the extent of trafficking. **[3a] (Section 5)**

Also see women and children

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MEDICAL ISSUES

GENERAL

24.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 19 of the INC states that: "The State shall promote public health and guarantee equal access and free primary health care to all citizens." **[94a] (p9)**

24.02 The Foreign and Commonwealth's (FCO) 6 November 2007 Country Profile stated that: "Malaria and many other diseases are common in Sudan and AIDS is believed to be a growing problem." **[4a]**

24.03 The CIA World Fact book – Sudan, updated on 10 February 2009 noted that the average life expectancy at birth was:

- total population: 50.28 years.
- the male population: 49.38 years.
- the female population: 51.23 years (2008 est.) **[2a] (p4)**

24.04 The FCO Country Profile, 2007 stated that the prolonged civil war has made it difficult to access healthcare and as such the health status of the population has suffered greatly. The report noted however, that immunisation rates for most childhood diseases such as diphtheria, polio, measles, pertussis and tetanus are more than 50 percent. Sudan's last polio case was reported in 2005. **[4a]**

24.05 The *Sudan Tribune* reported on 8 August, 2007 that 4.9 million children in the north have been vaccinated against polio, following reports of polio cases in neighbouring Chad, which has triggered fear of transmission across the border.**[12j]** "The U.N. children's agency (UNIECF) and the World Health Organisation (WHO) funded and trained some 40,000 personnel to vaccinate children under the age of five, said a senior UNICEF official. 'What's unique is it's an additional campaign that we've put together with the ministry of health because of the reports of some cases in Chad,' Cawardine told Reuters, adding it was a swift three-day campaign." **[12j]** Adding that the flooding, which has affected about 500,000 people and killed 64, may have prevented the immunisation campaign from reaching up to 20 percent of the children targeted, but the campaign will return to those areas when the flooding subsides. **[12j]**

24.06 International Committee of the Red Cross (ICRC) reported on 12 May 2008 that the organisation has provided medical aid for victims of fighting in Khartoum following the JEM attack on 10 May 2008.

"In response to fighting over the past two days in Omdurman, part of greater Khartoum, the International Committee of the Red Cross (ICRC) delivered medical supplies to the main hospital there on Sunday. An ICRC team, accompanied by members of the Sudanese Red Crescent Society, reached the Omdurman hospital on Sunday afternoon thanks to cooperation from the authorities, who had ensured easy, unimpeded access. The team delivered

medical supplies sufficient to treat some 100 wounded patients. These included surgical material, dressing sets and medicines. The hospital had so far admitted 87 wounded, 51 of whom remain hospitalized, and received 24 bodies." **[22d]**

24.07 The report added that:

"'Dozens of people have been injured, but exact figures are very difficult to estimate,' said Cleto Chashi, the ICRC's medical coordinator in Sudan, who was part of the team. 'The fighting has been taking place in densely populated areas, and more wounded may arrive at hospitals in the coming hours.' ICRC staff were preparing to deliver further medical supplies on Monday to two other hospitals, in western and northern Omdurman, which could not be reached on Sunday because of the security situation in those areas." **[22d]**

24.08 WHO published on 13 June 2008 that the organisation together with other key UN agencies would be making the first high-level international visit to Abyei since last weekend's peace accord in the central west Sudanese town the following day, 14 June.

"The mission is to plan for the reconstruction of health facilities and other vital infrastructure in the town, as well as for the return of thousands of people displaced by more than five weeks of insecurity. Fighting commenced in early May and forced Abyei's population to flee to displacement camps and settlements in nearby areas, giving rise to numerous health risks. Most of Abyei's inhabitants remain in Agok, Abathok, Awal, Wun-Peth and Malual Aleu, increasing strains on resources in host communities." **[44a]**

24.09 Adding that the main health risks facing the displaced people of Sudan are malnutrition and lack of access to safe drinking water. **[44a]**

24.10 The WHO reported on 5 January 2009 that the organisation together with its partners had signed an agreement to produce a National Health Account to improve the health of women and children in Sudan.

"The Centre Bureau of Statistics, Federal Ministry of Health (FMOH) and the World Health Organization (WHO) in Sudan, signed a Memorandum of Understanding (MoU) to conduct a Household Survey in order to produce National Health Account (NHA) in 15 Northern States. The NHA will provide policy-makers with the evidence to make better and informed decisions on allocation of resources and make sure that spending on health is equitable between all regions and different types of services." **[44j]**

24.11 The *Gurtong* reported on 12 January 2009 that the Ministry of Health of the Government of Unity State and some NGOs would soon be carrying out the immunization programme for the year 2009. The report added that on the previous day, 11 January 2009, the Director for Immunization programme in Unity State, Dr. Michael Guok Puot, held meetings with the County Commissioners prior to the commencement of the immunization process and together with the health staff met and the Commissioner of Leer County, Koch Guit vaccines were distributed in each County. **[18t]**

24.12 Further adding: " 'Many people are refusing to let their children undergo the immunization programme by claiming that the vaccines are laced with

dangerous chemicals. This is utterly false and I would encourage every parent to avail their children for this exercise in order to fight the six childhood diseases' ", said Dr. Guok. **[18t**

24.13 Additionally:

"Health has been cited as a major hindrance to development in Unity State with the prevalence of waterborne and other diseases being a major challenge, owing to the State's ill-equipped health facilities. The health department has been given the next priority after education. The lack of a guiding framework has derailed the State's coordinated efforts in combating these kinds of diseases." **[18t]**

24.14 UNICEF reported on 12 February 2009 that: "Renewed efforts are being made to eradicate polio in Sudan, as the first mass immunization campaign of 2009, targeting nine million children, gets underway early next week in the country." [**[40l]**

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

24.15 The United Nations Development Programme (UNDP) on its website dated 2009 reported the state of HIV/Aids in Sudan and noted that the country is the most severely affected in North Africa and the Middle East, and mostly in need of antiretroviral therapy (ART)

"According to the national survey conducted by the Sudan National AIDS Programme SNAP in 2002, Sudan is the most severely affected country in North Africa and the Middle East with an estimated 500,000 people living with HIV/AIDS, and mostly in need of antiretroviral therapy (ART). Despite the fact that the epidemiological data is limited, it is believed that the country is in the early stages of a generalized HIV/AIDS epidemic, with an almost exclusively heterosexual transmission pattern. The adult prevalence rate of HIV/AIDS has been estimated at 1.6%, with specific population group prevalence rates ranging from 0.5% to 2.5% in the northern part of the country." **[98d]**

24.16 The report added that: "To address the HIV/AIDS situation in Sudan, UNDP, with the support of the Global Fund to Fights AIDS Tuberculosis and Malaria (GFATM), launched in April 2005 Fighting HIV/AIDS in Sudan project." Adding that the ultimate objective, of the project's aim is to contribute to reducing HIV/AIDS transmission and mortality in Sudan. **[98d]**

24.17 In its humanitarian action report 2007, UNICEF reported that whilst blanket HIV/AIDS prevalence is estimated at 2.6 per cent, rates of over 20 per cent have been recorded. **[40f]**

MENTAL HEALTH

24.18 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. (Mental Health Resources) **[44d]** 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. (Psychiatric Beds and Professionals) **[44d]** It also states

that: "Many mental health professionals including most psychiatrists have left for other countries." (Psychiatric Beds and Professionals) **[44d]** 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." (Mental Health Facilities) **[44d]**

SOUTH SUDAN

24.19 WHO reported the following on 15 February 2007:

"The Ministry of Health reported suspected cases of meningococcal disease and noted that from 1 January to 10 February 2007, there were 1,129 suspected cases of meningococcal disease including 96 deaths (case-fatality rate, 8.5%) in 8 out of 10 states of Southern Sudan. Within the period of 4 to 11 February [2007], a total of 79 suspected cases including 8 deaths were reported." **[44f]** Adding that, "Delayed and irregular reporting as well as incomplete disaggregated population data were leading to difficulties in determining whether districts in these areas had reached the epidemic threshold." **[44f]**

24.20 IRIN News reported on 9 March 2007 that health workers in Malakal, capital of Upper Nile State in southern Sudan, face great odds in trying to counter the ignorance and stigma that prevents people benefiting from available HIV/AIDS services:

"Despite the presence of a voluntary counselling and testing (VCT) site in the city, little is known about HIV. Regina John, 18, who works in her mother's food shop, did not know the government-run VCT centre existed, even though it was just 100 metres away from her doorway'. 'I don't know where people are being tested for HIV/AIDS', she said. 'I have heard about AIDS on the radio, and from people talking about it, but I do not know how it is contracted or where it originated'." **[10fd]**

24.21 IRIN further reported that Sudan has a relatively low HIV prevalence of 1.6 percent, according to a 2003 UNAIDS survey. However, "it is thought to be higher in the southern region, and there are fears that increased population mobility could see it spread more rapidly since decades of civil war ended in 2005. So far, we have found 22 HIV-positive cases. Out of these, 11 are eligible for drugs, but only one person is benefiting from these ARVs [antiretrovirals]; the rest have disappeared and we have no means to trace them," said Obathur. **[10fd]**

24.22 Doctors Without Borders reported on 28 January 2008 that despite the peace agreement between north and south, the people in the region of south Sudan were still struggling for survival:

"Despite the signing of a peace agreement between North and South Sudan on January 9, 2005, which ended decades of civil war, medical needs in southern Sudan remain overwhelming. Outbreaks of disease and violence continue, while many people still do not have access to basic health care, resulting in preventable deaths." **[93a]**

HIV/AIDS – ANTI-RETROVIRAL TREATMENT (SOUTH SUDAN)

24.23 IRIN News reported on 14 August 2007 that thousands of lives are being threatened because of the unavailability of life-prolonging antiretroviral (ARV) drugs in southern Sudan. This is forcing many patients to travel to neighbouring Uganda in search of the medication, the report stated. **[10q]**

" 'There are no ARVs here, so once a month we have to travel to Arua [a town in northwestern Uganda] to get drugs', said Joel Baba, who lives in the southern Sudanese town of Yei in Central Equatoria State. 'This trip is so expensive; we have to pay border charges, and for accommodation, food and transport not many people can afford it'." **[10q]**

24.24 The report added:

"Although peace has returned after 21 years of conflict between the northern and southern parts of Sudan, many areas in the south that were cut off from basic health services during the war still have no access to HIV medication. Arua is more than 100km from Yei on badly maintained roads that have been damaged by bombs. 'In the beginning [of treatment] the Ugandan clinics don't let you take a whole month's supply you have to keep going for adherence counselling or stay in Uganda for some time, which makes it even more expensive', Baba said. 'For patients who are already sick, it is impossible to travel'." **[10q]**

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HUMANITARIAN ISSUES

GENERAL

25.01 OHCHRs humanitarian appeal 2008 recorded that:

"Despite these challenges, 2007 saw strengthened collaboration between both the Government of National Unity and the Government of Southern Sudan and the United Nations and Partners in areas such as joint assessments, response and policy development. This resulted in increased capacity to deliver basic services and address emergencies. Outcomes include: the successful response to flooding that affected over 625,000 people throughout Sudan; response to meningitis and acute watery diarrhoea outbreaks (with 12,000 and 8,300 cases reported respectively in Southern Sudan); demining [sic] of some six million square meters of road and the signature of the Joint Communiqué for Darfur to facilitate humanitarian activities and administrative procedures. A total of four million people in Sudan received food and livelihood assistance with over 180,000 displaced people supported during the north/south return process. Another 500,000 people are registered to return." **[6k] (p34-35)**

25.02 The International Committee of the Red Cross (ICRC) reported on 10 April 2008 that the organisation is providing support to areas controlled by both rebels and government forces.

"In a volatile environment such as Darfur, where travelling by road is often dangerous, access to health care is difficult for all communities, whether sedentary or nomadic. At the foot of the Jebel Marra mountains, the ICRC is supporting clinics in areas controlled by rebels and government forces alike. Report by Valérie Petitpierre, ICRC delegate based in Zalingei." **[22e]**

25.03 The International Committee of the Red Cross (ICRC) reported on 5 June 2008 of its assistance to two cities in particular affected by heavy fighting in Sudan.

"In mid-May the ICRC's emergency operations focused on Khartoum and Abyei, two cities hit by heavy fighting. The ICRC sent four teams, including a field surgical team, to the Abyei region, distributed medical kits to the Almujlad hospital and provided assistance for the displaced from Abyei. Cooperation with the Sudanese Red Crescent Society (SRCS) was extended to the Abyei region. **[22c]**

25.04 Referring to the JEM attacks in the capital on 10 May 2008, the report added:

"When clashes broke out in Khartoum's twin city, Omdurman, on 10 May, the ICRC delivered war-wounded kits to a number of hospitals in the area. Together with the SRCS, it provided other urgently needed medical supplies as well. It also helped the SRCS, which had mobilized 250 volunteers, to evacuate the wounded and remove the dead." **[22c]**

25.05 US Aid report, last update 6 June 2008 gave the following account of the humanitarian situation in Sudan:

"In 2008, Sudan continues to cope with the effects of conflict, displacement, and insecurity countrywide. Since 2003, a complex emergency in Sudan's western region of Darfur has affected 4.2 million people, including more than 2.4 million internally displaced persons (IDPs). In Darfur, fighting among armed opposition factions, the Sudanese Armed Forces (SAF), militias, and ethnic groups is ongoing. According to the U.N., the clashes have displaced more than 158,000 people within Darfur and to Eastern Chad since January 2008." **[3d]**

25.06 The US State Department's Background Note, updated March 2009 noted the following concerning the humanitarian situation in Sudan.

"In 2008, Sudan continues to cope with the countrywide effects of conflict, displacement, and insecurity. During more than 20 years of conflict between the Government of Sudan and the Sudan People's Liberation Movement/Army, violence, famine, and disease killed more than 2 million people, forced an estimated 600,000 people to seek refuge in neighboring countries, and displaced approximately 4 million others within Sudan, creating the world's largest population of internally displaced people. Since the 2005 signing of the Comprehensive Peace Agreement (CPA), which officially ended the North-South conflict, the UN estimates that nearly 2 million displaced people have returned to Southern Sudan and the Three Areas of Southern Kordofan, Blue Nile, and Abyei." **[3j]**

25.07 The report added

"The conflict in the western region of Darfur entered its fifth year in 2008, despite a 2006 peace agreement--the Darfur Peace Agreement (DPA)--between the Government of National Unity and one faction of the Sudan Liberation Army, that of Minni Minawi. Fighting among armed opposition group factions, the Sudanese Armed Forces, and militias continues, displacing hundreds of thousands of civilians--230,000 since January 2008 alone. The complex emergency in Darfur affects approximately 4.2 million people, including more than 2.5 million internally displaced people in both Sudan and Chad." **[3j]**

25.08 The United Nations Office of the High Commissioner for Human Rights (UNHCR) in its 2008/2009 report stated that: "Serious violations of human rights continue in varying forms in different parts of the Sudan. While the situation in Darfur is well known to the international community, violations also occur in northern, eastern, and southern Sudan and in the Transitional Areas." **[6p]**

25.09 The Canadian Red Cross on 24 October 2008 on its website, summarised the humanitrian situation in Sudan as "dire" and provide an account of the assistance the organisation is giving to the Sudanese people as follows:

"The humanitarian situation in Sudan is dire. Millions of people have suffered the devastating consequences of almost relentless conflict that has waged for decades. While a peace agreement brought an official close to North-South fighting in 2005 and the Eastern Sudan Peace Agreement ended fighting in 2006, Sudan continues to face one of the world's greatest humanitarian emergencies. As parts of the country struggle to build peace, the region is continually fraught with natural disasters including severe flooding and

drought. Lack of access to health care and food has left many Sudanese facing preventable disease, chronic malnutrition and high infant mortality rates." **[111a]**

25.10 USAID's report last updated 6 February 2009 summarises the humanitarian situation in Sudan as below:

"In 2009, Sudan continues to cope with the effects of conflict, displacement, and insecurity countrywide. Since 2003, a complex emergency in Sudan's western region of Darfur has affected more than 4.7 million people, including nearly 2.7 million internally displaced persons (IDPs). In Darfur, fighting among armed opposition factions, the Sudanese Armed Forces (SAF), militias, and ethnic groups continues. According to the U.N., clashes have displaced more than 315,000 individuals within Darfur and to eastern Chad since January 2008." **[46c]**

	Estimated Numbers Affected	**Source**
Internally Displaced People in Sudan	From Southern Sudan: 2.7 million In Darfur: 2.7 million In Eastern Sudan: 168,000	UNHCR (1)- Oct. 2008 OCHA(2) – Oct. 2008 U.N. Sept. 2007
Sudanese Refugees	From Darfur: 250,000 From Southern Sudan: 138,270 Returnees to Southern Sudan: 299,268	UNHCR – June 2008 UNHCR - Feb. 2009 UNHCR - Feb. 2009
Refugees in Sudan	From Eritrea, Ethiopia, Uganda, DRC, and others: 257,980	UNHCR – Dec. 2008

* Humanitarian Funding Provided to Date in (FY 2008 and FY 2009)
USAID/OFDA(3) Assistance to Sudan and Eastern Chad $148,149,305
USAID/FFP(4) Assistance to Sudan and Eastern Chad $809,026,100
State/PRM(5) Assistance to Sudan and Eastern Chad $136,212,456
Total USAID and State Humanitarian Assistance to Sudan and Eastern Chad $1,174,387,861 **[46c]**

25.11 Concerning issues surrounding the Merowe Dam, the USSD Human Rights report for 2008 stated that:

"There were reports that the government's Merowe Dam Implementation Unit did not compensate nomads for land it took in 2006. During the year the government closed the dam's flood gates, causing the water level to rise and civilians to be displaced. By year's end approximately 21,000 persons remained without adequate shelter or access to humanitarian assistance after refusing to settle on land provided for them, which they claimed was substandard and distant from their ancestral homelands along the Nile. In March the UN Special Rapporteur on the situation of human rights in Sudan was denied access to Northern State, where she had planned to meet with communities affected by the Merowe and planned Kajbar dams. On August 23, on Sai Island, police reportedly beat persons while dispersing a protest regarding the dams." **[3a] (Section1d)**

PEACE AND CONFLICT IN SUDAN

East Sudan

25.12 The *Sudan Tribune* reported on *26* April 2008 that:

> "A former rebel group in eastern Sudan which signed a peace agreement with Khartoum last year said disappoint [sic] by the attitude of the Eritrean government towards the non-implementation of the signed deal. On October 14, 2006, Sudanese government and East Front rebels, composed of the Beja Congress and Free Lions, signed a peace accord that was negotiated with Eritrean help and is aimed at ending a 12-year armed conflict." **[12h]**

25.13 International Crisis Group reported on 16 June 2008 that Sudan was getting closer to collapse as last month saw heavy fighting between government forces and the South over the oil-rich Abyei region, and also an abortive attack by the Justice and Equality Movement (JEM), on Khartoum on 10 May 2008 which the report stated is likely to prompt brutal government retribution. "Against this backdrop, the prosecutor of the International Criminal Court reported to the UN Security Council, pointing out, yet again, that Sudan has flouted its international obligation to co-operate with the court, and criticizing the international community for its shameful silence in the face of Sudan's wilful defiance." **[14b]**

25.14 The Canadian Red Cross reported on 24 October 2008 that with the assistance of the Canadian Government and the Canadian public, the organisation together with the Netherlands Red Cross, is supporting the Sudanese Red Crescent in an integrated health, water and sanitation program in Kassala State in East Sudan. "With a focus on community capacity building, the Sudanese Red Crescent is working to dig new wells, rehabilitate old ones, and construct latrines. Solar power is used to fuel pumps, and communities are learning to run and maintain these wells. Communities themselves will take the leadership in the promotion of hygiene, sanitation and safe water practices." **[111a]**

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Conflict and insecurity

25.15 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." **[14b] (p13)**

25.16 "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." **[14b] (p13)**

25.17 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." **[14b] (p13)**

25.18 "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." **[14b] (p11)**

25.19 "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. [U.N. envoy Jan] 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'." (*Sudan Tribune*, 14 January 2006) **[12b]**

25.20 The article continued:

"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." (*Sudan Tribune*, 14 January 2006) **[12b]**

The Peace Process

25.21 FCO Country Profile, dated 6 November 2007 stated that:

"The African Union-brokered Darfur Peace Agreement (DPA), signed on 5 May 2006 between the Government of Sudan and the Minni Minawi faction of the SLM, is a good deal for Darfur. If adopted by all sides it should provide the basis for the return of the millions of people who fled their homes, and a return to normality. It gives the rebels a say in government at the national and Darfur levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to build confidence in the Agreement, particularly by disarming the *Janjaweed* Arab militias. But implementation is slow, also held back by the refusal of other rebel factions to sign it. The UK continues to press both the Government of Sudan and non-signatory rebel groups to commit to the peace agreement for the sake of the people of Darfur. We are urging all parties to renew the political process. Failing to do so would fail the millions of civilians who are suffering the consequences of the conflict in Darfur." **[4a]**

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WEST SUDAN (DARFUR)

25.22 US Aid report, last update 6 June 2008 gave the following account of the current humanitarian situation in Darfur:

"In May, banditry and hijacking of relief vehicles continued throughout Darfur, further limiting humanitarian operations. Targeting of humanitarian staff and non-governmental organization (NGO) compounds increased, and implementing partners reported additional incidents of livestock theft and attacks on empty convoy vehicles as well as increased impersonation of U.N. staff by bandits." **[3d]**

25.23 The report continued:

"On May 10, armed forces associated with the Justice and Equality Movement (JEM) from Darfur attacked Omdurman, one of the three cities making up the greater Khartoum area. Fighting occurred in the midst of the civilian population in the center of the city. In addition to the deaths of combatants, USAID staff in Khartoum reported that the violence also killed and wounded civilians. Following the attack, the GNU deployed additional security forces throughout the capital and the surrounding region. In addition, international news media and humanitarian agencies reported that in the days following the attack on Khartoum, government forces arrested more than 300 opposition members and citizens of Darfuri origin." **[3d]**

25.24 The International Crisis Group (ICG) updated July 2008 also reported of the current situation in Darfur as follows:

"The Darfur conflict has changed radically in the past year and not for the better. While there are many fewer deaths than during the high period of fighting in 2003-2004, it has mutated, the parties have splintered, and the confrontations have multiplied. Violence is again increasing in recent months while access for humanitarian agencies has become more difficult, international peacekeeping is not yet effective and a political settlement remains far off. Incidents, including major aerial bombardments and ground attacks were launched by the government in West Darfur in February 2008. In turn, an assault on Khartoum by Justice and Equality Movement (JEM) rebels in mid-May 2008 left at least 200 dead and was a milestone in the Darfur conflict, as it constitutes the first military strike on the capital since 30 years." **[14c]**

25.25 The report noted that the government continues to deny the enormity of the situation.

"Meanwhile the ruling National Congress Party (NCP) in Khartoum continues to deny the gravity of the situation and is pursuing destructive policies in Darfur, while at the same time resisting key provisions in the 2005 Comprehensive Peace Agreement (CPA) that ended the North-South war, thus triggering a crisis in that process, with heavy fighting between government and southern troops paralysing oil-rich Abyei in June 2008." **[14c]**

25.26 Freedom House reported in its 2008 World Country Report for Sudan that: that:

"Credible reports have described the mass scale of killing and rights violations in Darfur. While some groups have not characterized the killings as genocide, it is widely accepted that for the past five years, the Sudanese government has directed and assisted the systematic killing of tens or, more likely, hundreds of thousands of people in the region. In March 2007, a UN panel headed by Nobel laureate Jody Williams issued a report finding that the government 'has manifestly failed to protect the population of Darfur from large-scale international crimes, and has itself orchestrated and participated in these crimes'. The report also said that 'the principal pattern is one of a violent counterinsurgency campaign waged by the government of the Sudan in concert with janjaweed militia, and targeting mostly civilians'. It added, 'Rebel forces are also guilty of serious abuses of human rights and violations of humanitarian law…but the overwhelming burden of guilt lies with the government and the militia (janjaweed)'." **[53b]**

25.27 UN & Partners Work Plan for Sudan reported in its 2008 Mid-Year Review the following proposals for Darfur:

"The 2008 Work Plan aimed to continue assisting the vulnerable in Darfur, while, where possible, supporting projects that look beyond humanitarian aid to more sustainable solutions. The priority remains unchanged, but the situation on the ground has dictated a continued focus on delivering emergency aid. As the conflict moves into its sixth year and with no political solution in sight, Darfur remains a key challenge as the Work Plan breaches the second half of the year. Deteriorating security and bureaucratic impediments have made it harder to deliver aid; in April alone, the World Food Programme (WFP) reported that it was unable to reach 56,000 people in Western and Southern Darfur. An additional 200,000 people are estimated to have been displaced this year, and the total number of people displaced and vulnerable is around 4.3 million out of a total population estimated at six million." **[6o]**

25.28 USAID in its report last updated 6 February 2009 noted the following concerning the treatment of aid workers in Darfur.

"Humanitarian staff in Darfur continue to provide essential services for conflict-affected populations despite continuing insecurity and attacks against aid workers. Although security and access deteriorated significantly during 2008 relative to years prior, the security situation in Darfur continued to deteriorate further during January 2009 with a marked increase in attacks against humanitarian staff and assets, as well as increased incidents of insecurity and armed clashes which have fuelled the displacement of thousands of civilians." **[46c]**

25.29 The USSD Human Rights Report for 2008 noted that:

"A UN Panel of Experts report found that Chadian armed groups operate openly in Darfur, and are supplied and supported by Sudanese authorities. The panel noted that the NISS reportedly provides vehicles, weapons, and fuel to Chadian rebels and that Chadian rebels receive training in Darfur, including in SAF-controlled areas. Several Chadian rebel groups were

observed operating openly in West Darfur. The panel frequently saw vehicles of the Chadian rebel group Union of Forces for Democracy and Development entering and leaving government installations." **[3a] (Section 1g)**

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Conflict and insecurity

25.30 Amnesty International reported on 11 February 2008 that thousands of civilians have fled West Darfur's Sirba region and an unknown number were killed as the Sudan Armed Forces (SAF) accompanied by uniformed Janjaweed militias on horses moved to re-occupy an area, which was occupied by Sudan's Justice and Equality Movement (JEM) and carried out attacks. **[16ae]**

"The latest figures indicate that 12,000 people have crossed into Chad, thousands more have gone south to Jeneina and many, especially women and children, are believed to still be sheltering in the bush. Those remaining in the area are vulnerable to attack by militias and others. It is still not known how many civilians died in the attacks. However, around 100 were said to have been killed in the three main villages in the area, Sirba, Abu Suruj and Silea, which were attacked on Friday (8 February)." **[16ae]**

25.31 The US Aid's report, last update 6 June 2008 gave the following account of the current humanitarian situation in Darfur, reporting of the JEM attack on 10 May 200 and the impact of the attack, the report stated:

"During May, bureaucratic impediments and insecurity continued to hamper relief efforts and access throughout Darfur. Following the May 10 attack on Khartoum, and the Sudanese government's subsequent closure of airports and roads throughout Darfur, relief agencies reported further reduced access. **[3d]** Adding: "On May 13, OCHA reported that bandits had hijacked 125 humanitarian vehicles in Darfur, including 75 trucks contracted by the U.N. World Food Program (WFP), since early January. As of May 28, at least 50 trucks and 36 drivers remained missing. **[3d]**

25.32 Furthermore:

"Insecurity continues to impact the programs of implementing partners. On May 27, assailants killed an NGO staff member in Habila, West Darfur. To date in 2008, assailants have killed six and abducted nearly 100 humanitarian staff in Darfur. On June 1, unknown assailants attacked and burned the women's center run by CHF International in Kalma IDP camp, South Darfur. According to USAID staff, the assailants fired warning shots at the center's guards and IDPs who tried to extinguish the fire." **[3d]**

25.33 IRIN News reported on 28 January 2009 that Darfur has suffered the "worst violence in a year" referring to the recent aerial bombardment by the Sudanese security services against the JEM, caused by fighting, which started in mid-January around Muhajiriya in South Darfur.

"The recent aerial bombardment by the Sudanese government and ground offensive against the rebel Justice and Equality Movement (JEM) marks the worst violence in Darfur in a year. 'Sudan is in a state of high tension at the moment, and we face a dangerous month ahead', Sudan expert Alex de Waal, said. 'Parts of Darfur are again in flames, with the worst fighting in the region since the beginning of 2008'." **[10d]**

25.34 The *Sudan Tribune* reported on 3 February 2009 that with the safety of civilians in the disputed Muhageriya in mind, members of the JEM rebels had offered to pull out of South Darfur town.

"Ahmed Hussein Adam, the official spokesperson of the rebel movement said they are ready to withdraw their troops from Muhageriya provided the town is declared a demilitarized zone under the control of the hybrid peacekeeping force. He added Sudanese army or the former rebels led by Minni Minniawi should remain away from the town. But the Sudanese government has immediately rejected the offer saying there is 'no room for conditions from JEM'. JEM controls the town since 15 January after driving out the fighters of Minnawi. Since the Sudanese army surrounds the area and bombs the rebels regularly." **[12aq]**

25.35 The International Crisis Group (ICG) warned on 21 October 2008 that there is a risk of Sudan's Southern Kordofan turning into "the Next Darfur". In an executive summary and recommendation's report, ICG reported:

"The Comprehensive Peace Agreement (CPA) that ended Sudan's generation-long North-South civil war in 2005 is at risk in Southern Kordofan state, where many of the same ingredients exist that produced the vicious Darfur conflict. Both parties to that agreement, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), who together form the Government of National Unity in Khartoum, have been guilty of mistakes and misjudgements there as they manoeuvre for partisan advantage in advance of national elections scheduled for 2009." **[14e]**

25.36 The report added:

"Southern Kordofan is a new state, created by the CPA, in the critical border area between North and South, a zone of ethnic interaction between Arab (mainly Misseriya and Hawazma) and indigenous African (mainly Nuba) tribes. Inadequate implementation of the CPA's special protocol relating to the region has led to insecurity and growing dissatisfaction. Tribal reconciliation based on negotiation of a common agenda, establishment of an efficient state government administration and adherence to the CPA's principles of power and wealth sharing have to be fostered from Khartoum and pushed forward by the international guarantors. There has been some limited recent progress, but much more is urgently needed." **[14e]**

25.37 The USSD Human Rights Report 2008 recorded that fighting in Darfur involving the government and various other groups continued during the year, and insecurity increased. **[3a] (Section 1g)**

"In Darfur fighting involving government, government-aligned militias, rebel groups, and ethnic groups continued during the year, and insecurity increased. The government and government-aligned militias continued to attack villages;

aerial bombardment of villages by the government continued. Humanitarian access was restricted by the government, and rebels attacked and abducted humanitarian workers. On May 10, JEM rebels attacked Omdurman, near Khartoum. On November 12, President Bashir announced a cease-fire in Darfur; however, government and rebel attacks continued. Intertribal violence also continued." **[3a] (Section 1g)**

25.38 The report added that: "Attacks and other acts of violence by all parties to the conflict resulted in widespread civilian deaths and injuries, displacement, and property destruction. The use of rape as a weapon of war and recruitment of child soldiers continued to be widespread." **[3a] (Section 1g)**

25.39 The report continued:

"Government forces and government-aligned militias engaged in the deliberate killing of civilians, including continued aerial bombardment of civilian targets, such as homes, schools, and markets. According to several UN reports, the government painted white the aircraft used to conduct bombing raids and transport arms to Darfur, the same color as UN aircraft, in violation of UN Security Council Resolution 1591. The aerial bombardment of villages was often followed by ground attacks by janjaweed and SAF vehicles." **[3a] (Section 1g)**

25.40 Additionally:

"The SAF bombed rebel-held villages in West Darfur, displacing tens of thousands of civilians and killing many others. On January 7, 12, and 24, the SAF and supporting militias attacked and burned Seraf Jidad village, killing 26 civilians. On February 8, the SAF bombed the towns of Abu Suruj, Silea, and Sirba--SAF and militia ground attacks followed; at least 115 persons were killed. In Silea attackers also killed two NGO workers. A UN report noted that the SAF and armed militias committed "violations of international humanitarian and human rights law against the civilian populations of Seraf Jidad, Sirba, Silea, and Abu Suruj." In February the SAF also conducted several aerial bombings of JEM positions in and around Jebel Moon, displacing thousands, including some to Chad, and killing at least 20 civilians." **[3a] (Section 1g)**

25.41 Also that:

"Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January and February [2008], violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad." **[3a] (p1)**

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The Peace Process

25.42 UN News reported on 30 June 2008 that the:

"Secretary-General Ban Ki-moon and the African Union Chairperson today appointed an experienced official from Burkina Faso as the new joint AU-UN Chief Mediator for Darfur as they seek new momentum in their efforts to resolve the five-year conflict. Djibril Yipènè Bassolé, who has been Foreign Minister of Burkina Faso since 2007, will conduct the mediation efforts in the new post on a full-time basis from El Fasher, the capital of North Darfur state and the headquarters of the hybrid UN-AU peacekeeping force to the region (UNAMID)". **[6c]**

SOUTH SUDAN

25.43 VOA News reported on 9 January 2009 that mistrust between the governments in Khartoum and in Juba in South Sudan, is one of the key issues that's hampering the peace process in South Sudan.

"North and South Sudan Friday marked the fourth anniversary of the signing of a peace agreement that ended Africa's longest-running civil war. But core issues remain unresolved and analysts say an external pressure not related to the accord is threatening to derail the agreement and plunge the country into a wider conflict. … The Nairobi-based Sudan analyst for the International Crisis Group, Fouad Hikmat, says although much has been achieved since 2005, lingering mistrust between the governments in Khartoum and in Juba in South Sudan, among other problems, are preventing the two sides from resolving key issues vital to the full implementation of the peace deal." **[120a]**

25.44 The *Sudan Tribune* reported on 21 September 2007 that:

"We the Southern Sudanese are always panicking when things went wrong or done by Khartoum government/NCP [sic], the SPLM continued to terrorize the South with their tribal appointed officials. SPLM continued to campaign for NCP mission objectives and had ignored the interests of the Southern Sudanese who fought for 55 years. We are people with various skills, talents and professions, our communities are rich with, resources like oil, minerals, brave and committed patriots and combatants but what frustrate [sic] us is our division due to our minds of tribalism, selfish interests and propaganda made by CPA major partners NCP and SPLM. The Southerners must now leave their internal differences and come forward to focus for the separation [sic] awareness among our misguided communities." **[12y]**

25.45 However, Médecins Sans Frontières (MSF) reported on the 8 January 2008 that the aftermath of the decades-long civil war between the north and south has left south Sudan in a desperate state.

"Three years after a decades-long civil war between the north and south of Sudan has ended, the population of southern Sudan is still struggling for survival, dying from preventable and curable diseases, and facing outbreaks on regular basis. Maternal mortality rates are amongst the highest in the world and poverty-related diseases such as measles, malaria, tuberculosis and kala azar remain major killers." **[41c]**

25.46 The report added:

"There [sic] hardly any roads in southern Sudan, almost everything is transported by aircraft. In the Upper Nile state of southern Sudan, MSF

maintains a number of projects focusing on primary healthcare. Because of a desperate shortage of infrastructure, reaching much of the region, especially in the rainy season, is particularly onerous and few NGOs are present on the ground. In the Upper Sobat, MSF runs a hospital in the former garrison town of Nasir and four outreach clinics in the northern Upper Nile area, accessible only by boat or air." **[41c]**

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Conflict and insecurity

25.47 The USSD Human Rights report for 2008 stated that:" Intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribe, with most women marrying into, or being forcibly married into, the new tribe; however, other victims were used for labor or sexual purposes." **[3a] (Section 5)**

25.48 The USSD Human Rights report for 2008 also recorded that

"Intertribal fighting also resulted in the killings of civilians, particularly in South Darfur. Fighting in June between the Tarjam and Benihalba Arab tribes in South Darfur resulted in more than 100 deaths, including of a Benihalba sheikh who had attempted to mediate between the two parties. SAF aerial bombardment of Benihalba villages following the fighting resulted in an unknown number of deaths." **[3a] (Section 1g)**

25.49 Furthermore: "In July and August, in South Darfur, fighting between the Rizeigat and Misseriya Arab tribes killed at least 60 persons. In October, near Abu Dangal village and Muhajeria town, in South Darfur, interethnic fighting and ethnic militia attacks destroyed villages, killed persons, and displaced thousands. " **[3a] (Section 1g)**

25.50 Human Rights Watch (HRW) reported on 12 February 2009 of a 44 page report that documents the most pressing human rights challenges facing the Government of Southern Sudan. "The problems include an inability to protect civilians effectively from armed attacks and violence, a failure to address abuses by security forces, and a weak justice system. The report also outlines national legal reforms urgently needed to permit free and fair elections, currently scheduled for mid 2009." **[19b]**

Lord's Resistance Army (LRA)

25.51 The French Internationale's website, ;last updated 9 October 2008 that the peace talks is likely to collapse because of LRA attacks on Southern Sudan Army, at Nabanga near the border with the Democratic Republic of Congo, killing 20 people.

"Ugandan insurgents of the Lords Resistance Army (LRA) Thursday [5 June 2008] attacked soldiers of Southern Sudan, near a rebel assembly point earlier set up as part of the peace process. The violence is a major threat to the peace talks between the Uganda government and rebels of the Lord's Resistance Army. … The LRA's elusive leader Joseph Kony called RFI and claimed that his forces only acted in self-defence after being attacked by what he termed a joint force of Ugandan and Sudanese troops." **[118a]**

25.52 The USSD Human Rights Report for 2008 stated that:

"The LRA committed numerous arbitrary killings in Southern Sudan throughout the year. On January 30, in Central Equatoria State, four civilians were killed in an LRA attack. In February an LRA incursion into Western Equatoria resulted in the deaths of 136 persons. On June 5, in Nabanga in Western Equatoria, an LRA attack on an SPLA base killed an estimated 12 civilians. In December the governments of Uganda, the Democratic Republic of Congo, and Southern Sudan began a joint military operation against the LRA." **[3a] (Section1a)**

25.53 The USSD Human Rights report added: "The Lord's Resistance Army (LRA), a rebel movement formerly-based in Uganda, made incursions into Southern Sudan and attacked and killed civilians." **[3a] (p1)**

25.54 Allafrica reported on 26 February 2008 that the Lord's Resistance Army (LRA) rebels have killed 11 people, including seven SPLA soldiers, and abducted 27 others in a South Sudanese town near the border with the Central African Republic, according to local authorities.

"On February 19, just hours after the LRA delegation in Juba signed an additional agreement on accountability and reconciliation, a group of about 400 LRA attacked Source Yubu in Western Equatoria. 'They came from the Central African Republic and attacked the town at around 5:00am', Joseph Ngere, the deputy governor of Western Equatoria, told The New Vision on satellite phone yesterday. 'They killed the Ayam administrator, Angelo Pio, along with three other civilians and seven SPLA soldiers. They then looted the town and abducted 27 men, women and children. They have not come back'." **[97a]**

25.55 Likewise, News24 also reported on the above incident, noting that the attack would not endanger peace talks underway.

"The attack on February 19 saw a group of LRA fighters make an incursion on the Sudanese town of Source Yubu on the border with the Central African Republic, loot the town and abduct mostly women and children", the government-owned newspaper The New Vision reported. 'At this point, this single attack alone cannot derail the whole peace process. We strongly condemn the attack which is very untimely', said military spokesperson Paddy Ankunda, adding that the peace talks committee would investigate. The New Vision reported that about 400 LRA fighters engaged the Sudan People's Liberation Army (SPLA) in the hour-long fight resulting in the death of seven SPLA soldiers and one LRA fighter." **[101a]**

25.56 The report added that:

"Negotiators in the talks, which have been taking place in south Sudan's regional capital Juba since mid-2006, say that a peace agreement will be signed during the first week of March between the Ugandan government and the LRA." **[101a]**

25.57 Child soldiers' global report 2008 reported that:

"The Lord's Resistance Army (LRA), a Ugandan armed opposition group, was present in southern Sudan and attacked and killed civilians. Peace talks between the LRA and the Ugandan government began in July 2006 in Juba and a cessation-of-hostilities agreement was signed in August 2006.51 The LRA forcibly recruited children from southern Sudan in the first half of 2007.52 While the total number of remaining LRA fighters remained unknown, up to 2,000 women and children were believed to remain in LRA camps." **[42a]**

25.58 The New vision reported on 16 April 2008 that the main mediator in the peace talks between the Lord's Resistance Army (LRA) rebels and the Government has accused the rebels of recently kidnapping 55 children in South Sudan. " … 'Why do they continue doing this and say they are committed to the peace process?' " **[103a]**

25.59 Relief Web reported on 9 February 2009 that the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes, went to meet victims of the recent attacks by the Lord's Resistance Army in the town of Doruma in Orientale Province.

"The trauma of the attacks was still very much visible in the faces of the population of Doruma, a small border town seven kilometers from Sudan. The Christmas massacres of the Lords Resistance Army (LRA) triggered a wave of displacement from the villages around Doruma, tripling the population to 18,000. Attacks in this area left 364 dead with many more unaccounted for. LRA related deaths in Orientale province are believed to have exceeded 850 since Christmas." **[68s]**

25.60 The report added:

"… The LRA has been present in the area around Duru (95 km north of Dungu town) in the district of Haut Uele since 2005, but had mostly refrained from attacks on civilians, particularly while the peace talks continued. However, between December 2007 and August 2008, LRA rebels committed grave attacks on populations in DRC, CAR and South Sudan, including killings, pillaging, rapes, and abductions of adults and children. On 14 December 2008, the governments of DRC, Sudan and Uganda launched joint military operations against the LRA in Haut Uele." **[68s]**

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The Implementation of the Comprehensive Peace Agreement (CPA)

25.61 In July 2005, the ICG released its Report 'The Khartoum-SPLM Agreement: Sudan's Uncertain Peace' which stated 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." (Executive Summary and Recommendations) **[14f]**

25.62 The Report continued:

"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**."** (Executive Summary and Recommendations) **[14f]**

25.63 The ICG Report went on to discuss the terms of the CPA; including potential pitfalls 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. **[14f]**

See also The North-South Comprehensive Peace Agreement (CPA)

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FREEDOM OF MOVEMENT

26.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 42 of the 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 and shall have the right of return;" **[94a] (p17)**

26.02 The USSD Human Rights report for 2008, released 25 February 2009 recorded that: "The Interim National Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights in practice." **[3a] (Section 2d)**

26.03 The report added:

"While movement was generally unhindered for citizens outside conflict areas, foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners were required to register with the police on entering the country, obtain permission to move more than 25 kilometers outside of Khartoum and from one city to another, and reregister at each new location within three days of arrival. The GOSS did not restrict the movement of foreigners in the south, and did not require foreigners to register upon entry." **[3a] (Section 2d)**

26.04 Furthermore: "The government continued to delay issuance of entry visas and work or travel permits for Darfur and the Three Areas to foreign NGO staff. The government delayed issuing humanitarian and diplomatic visas, and nationals of many countries encountered difficulties in obtaining visas to work with NGOs." **[3a] (Section 2d)**

PASSPORTS

26.05 The Immigration and Refugee Board of Canada published an update on Sudan's passport issuance and renewal procedures on 28 February 2007, stating that:

"Sudanese passports are valid for ten years, but need to be renewed every two years during this period (Sudan 14 Feb. 2007; ibid. n.d.a; ibid. n.d.b). To renew a Sudanese passport outside of Sudan, the holder must submit the following to a Sudanese Embassy: a completed application form signed by the applicant; one passport photograph; and the appropriate renewal fees. In a 14 February 2007 telephone interview, an official at the Embassy of the Republic of Sudan in Canada indicated that persons renewing their passports within Sudan must submit the required documentation and fees to the country's Ministry of Interior Affairs." **[52c]**

EXIT VISAS

26.06 The U.S Travel State Department issued the following travelling information concerning entry/exit requirements on its website on 12 March 2008:

"The Government of Sudan requires all travelers to present a passport and an entry visa. Most travelers must obtain the entry visa before arrival; only American citizens who also possess a Sudanese national identification document (such as a Sudanese passport or national identification card) may apply for an entry visa at Khartoum International Airport. The Government of Sudan routinely denies visas to travelers whose passports contain visas issued by the Government of Israel or other evidence of travel to Israel such as exit or entry stamps. Travelers must obtain an exit visa before departure from Sudan as well as pay any airport departure tax not included in the traveler's airline ticket." **[3b]**

26.07 Additionally:

"Travel permits issued by the semi-autonomous Government of Southern Sudan (GOSS) or by the South Sudan Relief and Rehabilitation Commission (SSRRC) are not adequate for entry to the country, although travelers may find these documents useful to present to local authorities when in the south." **[3b]**

26.08 The USSD report for 2008 noted that: "The government required citizens to obtain an exit visa to depart the country. While the issuance of exit visas was usually pro forma and not used to restrict citizens' travel, the government did deny some humanitarian workers exit visas." **[3a] (Section 2d)**

AIRPORT SECURITY

WEST SUDAN (DARFUR) AND EAST SUDAN

26.09 UNHCR's comments to the Advisory Panel on Country Information of 8 March 2006 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. **[20a] (p5)**

26.10 A January 2006 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." **[14b] (p13)**

26.11 The USSD Human Rights report for 2008, noted that: "The government continued to delay issuance of entry visas and work or travel permits for Darfur and the Three Areas to foreign NGO staff. The government delayed issuing humanitarian and diplomatic visas, and nationals of many countries encountered difficulties in obtaining visas to work with NGOs. " **[3a] (Section 2d)** Also that: "In contrast to previous years, there were no reports that the government detained persons, particularly opposition political figures, at the airport and prevented them from travelling, citing security concerns. **[3a] (Section 2d)**

RETURNING SUDANESE NATIONALS

26.12 Article 42 of the INC stated that: "(2) Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right of return." **[94a] (p17)** The USSD report of 2008 noted that: "The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self imposed exile throughout northern Africa and Europe during the year." **[3a] (Section 2d)**

FREEDOM OF MOVEMENT: SOUTH SUDAN

26.13 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94b]** Article 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." **[94b] (p11)**

26.14 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." **[19a] (p9)**

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INTERNALLY DISPLACED PEOPLE (IDPS)

27.01 IDMC's IDP news alert on 31 January 2008 noted:

"Amnesty International (AI) has warned of a generation of Darfuris growing up in extreme fear and insecurity, and subject to forced recruitment, in IDP camps awash with weapons. 'Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate', said Tawanda Hondora, Deputy Director of AI's Africa Programme. Meanwhile, the UN Secretary-General's [sic] report on children in armed conflict has described how "in Darfur, rape is a method of warfare used by armed groups to deliberately humiliate and to force displacement of girls and their families." **[48f]**

27.02 UNICEF in its humanitarian action report 2008 recorded that: "Numbers of internally displaced persons (IDPs) continued to rise, with over 240,000 people newly displaced, or re-displaced. By the fourth quarter of 2007 there were an estimated 2.1 million IDPs in Darfur. IDP camps remained full to overflowing and aid agencies struggled to keep up with the needs. After four years of conflict, coping mechanisms have become seriously stretched and, for the first time since 2004, pockets of malnutrition above the emergency threshold have been reported." **[40h] (p148)**

27.03 Mines Advisory Group reported in its 2008 annual review that the organisation continues to support peace and stability in Sudan, three years on from signing the CPA.

"In 2007, the programme focused on supporting the return and rehabilitation of refugees, internally displaced persons (IDPs) and conflict-affected communities. MAG's response is integrated and involves Community Liaison (CL), Mine Risk Education (MRE), technical survey and minefield marking, manual demining, stockpile destruction and Explosive Ordnance Disposal (EOD). Results have shown a reduction in landmine and UXO accidents, providing safe passage for returnees, releasing safe land for resettlement and development and assisting a return to normal life for excombatants and civilians affected by the conflict. **[68l]**

27.04 US Aid's report, last update 6 June 2008 gave the following account of the current humanitarian situation in Darfur, reporting on displacements and overcrowding in the camps, the report noted:

"On May 19, OCHA reported that more than 158,000 individuals had been displaced in Darfur since January 2008. Following interethnic clashes and mass displacement in Sania Afandu in South Darfur from mid- to late- April, humanitarian agencies expressed concerns regarding overcrowding in the local IDP camps. On May 6, the Sudanese government and NGOs assessed El Sereif IDP camp to determine the possibility of re-opening the camp for 441 households from Sania Afandu who were sheltering at Al Salam camp in Nyala, South Darfur. Participants in the assessment mission included the GNU Humanitarian Aid Commission (HAC), the U.N. Children's Fund (UNICEF), OCHA, GNU Office of Water and Environmental Sanitation (WES), CARE, and the Islamic International Relief Organization, the El Sereif camp manager." **[3d]**

27.05 International Committee of the Red Cross (ICRC) reported on 19 May 2008 that the organisation was prolonging its support to approximately 130,000 people at the Gereida camp, one of the biggest facilities for displaced people in Darfur until the end of the year its operation to help some 130,000 people at the Gereida camp, one of the biggest facilities for displaced people in Darfur. **[22b]**

27.06 The report added:

"Since the end of last year, an additional 9,000 people have arrived at Gereida. Most had fled their homes because of fighting, lawlessness and insufficient access to drinking water, basic health care and other services. The ICRC is providing the camp's population with food, shelter materials, household items, clean water, sanitation, and health and nutritional care. In addition, ICRC delegates are helping the displaced to contact family members with whom they have lost touch, and are collecting allegations of violations of international humanitarian law in order to discuss them in a confidential dialogue with the parties concerned. To finance its operations at Gereida camp, the ICRC is asking donors for an additional 20 million Swiss francs, bringing its estimated 2008 budget for Sudan to 126 million francs (over 121 million US dollars)." **[22b]**

27.07 WHO in its 2008 report noted that;

"An estimated 50-000-60,000 people have been displaced in the last week as a result of outbreak of hostilities in the town of Abyei in central west Sudan according to UN OCHA and UNJLC,. A further 600-2000 people are thought to have been displaced North of Abyei Town though this remains unconfirmed. WHO, as part of a multi agency team assessment involving WFP, UNICEF and other partners, are currently undertaking a rapid emergency assessment of Agok, the main point of displacement for IDPs displaced to south of Abyei. WHO has also dispatched from and prepositioned essential drugs and supplies in Kadugli in preparation for further deployment to affected areas as well as coordinating the health response with all health partners, including UN agencies and NGOs." **[44b]**

27.08 The report further noted that:

"As well as concern for the health of the population directly affected in the conflict including casualties, WHO is concerned about reported cases of diarrhea and dehydration as well as other immediate risks to health within the displaced population from poor sanitation and access to water, and overcrowding. There is further concern for the nutritional status in the area population which is reported by NGOs to have deteriorated recently and WHO will be working with UNICEF and health partners to address the issue." **[44b]**

27.09 The Institute of Security Studies reported on 8 June 2008, extensive details of the road map for return of IDPs and implementation of Abyei protocol. The report provided the security arrangements, the timescale for the return of IDPs, the interim arrangements for the administration of the programme and arrangement for the final settlement. **[104a]**

27.10 Regarding returns, the protocol stated:

- "The civil population shall return to their former homesteads on completion of the above mentioned security arrangements, which are expected to finish before the end of June 2008.
- The GoNU shall take all arrangements for availing the resources for the return programme of the civil population and with the involvement of the relevant international agencies and organisations, which shall be implemented through the Abyei Area Admisntration." **[104a]**

27.11 The International Organisation for Migration (IOM) provided an update on the number of returns to and within South Sudan under the Joint Organized Return Programme in its February 2008 Newsletter, noting that:

"In February [2008], IOM assisted 2,167 Internally Displaced Persons (IDPs) return from camps and settlements in and around Khartoum to their homes in Warrap and Unity States in South Sudan as part of the Joint Organized Return Plan, which is coordinated and implemented by the Government of National Unity (GoNU), the Government of Southern Sudan (GoSS), the United Nations Mission in Sudan (UNMIS) and IOM. For the South-South organized IDP return operations, a total of 1,551 persons have been assisted from Nimule in Eastern Equatoria to Central Equatoria since 31 January under the Joint Organized Return Programme. Since Joint Return Operations began on 3 February 2007, IOM has assisted close to 50,000 persons to return to South Sudan." **[79e]**

27.12 The IOM in its April/May 2008 Newsletter reported that under the joint returns programme, the organisation was able to provide assistance to over 18,220 IDPs seeking to return to their places of origin in safety and dignity during those two months.

"The early on set of the rainy season throughout most parts of Sudan has cut IOM access to most southern states from Khartoum. The early rains also raised concerns over the ability of returnees to re-integrate into their areas of origin in dignity as they probably won't have enough time to find seasonal housing materials and well ahead of the planting season. These concerns, coupled with the unstable security situation in both Khartoum and areas of displacement necessitated the decision to suspend the 2008 return operations by early May for this portion of the return season. Plans are now in place to down size the structure for the rainy season by putting most of the infrastructure on stand-by throughout the country in the expectation that operations will resume in November/December 2008." **[79f]**

27.13 Relief Web reported on 11 February 2009 that over nine hundred (900) Internally Displaced Persons from Wulu County in lakes state expressed unwillingness to return back to Wulu until the problem between Agaar Dinka and Jurbel was solved. This was because the area was deemed unsafe to return to and that the IDPs were left behind as they had lost all their properties during the fighting, as reported by the Representative of the IDP's, John Anyuon Abdalla. The IDPs, notably mostly women and children from Jur bel, fled to Wau last January [2008] due to the inter-tribal clashes between Agaar Dinka and Jur bel in Wulu County of lakes state. **[68q]**

27.14 The USSD Human Rights report for 2008 reported that:

"According to the UN, nearly 2.7 million civilians have been internally displaced, and approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003. Despite the signing of the DPA in May 2006, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in 315,000 new displacements during the year, and some existing IDPs were displaced for the second or third time. Darfur IDPs did not return in any significant numbers to their places of origin, although small-scale spontaneous returns to certain villages occurred." **[3a] (Section 1g)**

27.15 The report added that: "There were numerous reports of abuses committed by security forces, rebels, and militias against IDPs, including rapes, beatings, and attempts by the government to forcibly return relocated persons to other sites. There were credible reports that the government harassed IDPs in Darfur who spoke with foreign observers." **[3a] (Section 1g)** Reports of insecurities in Darfur, especially outside of IDP camps were recorded; freedom of movement to IDPs were restricted and also that women and girls who left the town and camps risked sexual violence.

27.16 The following incidents were recorded over the year.

"On May 12, the CRP burned the market and several homes in Rwanda IDP Camp, causing camp residents to flee." **[3a] (Section 1g**

"Following several days of interethnic clashes inside Kalma IDP Camp, on October 20 the governor of South Darfur announced plans to divide the camp into nine smaller camps. At year's end, approximately 20,000 of the estimated 90,000 residents had left the camp as a result of the clashes. According to the International Organization on Migration, Sudanese security forces and the government's Humanitarian Affairs Commission forcibly relocated approximately 500 IDP households between October 26 and October 28." **[3a] (Section 1g**

"Kalma Camp representatives accused the local government of shifting the course of a major river in Nyala, causing it to flow through the camp and displacing thousands of IDPs within the camp." **[3a] (Section 1g**

27.17 The USSD Report for 2008 added:

"There were reports that the government forced or coerced IDPs to return to their villages by promising food and money; however, most IDPs who returned to the villages to receive the assistance later returned to the IDP camps. Government attempts to resettle IDPs were generally unsuccessful. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force." **[3a] (Section 1g**

27.18 Furthermore: "In October government authorities arrested a Khartoum journalist who translated an elderly IDP's statement from Zaghawa into Arabic for a visiting Qatari envoy; he was later released. International observers noted that criminal gangs aligned with rebel groups operated openly in several IDP camps, as well as operated back-and-forth across the border with Chad." **[3a] (Section 1g**

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WEST SUDAN (DARFUR)

27.19 The International Crisis Group (ICG) in its report, July 2008 recorded the current situation in the IDP camps.:

"The IDP camps are increasingly violent, with residents manipulated by all sides while Khartoum also tries to force them to return to unsafe areas. Inter-Arab dissension has added new volatility to the situation on the ground. Some tribes are trying to solidify land claims as the UN/AU hybrid peacekeeping operation in Darfur (UNAMID) establishes itself. This has led to fighting with other Arab tribes, which have realized the NCP is not a reliable guarantor of their long-term interests and have started to take protection into their own hands. There is now a high risk of an Arab insurgency, as well as potential for alliances with the predominantly non-Arab rebel groups. A spill over of the conflict into Kordofan has also started." **[14c]**

27.20 The USSD Human Rights report for 2008 recorded that:

"Government forces bombed villages, killed civilians including internally displaced persons (IDPs), and collaborated with janjaweed militias and tribal factions to raze villages and perpetrate violence against women. The government supported Chadian rebel groups. During January and February [2008], violence in West Darfur displaced tens of thousands of persons; approximately 12,000 persons were displaced to Chad." **[3a] (p1)**

27.21 The USSD Human Rights report for 2008 added "In Darfur, approximately 2.7 million civilians have been internally displaced since the conflict began in 2003. During the year approximately 315,000 civilians were displaced within Darfur and to Chad. Many persons were displaced for the second or third time during the year." **[3a] (section 2d)**

27.22 The report further added that: "Since 2005 an estimated 2.1 million IDPs and refugees returned to the south. Approximately 28,500 IDPs returned to their places of origin and 62,000 refugees returned during the year either as a part of organized or assisted returns. Fighting in Abyei, intertribal and intercommunal fighting, and LRA attacks displaced persons during the year." **[3a] (section 2d)**

27.23 Additionally: "In Darfur, throughout the year, government armed forces and aligned militia continued to bomb and burn villages, loot property, and attacked IDPs." **[3a] (section 1f)** " . On August 25, at Kalma IDP Camp, South Darfur, the CRP killed 33 IDPs and injured 108 IDPs when they opened fire on a group of IDPs assembled to prevent a search of the camp. On October 9, government forces attacked Nertiti IDP Camp, injuring civilians. **[3a] (section 1d)**

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SOUTH SUDAN

27.24 Internal Displacement Monitoring Centre, (IDMC) reported on 22 January 2009 that the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator John Holmes had warned of attacks by the Lord's Resistance Army (LRA) across communities in Southern Sudan and other neighbouring countries. "… between September and December last year, there had been LRA attacks on 20 locations in Orientale Province, north-eastern DRC, including killings, abductions, rape, torture, looting and destruction of property. He also reported that LRA attacks had internally displaced more than 13,500 people in the Southern Sudanese state of Western Equatoria, and he warned that the number displaced there was rising rapidly. **[48g]**

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RETURNING IDPS

27.25 UN News reported on 2 July 2008 that the UN health agency has started preparations for the expected return of tens of thousands of displaced people to their homes in the town of Abyei.

"The World Health Organization (WHO) said in a media statement that it is focusing on restoring basic health services for the returnees and controlling the health risks for both the returnees and the people still displaced after deadly fighting erupted in May. … Almost 60,000 people fled Abyei, which lies at the centre of an oil-rich area that is still disputed despite the 2005 official end to the long-running north-south civil war in Sudan, as a result of the clashes between Government forces and the Sudan People's Liberation Movement (SPLM)." **[6b]**

27.26 The UN High Commissioner for Refugees (UNHCR) reported on 10 February 2009 that the number of returnees to South Sudan had now reached over 300,000.

"The number of refugee returns to South Sudan since the signing of a peace accord in 2005 has passed the 300,000 mark, including 143,000 assisted home by the UN refugee agency. The milestone was reached on Saturday when an eight-truck UNHCR convoy carrying 241 Sudanese civilians arrived at the border town of Nimule in Sudan's Eastern Equatoria state after leaving a refugee camp in northern Uganda's Adjumani district." **[6z]**

27.27 In a separate report also on 10 February 2009, UNHCR recorded that , a 72-year-old woman who fled her homeland to neighbouring Uganda in 1991, crossed into Southern Sudan at the Nimule border post on Saturday, 7 February 2009, to become the 300,000th returnee. She had been in exile since the end of the Sudan civil war and the start of UNHCR's repatriation operation in Southern Sudan in 2005. The report added that approximately 43,000 Southern Sudanese had returned from Uganda since the opening of the Nimule return corridor in August 2007. **[6aa]**

27.28 The *Gurtong* on 11 February 2009 reported that:

"Over 414 internally displaced persons in Wau, most of who are children and women, are seeking a safe return to Lakes State. Their displacement came about as a result of the inter-tribal conflict between the Dinka Agaar of Eastern Rumbek County and Wulu County that was inhabited by the Jur-beli ethnic community early this year and which resulted into the death of at least 10 people, family separation and widespread starvation among." Adding that the return will be voluntary and that the Government would provide free transport to those willing to move back to Lakes State." **[18i]**

27.29 The report added: "The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened." **[3a] (Section 2d)**

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FOREIGN REFUGEES

27.30 The USSD Human Rights report for 2008 noted that:

"The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened." **3a] (Section 2d)**

27.32 The report added: "The government granted asylum to a large number of asylum seekers, but there was no standard determination procedure or documentation. Government officials reportedly were unresponsive to applications for refugee status." **[3a] (Section 2d)** Additionally, "The government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention and the 1967 protocol." **[3a] (Section 2d)**

27.33 Furthermore: "The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations in assisting refugees and asylum seekers in some cases; in others, the government defied agreements and targeted refugees and asylum seekers for abuse." **[3a] (Section 2d)**

27.34 The report continued:

"Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits." **[3a] (Section 2d)** The report also stated that in previous years there were reports

of abuses against Ethiopian refugees, although there was no specific information on such actions during the year. **[3a] (2d)**

27.35 The United States Committee for Refugees and Immigrants' (USCRI) World Report 2008 stated that:

"Sudan hosted around 310,500 refugees from its neighbors, primarily Eritrea, Chad, Ethiopia, the Democratic Republic of Congo (Congo-Kinshasa), and the Central African Republic (CAR). Of the roughly 240,400 Eritrean refugees, some 134,500 lived in 12 camps in eastern Sudan. They came mainly during the Ethiopian-Eritrean war, and remained even though nearly 70,000 of them lost their official refugee status after the Office of the UN High Commissioner for Refugees (UNHCR) invoked cessation on their prima facie claims to refugee status at the end of 2002. Nearly a hundred Eritreans arrived weekly, most escaping conscription into the Eritrean army." **[50a]**

27.36 The report added that:

"Sudan gave prima facie recognition to around 45,000, primarily Arab nomadic Chadians who entered its borders after fleeing ethnic clashes in their homeland starting in the 1980s. Ethiopians in Sudan numbered 19,300, of whom some 11,400 lived in the capital and eastern Sudan, while 7,900 ethnic Anouk lived in Jonglei State in the south. Between 2,500 and 4,000 ethnic Goula refugees from CAR sought refuge in Sudan in January, following army reprisals against Goula and other rebel groups. Sudan registered nearly 900 but the rest remained unregistered." **[50a]**

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NON-GOVERNMENTAL ORGANISATIONS (NGOS)

28.01 Human Rights report for 2008 noted that:

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

28.02 The same report added:

"… All NGOs must register with the HAC, the government's entity for regulating humanitarian efforts. In 2005 the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur and resulted in some NGO selections not being considered. During the year the HAC often changed its rules and regulations without prior notification." **[3a] (Section 4)**

28.03 Furthermore: "There were no developments in the 2007 case of more than 50 local human rights NGOs suspended by the South Darfur HAC." **[3a] (Section 4)** Additionally: "The government continued to use bureaucratic impediments to restrict the actions of humanitarian organizations, despite the March 2007 Joint Communique between the government and the UN. Rebels and other armed bandits abducted NGO workers and contractors, particularly in Darfur. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common." **[3a] (Section 4)**

28.04 Human Rights First 2008 recorded on its website accessed 5 February 2008 by way of a table, regarding the continuing attacks on NGOs, highlighting the constant difficulties they are faced with and the enormity of the problem by demonstrating the volume of incidents and the range of difficulties faced by NGOs.

"Since the beginning of 2006, there has been a significant deterioration in the conditions faced by the many Non-Governmental Organizations (NGOs) working to bring relief to the civilian population devastated by the Darfur conflict and to expose violations of human rights." **[91a]**

28.05 Médecins Sans Frontières (MSF) and Care International amongst many other sources reported on 6 March 2009 that on 3 and 4 March, the Sudanese government ordered a number of relief organisations to stop all their medical relief programs. This will have serious medical and humanitarian consequences for the population of Darfur the reports stated. An example of which is the meningitis outbreak in Kalma camp where an estimated 121,000 people who are in urgent need of vaccination will no longer receive help. **[41e], [117a]**

28.06 Several sources, including the BBC and UN reported on 4 March that the International Criminal Court (ICC) had issued an arrest warrant for Sudan's

President, Omar al-Bashir, on charges of war crimes and crimes against humanity in Darfur. The President denies the charges and has dismissed any ruling by the court as worthless. **[9g], [6bd]**

28.07 Swiss Agency for Development and Cooperation (SDC), accessed via ReliefWeb reported on 9 March 2009 that the Swiss foreign ministry expressed concern over the expulsion of humanitarian organisations operating in Darfur. The expulsions followed the decision of the International Criminal Court on 4 March 2009 to issue an international arrest warrant for the Sudanese president as reported above. **[68i]**

28.08 The *Sudan Tribune* reported on 12 March 2009 that the aid organisations CARE and Doctors Without Borders (Medecins Sans Frontieres), recently expelled from Sudan, expressed their "deep concern" for the humanitarian situation in Darfur and warned of outbreaks of disease epidemics and a spill-over of refugees into Chad. **[12bg]**

28.09 The *Sudan Tribune* also reported on 12 March 2009 that three Medecins Sans Frontieres aid workers were reportedly kidnapped on 11 March 2009 in Darfur. **[12bh]**

28.10 The *Sudan Tribune* reported on 15 March that China has refused to endorse a draft UN statement calling for the government of Sudan to back down on its expulsion of 13 humanitarian aid organisations from Darfur. China is the largest foreign investor in Sudan, which supplies about 7% of China's oil, and has a vested interest that the "Sudanese government is not a subject to punitive measures." **[12bj]**

28.11 The above decision is reported as having a huge impact on the suffering of the people of Sudan in Darfur. **[12bj**

WEST SUDAN (DARFUR)

28.12 USSD Human Rights report for 2008 noted that: "Humanitarian NGOs operating in Darfur continued to face bureaucratic impediments to their work, especially in South Darfur state." **[3a] (Section 4)**

28.13 The report added that:

> "The UN continued to investigate the humanitarian situation in Darfur. The UNHCR and the UN special rapporteur on the situation of human rights in Sudan visited the country during the year. The special rapporteur was not permitted access to Northern State. The rapporteur reported to the UN on conditions in the country and concluded that, 'Despite some steps by the Government of Sudan principally in the area of law reform, the human rights situation on the ground remains grim, with many interlocutors even reporting an overall deterioration in the country.' UNMIS deployed observers to Darfur to monitor and investigate the human rights situation." **[3a] (Section 4)**

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CITIZENSHIP AND NATIONALITY

29.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 7 of the 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." **[94a] (p5)**

29.02 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. **[4f] (p1) [56a] (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. **[4f] (p1) [56a] (p186)**

29.03 The FCO's letter of 2001 provided a detailed list of the conditions under which a person is considered Sudanese by descent. **[4f] (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." **[56a] (p186)**

29.04 The FCO's letter of October 2001 continued:

"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." **[4f] (p1)**

29.05 The October 2001 FCO letter and the OPM's document of March 2001 also concurred over the status of non-Sudanese women who marry Sudanese nationals. **[4f] (p1-2) [56a] (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) **[4f] (p2)**

29.06 The FCO also provided a detailed list of the circumstances under which an immigrant might have his or her naturalisation revoked. **[4f] (p2)**

29.07 The OPM document of March 2001 records that: "Voluntary renunciation of Sudanese citizenship is permitted by law." **[56a] (p186)** It also stated that Sudanese citizens could involuntarily lose their citizenship if one or more of the following applied.

- Person obtains new citizenship.
- Naturalised citizenship obtained through fraud or falsity.
- Naturalised citizen lives abroad for more than five years, without registering. **[56a] (p186)**

29.08 A 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. **[4b] (p1)**

29.09 The *Sudan Tribune* reported on 29 October 2008 that changes concerning citizenship and nationality in Sudan were being made to the law. "Interior Ministry has begun the implementation of new changes in the nationality law that grants Sudanese nationality for every foreigner legally resident in the country for more than five years. The change comes amid the increasing demand for the Sudanese nationality. Previously the nationality law granted citizenship after ten years." **[12bb]**

29.10 The report added that the new revision would grant citizenship by birth through the mother, and not only through the father as it was the case in the past. **[12bb]**

29.11 Furthermore: "In the past, foreigners who apply for the Sudanese nationality are mostly for western Africa countries. However, recent immigrations are from Mali and Chad due to the drought, also recent flow of foreigners to the country for economic reasons includes Eritrea and Ethiopia. **[12bb]**

CITIZENSHIP AND NATIONALITY: SOUTH SUDAN

29.12 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94b]** Article 48 of the ICSS states that:

"(1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
(2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan, subject to Article 9 (3) of this Constitution.
(3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.
(4) The law shall establish a public registry of every birth, marriage or death in Southern Sudan." **[94b] (p17)**

29.13 An undated article on the Gurtong Peace Project website 12 July 2006, 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. **[18a]** 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." **[18a]**

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." (Nationality Act: Chapter 2, Section 5) **[18b]**

29.14 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." (Nationality Act: Chapter 3, Section 9) **[18b]**

"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) (Nationality Act: Chapter 3, Section 11) **[18b]**

29.15 The Act also outlined the circumstances whereby New Sudan citizens might lose their nationality, and prosecutable offences under the Act. (Nationality Act: Chapters 4 & 5) **[18b]**

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EMPLOYMENT RIGHTS

30.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 4 March 2009) **[9a]** A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94a]** Article 40 of the 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) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
(3) No association shall function as a political party at national, Southern Sudan or state level unless it has:
(a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,
(b) a programme that does not contradict the provisions of this Constitution,
(c) democratically elected leadership and institutions,
(d) disclosed and transparent sources of funding." **[94a] (p16)**

30.02 USSD Human Rights report for 2008 noted that:

"Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned." **[3a] (Section 6a)**

30.xx The report added: "Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated." **[3a] (Section 6a)**

30.04 The report further added: "Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in applying for government jobs and contracts in the north and government-controlled southern areas." **[3a] (Section 2c)**

TRADE UNIONS

30.05 USSD Human Rights report for 2008 stated that:

"Although the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. The Trade Union Act established a trade union monopoly under the government. Only the government-controlled Sudan Workers Trade Union Federation, which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned. Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases

employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated." **[3a] (Section 6a)**

30.06 The report further stated:

"The law denies trade unions autonomy to exercise the right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The government's auditor general supervised union funds because they were considered public money. There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections." **[3a] (Section 6a)**

30.07 Additionally: "Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration." Also that "The law does not prohibit antiunion discrimination by employers." **[3a] (Section 6a)**

30.08 The International Confederation of Free Trade Unions' (ICFTU) Annual Survey of Violations of Trade Union Rights (2007)' stated that:

"There are no trade union rights, as the government controls all union activity and all unions are banned except the government-controlled SWTUF. Collective bargaining is nearly non-existent as salaries are set by a government-appointed and controlled body. Workers live in fear of the severe penalties of violating government labour decrees, for which they could receive the death penalty." **[51a]**

30.09 The 2007 Survey also stated that:

"The 1992 Trade Union Act established a trade union monopoly controlled by the government and only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally. All other unions are banned. Labour disputes are adjudicated by the labour courts, but the Minister of Labour then refers them to compulsory arbitration. The ILO has requested the government to amend the law to ensure that it is not compulsory. Strike action requires government approval, which is never given and workers can be dismissed for taking illegal strike action." **[51a]**

30.10 Further stating that:

"Collective bargaining is nearly non-existent as a government-appointed and controlled tripartite committee of representatives of the government, employers and the SWTUF sets salaries. The current Labour Code, which came into effect in December 2000, continues to deny trade union freedoms and reinforces government control over trade unions." **[51a]**

WAGES AND CONDITIONS

30.11 The USSD Human Rights for 2008 noted that:

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

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

30.12 The report added:

"The law, which was generally respected, limits the workweek to 40 hours (five eight-hour days), with days of rest on Friday and Saturday. Overtime should not exceed 12 hours per week or four 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." **[3a] (Section 6e)**

30.13 The report further added that: "In the south, the Ministry of Labor and Public Services is responsible for monitoring health and safety standards for workers; however, it did not do so effectively." **[3a] (Section 6e)**

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SLAVERY AND FORCED LABOUR

30.14 Article 30 of the INC recorded that: "(1) Slavery and slave trade in every form is prohibited. No person shall be held in slavery or servitude. (2) No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law." **[94a] (p13)**

30.15 The USSD Human Rights report of 2008 noted that:

The law prohibits forced or compulsory labor, including by children; however, such practices continued. … Although the government continued to deny that slavery and forced labor existed in the country, CEAWC acknowledged that abductions had occurred in the 1980s and 1990s, and that not all abductees had since been freed. The report added that: The forcible recruitment of persons into armed groups continued, also that: "Forced prison labor was used for the construction of private residences for SPLM officials. Furthermore, Abduction, forced labor, and sexual slavery of women and children continued." **[3a] (Section 6c)**

WEST SUDAN (DARFUR)

30.16 The USSD report for 2008 recorded 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 applying for government jobs and contracts in the north and government-controlled southern areas." **[3a] (Section 2c)**

SOUTH SUDAN

30.17 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. **[94b]** Article 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." **[94b] (p10)**

30.18 The International Labour Organization's (ILO) last updated on 16 January 2007 recorded the following on its website:

"With the prospect of peace in the horizon, the Government of Sudan (GoS) and the Sudanese Peoples Liberation Movement (SPLM) are gearing up to recovery and reconstruction, in which infrastructure and capacity building are expected to feature prominently. During the years of conflicts, local communities carried out emergency infrastructure rehabilitation activities, with support from among others the World Food Programme through a 'Food for Work' approach. The prospects for peace have improved the feasibility of more developmental approach to infrastructure rehabilitation and rehabilitation, which, by using local labour including internally displaced persons (IDPs), will also contribute to peace building. A key priority is the capacity building up of government institutions. ASIST, at the request of the United States Agency for International Development (USAID) and the Sudan Southern Sector, Secretariat for Physical Infrastructure, has carried out an assessment of labour-based training programme for county-based road supervisors ." **[73a]**

30.19 The report added that:

"In 1997, ILO provided technical assistance to the United Nations Capital Development Fund (UNCDF) United Nations Development Programme (UNDP) funded labour-based road project South Darfur State. The project, valued at US$ 5.5 million over three years sought to construct 86 km of roads and develop a viable local labour-based road contracting capacity within the private sector, allied with a parallel development of the State Ministry of Engineering Affairs (SMEA) technical staff." **[73a]**

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SUDANESE IN NEIGHBOURING COUNTRIES

31.01 The United States Committee for Refugees and Immigrants' (USCRI) World Report 2008 recorded that: "Sudan hosted around 310,500 refugees from its neighbors, primarily Eritrea, Chad, Ethiopia, the Democratic Republic of Congo (Congo-Kinshasa), and the Central African Republic (CAR). Of the roughly 240,400 Eritrean refugees, some 134,500 lived in 12 camps in eastern Sudan." **[50a]**

31.02 The USSD Human Rights report for 2008 recorded that: "Approximately 379,000 Sudanese refugees resided in neighboring countries because of the conflicts in the south and Darfur. Some 250,000 refugees from Darfur were in Chad. Others were in countries including Uganda, Kenya, Ethiopia, and Egypt. **[3a] (2d)**

CENTRAL AFRICAN REPUBLIC (CAR)

31.03 The Council on foreign Relations (CFL) reported the following on 2 January 2007 concerning then impact the conflict in Sudan has on its neighbouring countries:

"The conflict in Sudan's Darfur region increasingly threatens two neighboring countries—Chad and the Central African Republic. The Sudanese government and rebel groups signed a peace agreement in May, but violence in Darfur has escalated since then. Sudanese President Omar al-Bashir has barred deployment of a UN peacekeeping force in Darfur (authorized by UN Security Council Resolution 1706). Meanwhile, the conflict is in a 'free fall,' that includes eastern Chad and northern Central African Republic, UN Humanitarian Chief Jan Egeland recently told the Associated Press. "We have kept people alive, but we haven't protected them," he said. With the security situation so unstable in both Darfur and eastern Chad, aid groups are starting to withdraw from the region, leaving humanitarian assistance at its lowest since 2003 and 2004." **[106a]**

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CHAD

31.04 Medecins San Frontières (MSF) reported on 23 February 2008 that Sudanese refugees in Chad in the Birak Region are under threat.

"Stuck in a highly volatile security context, Sudanese refugees who have recently arrived just over the border in Birak, Chad, are in an extremely worrying situation. With ongoing combat a few kilometres away from their settlement, the lives of the refugees and those who remain in targeted areas in Darfur, are still at risk. Insecurity also hampers relief efforts in the area. If refugees do not receive basic assistance in the coming weeks, their health situation could worsen rapidly." **[41a]**

31.05 The report continued:

"Following recent bombings and attacks on the area of Seleia, in West Darfur, several thousand people sought refuge in the Birak area of neighboring Chad.

MSF teams immediately set out to evaluate the needs of the refugees in Birak. Between 7,000 and 8,000 people have been identified, scattered over several sites in the area. Some have been able to bring belongings, such as animals, or food, and they have received some assistance from the local population. Yet, their situation remains precarious." **[41a]**

31.06 UNHCR reported on 19 March 2007 that:

"Out of an estimated 20,000 Chadian refugees in West Darfur, some 16,000 have to date opted to stay close to the border in order to have better access to their farms and to be well placed to return quickly if the security threat ends. But the security situation at the border has deteriorated in recent months and some 550 Chadian refugees, including the new arrivals in Um Shalaya, asked about a month ago to be moved to safer areas further inside West Darfur." **[6ap]**

31.07 The report added

"Since the Darfur conflict spread across the border into south-eastern Chad in late 2005, about 120,000 Chadians have been internally displaced and 20,000 have sought refuge in Sudan. UNHCR is assisting the Chadian refugees in Um Shalaya and the smaller Mukjar camp in West Darfur, as well as monitoring and providing protection assistance to Chadian refugees along the border. The conflict that flared in the Darfur region in February 2003 has killed some 200,000 people and left at least two million internally displaced. A further 230,000 Sudanese refugees are living in 12 UNHCR-run camps in eastern Chad." **[6ap]**

31.08 USAID in its March 2007 update reported that the organisation has formed community-run clubs and activity centres that provide a support network for people affected by the conflict.

"As violence in Darfur escalates and spills into Eastern Chad, more Chadians and Sudanese are being driven out of their homes seeking the relative safety of camps in West Darfur. Living in an unfamiliar environment, the refugees and displaced people lack traditional community resources, and the threat of disease spread by poor hygiene practices is increased in the camps' close living space. With support from USAID, Tearfund is working to reduce these risks by forming community-run clubs and activity centres that promote healthy habits and provide a social support network for people affected by the conflict." **[46e]**

31.09 ReliefWeb reported on 8 January 2008 that the Darfur conflict which has forced more than 200,000 Sudanese to flee into neighbouring countries such as Chad, has put a lot of strain on the small communities in eastern Chad thus making access to health care one of the greatest challenges noted the report. **[68m]**

31.10 The USSD Human Rights report for 2008 stated "According to the UN… approximately 250,000 refugees have fled to neighboring Chad since the conflict in Darfur began in 2003….." **[3a](1g)**

31.11 UN News reported on 3 May 2007 that three camps, namely Bredjing, Farchana and Treguine, in eastern Chad, have become homes to about

65,000 people. "These people, are part of the vast population of Sudanese displaced by the conflict that has raged in Darfur since 2003." **[6ah]**

31.12 Physicians for Human Rights (PHR) accessed on 14 May 2007 reported of a Darfur Survival Campaign organised by the PHR that "… mobilizes health professionals, students, and members of the public to press for urgently needed security in Darfur, Sudan, including augmented African Union troops and a UN peacekeeping force of 20,000, as authorized by UN Security Council Resolution 1706. In addition, the Campaign insists on compensation and restitution for survivors." The report also stated that: "Hundreds of thousands of people have died in the ongoing genocide in Darfur, Sudan. The Sudanese government and militias called the *Janjaweed* have forced over two million more out of their homes, in the process destroying all means of survival and the infrastructure necessary for their return. The violence continues, and security and protection are urgently needed in the refugee camps." **[34c]**

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DEMOCRATIC REPUBLIC OF CONGO (DRC)

31.13 UNHCR reported on 5 June 2007 that the organisation had officially closed its programme for the prearranged repatriation of Sudanese refugees from the Democratic Republic of the Congo (DRC) after the successful return of more than 8,000 Sudanese refugees from a string of refugee camps in the north-west of the country. **[6d]**

"The DRC becomes the second country - after the Central African Republic -- to complete organized repatriation to South Sudan. Voluntary repatriation from CAR was officially closed on 11 April 2007. The last group of Sudanese returnees airlifted to Yambio on Saturday was met by traditional dancers and a local church youth band. Senior government officials who joined the welcome ceremony for the returnees, some of whom have been in exile for the past 17 years, welcomed the effort returnees will make in rebuilding their country. They also warned them of the risks of HIV and AIDS." **[6d]**

31.14 The United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) report on 10 October 2008 noted:

"The Lord's Resistance Army appears to have resumed its brutal activities in several countries. The number of those who have fled their homes due to attacks by the Lord's Resistance Army (LRA) in both the Democratic Republic of the Congo (DRC) and South Sudan has now increased to 23,000, a total that continues to rise. The United Nations High Commissioner for Refugees (UNHCR) estimates that up to 150 Congolese are still crossing daily from the DRC into the Yambio region of South Sudan, to the villages of Sakure, 15 kilometres south of Yambio, and Gangura, 30 kilometres south-west of Yambio. According to UNICEF, the LRA abducted at least 90 children in the course of raids on villages in the DRC on 17 and 25 September. Because the LRA also pillaged and burned families' homes, many of those who have fled have been deprived of everything." **[6y]**

31.15 Furthermore, John Holmes, United Nations Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator was reported as

saying: "These horrific attacks by armed militias against civilians, including children, bear all the only too familiar hallmarks of the LRA". **[6y]**

31.16 Relief Web reported on 10 February 2009 that:

"At least six people were killed and another 21 kidnapped Saturday [7 February 2009] night in an attack by the Ugandan rebel group, the Lord's resistance Army (LRA), on the town of Aba in the north-eastern Democratic Republic of the Congo (DRC). The LRA rebels also plundered the local Protestant parish and hospital. This latest attack sent thousands of Congolese fleeing to Southern Sudan." **[68r]**

31.17 The report added:

"… Some 5,000 Congolese refugees from Alba arrived over the weekend in the town of Lasu, some 50 kms from the DRC border. They said thousands more are on the way. The refugees told UNHCR staff in Lasu on Sunday that 90 per cent of Aba's 100,000 population had fled the town and many more could be expected to arrive in Southern Sudan in the next few days. Our team witnessed large concentrations of refugees in three locations along the Lasu-Yei road. The new arrivals are occupying schools and church buildings along the road." **[68r]**

31.18 The *Sudan Tribune* reported on 18 February 2009 that the spill over of Congolese refugees fleeing from LRA attacks has reached 15,000 to Sudan. "The number Congolese refugees who fled to South Sudan since September 2008 has surpassed 15,000 people, the UN refugees agency said. Ugandan rebels of the Lord's Resistance Army (LRA) have been attacking towns and villages in Orientale Province, which is about the size of France, killing at least 900 people since December." **[12bc]**

ERITREA & ETHIOPIA

31.19 The *Sudan Tribune* reported on 12 February 2009 that over 500 Eritreans have fled to Sudan in one week.

"An Eritrean opposition group, the Eritrean People's Party said that 550 Eritreans have arrived in eastern Sudan Shagarab refugee camp during the past week. Among those who fled 64 of them are reported to be children, 181 women and the majority is members of the Eritrean military and also from the minority Kunama ethnic group, it said. Adding that The exact number of Eritrean refugees in Sudan is unknown but estimated figures, ranging 200,000-300,000 are mentioned on various sources." **[12ba]**

KENYA

31.20 Reuters Net reported on that 12 December 2008 that the United Nations High Commissioner for Refugees (UNHCR) has resumed returning refugees from Kenya to South Sudan.

"UNHCR launched its assisted repatriation programme for South Sudan in December 2005 and an estimated 290,000 people have since returned from Kenya and other neighbouring countries. The refugee agency has helped almost 140,000 of them to return, including 45,000 to Eastern Equatoria.

The return rate picked up earlier this year before UNHCR suspended returns in July, when the rainy season began. The operation resumed last month and Lohuyoro was on the second convoy from Kakuma of the 2008-2009 dry season, which will last until June. Many areas are inaccessible during the rains." **[70g]**

UGANDA

31.21 USSD Human Rights report for 2008 noted that: "The Lord's Resistance Army (LRA), a rebel movement formerly-based in Uganda, made incursions into Southern Sudan and attacked and killed civilians." **[3a] (p1)**

31.22 Reuters Alert Net reported on 28 January 2009 that the Sudanese local officials had met with refugees in Uganda, to urge them to return home. "The UN refugee agency has been helping local officials in South Sudan reach out to refugees in north-western Uganda who are considering returning home after years of enforced exile. And it seems to be working, with many of the refugees asking to go back." **[70f]**

Sudanese refugees

31.23 Reuters reported on 12 February 2008 that the UN has appealed for $63 million to help repatriate 80,000 south Sudanese refugees' years after they fled to neighbouring countries to escape Africa's longest civil war.

"The U.N.'s refugee agency the UNHCR said it needed the cash for a programme that has already returned more than 2 million people since Sudan's north-south conflict ended in 2005. The appeal came as campaign group Refugees International called on south Sudan's government to switch millions of dollars of funding towards helping the returnees, many of whom were coming back from exile to find a total lack of basic services". **[70d]**

31.24 The report added that people were determined to return home, despite the problems with the local economy and the region's weak education and health services. ' "People are going back with or without our help. They're tired of being refugees', said UNHCR Spokeswoman Fatoumata Kaba'." **[70d]**

31.25 The report further added that:

"The agency said it was hoping this year to return 45,000 Sudanese refugees from Uganda, 17,000 from Kenya, 16,000 from Ethiopia and 2,000 from Egypt - still less than a third of the 260,000 Sudanese refugees remaining outside Sudan's borders." **[70d]**

31.26 Relief Web reported on 11 February 2009 that at a recent meeting in Juba, Sudan and Uganda had agreed to repatriate 50,000 Sudanese refugees from Uganda in 2009 and 2010. The report noted that new roles had been assigned to both the Sudanese and Ugandan governments in supporting the repatriation process.

31.27 The report added that the Uganda Minister for Relief and Disaster Preparedness, Ecweru Musa Francis, had acknowledged the support the Ugandan government given in securing the safe return of over 60,000 Sudanese refugees to Sudan adding that a good number were still in Uganda.

Further noting that the Sudanese Minister of Interior, Abbas Jumaa, thanked Uganda for providing refuge to over 170,000 Sudanese for the last 19 years, assuring Sudan's commitment to speed up the return of the remaining refugees from Uganda. The report concluded by recording that the United Nations had recently reported that 300,000 refugees had returned to Sudan. **[68p]**

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Annex A: Chronology of major events

1989 **June:** Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. Thirty members of the former government were detained. **[1a] (p1090)**

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

1991 **August:** Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. **[1a] (p1091)**

1992 **February:** A 300-member transitional National Assembly was created, comprising of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. **[1a] (p1091)**

1993 **October:** The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. **[1a] (p1091)**

1994 **February:** Sudan was re-divided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. **[1a] (p1091)**

1995 **June:** The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. **[1a] (p1092)**

1996 **March:** First legislative and presidential elections since 1989 took place on 6 and 17 March. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. **[1a] (p1092)**

1997 **April:** The southern factions who had signed the peace charter with the Government in early 1996 finalised and signed the Peace Accord. **[1a] (p1093)**

1998 **May:** Voting took place between 1 and 20 May in a referendum on the new Constitution; results were expected at the end of June. **[1a] (p1093)**

1999 **January:** The Political Association Act came into effect. The voting age was changed from 18 to 17. **[1a] (p1093)**
On 26 November the Sudanese government and the opposition Umma Party signed a peace accord, which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance. **[1a] (p1093)**
On 12 December, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on 13 December with the promise of presidential decrees to follow. **[1a] (p1093)**

2000 **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. **[1a] (p1093)l**
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. **[1a] (p1094)** The Government extended the state of emergency from three to twelve months. **[1a] (p1093)**
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. **[1a] (p1094)**
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed a new political party called the Popular National Congress. **[1a] (p1091)**
December: Presidential and parliamentary elections took place from 13 to 22
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. **[1a] (p1094)**

2001 **3 January:** President al-Bashir extended the state of emergency for a further year. **[1a] (p1094)**
12 February: President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. **[1a] (p1094)**
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in April 1996. **[1a] (p1097)**

2002 **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. **[1a] (p1094)**
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved the peace deal but no agreement was reached regarding a ceasefire. **[1a] (p1095)**
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. **[1a] (p1095)**
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. **[1a] (p1095)**
December: Sudan's Parliament approved the extension of the state of emergency for another year. **[1a] (p1094-5)**

2003 **February:** In the Darfur States, members of the Fur, 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. **[1a] (p1096)**
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. **[9a] (p2)**

2004 **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing hundreds of thousands of refugees to flee to neighbouring Chad. **[9a] (p2)**

March: A UN official said pro-government Arab '*Janjaweed*' militias were carrying out systematic killings of African villagers in Darfur. **[9a] (p2)** Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. **[9a] (p2)**
April: The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which did not hold, as clashes continued. **[1a] (p1096)**

2005 **9 January:** the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. **[10ac]**
23 February: it was reported that the Beja Congress (BC) and the Free Lions Association had merged to form a new group called the Eastern Front (EF). **[12f]**
March: The UN Security Council decides to freeze assets and impose a travel ban on those believed to have committed human rights abuses or violated the ceasefire agreement in Darfur. The resolution also bans the sale or supply of military equipment to nongovernmental entities or individuals involved in the Darfur conflict, including the Sudanese government. **[10ac]**
June: the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which allowed the group into the power-sharing administration. **[9a]** Hassan al-Turabi, who was detained in March 2004 over an alleged coup plot, was freed by the president. **[9a]**
6 June: Luis Moreno-Ocampo, ICC (International Criminal Court) prosecutor, opens investigations into human rights abuses in Darfur, whilst on 13 June, a court set up by the Sudanese government starts hearing the cases of 160 people accused of committing crimes in Darfur. **[10ac]**
9 July: the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president and an interim Constitution, giving the south a large degree of autonomy, was signed. **[9a] (p3)**
August: the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese. **[9a] (p4) [10ac] [38a]** Garang was succeeded by Salva Kiir. **[9a] (p3) [10ac]**
31 August: Sudan's new interim National Assembly, which was appointed by decree by President al-Bashir, held its first session. **[10ac]**
20 September: Government of National Unity announced. **[10ac] [25f]**
22 October: Government of Southern Sudan formed. **[10ac] [25f]**
November: Minni Arko Minnawi elected as the new president of Darfur's main rebel group, the SLM/A. Incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise the election outcome. **[10ac]**
On 29 November the seventh round of the Darfur peace talks opened in Abuja, Nigeria. **[4a]**
On 5 December the south Sudan President, Salva Kiir Mayardit, signed the Interim Constitution of south Sudan. **[10ac]**

2006 **January:** The two main rebel groups in Darfur – the JEM and the SLM/A – announce that they have united under the banner the Alliance of Revolutionary Forces of West Sudan. **[13a]**
On 5 May the Khartoum government and the SLM/A signed a peace accord. Two smaller rebel groups reject the deal. **[9a]**
August: Sudan rejects UN Resolution calling for a UN Peacekeeping force in Darfur **[9a]**

2007 **14 July:** a former rebel leader Malik Agar was reported as the new governor of Southern Blue Nile state. This will be the first time the SPLM has been in power in Southern Blue Nile state since the peace deal in 2005.
31 July: UNAMID (United Nations-African Union Mission in Darfur) was established for 12 months, and UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with UNAMID.
August-September - The worst floods for decades leave more than 250,000 people homeless.
September - UN talks on the composition of a Darfur peacekeeping force end without agreement.
October - SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal.
November - A British teacher is sentenced to 15 days in jail for insulting religion after allowing students to name a teddy bear Mohammed. Demonstrators call for her to be shot. She is freed after a presidential pardon.
December - SPLM resumes participation in national unity government.

2008 **January:** UN takes over Darfur peace force.
February - Commander of the UN-African Union peacekeepers in Darfur, Balla Keita, says more troops needed urgently in west Darfur.
Abyei clashes ??
March: Russia says it's prepared to provide some of the helicopters urgently needed by UN-African Union peacekeepers.
Tensions rise over clashes between an Arab militia and SPLM in Abyei area on north-south divide - a key sticking point in 2005 peace accord.
Presidents of Sudan and Chad sign accord aimed at halting five years of hostilities between their countries.
April: Counting begins in national census which is seen as a vital step towards holding democratic elections after the landmark 2005 north-south peace deal.
UN humanitarian chief John Holmes says 300,000 people may have died in the five-year Darfur conflict.
May: Southern defence minister Dominic Dim Deng is killed in a plane crash in the south.
Tension increases between Sudan and Chad after Darfur rebel group mounts raid on Omdurman, Khartoum's twin city across the Nile. Sudan accuses Chad of involvement and breaks off diplomatic relations.
Intense fighting breaks out between northern and southern forces in disputed oil-rich town of Abyei.
June: President Bashir and southern leader Salva Kiir agree to seek international arbitration to resolve dispute over Abyei.
Bashir accused of….??
July: The International Criminal Court's top prosecutor calls for the arrest of President Bashir for genocide, crimes against humanity and war crimes in Darfur; the appeal is the first ever request to the ICC for the arrest of a sitting head of state. Sudan rejects the indictment.
September: Darfur rebels accuse government forces backed by militias of launching air and ground attacks on two towns in the region.
October - Allegations that Ukrainian tanks hijacked off the coast of Somalia were bound for southern Sudan spark fears of an arms race between the North and former rebels in the South.

November: President Bashir announces an immediate ceasefire in Darfur, but the region's two main rebel groups reject the move, saying they will fight on until the government agrees to share power and wealth in the region.
December: The Sudanese army says it has sent more troops to the sensitive oil-rich South Kordofan state, claiming that a Darfur rebel group plans to attack the area.

2009 **January:** Sudanese Islamist leader Hassan al-Turabi is arrested after saying President Bashir should hand himself in to The Hague to face war crimes charges for the Darfur war.

March: The International Criminal Court in The Hague issues an arrest warrant for President Omar al-Bashir on charges of war crimes and crimes against humanity in Darfur.

See also Section 3.01: History and Section 7.01: 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: Political organisations

This list should not be viewed as exhaustive.

Alliance of the People's Working Forces
Based in Khartoum.

The leader is Gaafar Muhammad Nimeri. The acting Secretary-General is Kamal ad-Din Muhammad Abdullah. **[1a] (p1113)**

Baa'th Party
Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA.

The Danish Fact Finding Report of 2001 stated that: "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." **[23b] (p18)** The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, as stated by sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. **[57] (p3)** However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. **[57] (p3)** Sudan.net also stated that: "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." **[57] (p3)**

Beja Congress (BC)
The *Sudan Tribune* published a letter in June 2006 from Abu Amna of the Beja Congress, it was addressed to the United Nations Secretary-General Mr. Koffi Annan. Abu Amna described the Beja Congress as a: "Political organization established in 1958 to propagate the plight of the Peoples of Eastern Sudan. Its main aim has always been to struggle for the achievement of democracy, equality and fair distribution of wealth and power as a way of ending marginalization and underdevelopment in the Region." **[12k]**

The *Sudan Tribune* reproduced an August 2004 Reuters report in which "The Beja Congress (BC), which claims to control large parts of the east, say they're still observing a self-imposed ceasefire and would attack only if provoked." **[25d]** 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. **[25d]**

Democratic Unionist Party (DUP/DUP-Mirghani)
Based in Khartoum, leadership in exile. Leader – Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. **[1a] (p1113)**

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. **[58] (p565) [1a] (p1089)** *Political Parties of the World* stated that: "After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995." **[58] (p565)**

The Report of the 2001 Danish Fact Finding Mission stated that, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. **[23b] (p17)**

Democratic Unionist Party (DUP/DUP-Hindi) – (registered)
Leader – Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA.

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes known as the 'DUP General Secretariat', with himself as chairman. **[58] (p565)**

Free Sudanese National Party (FSNP)
Based in Khartoum. Chairman – Philip Abbas Ghabbush. **[1a] (p1113)**
Officially registered in April 1999 **[58] (p565)**

Independent Democrats
Based in Khartoum. Leader – As-Samawitt Husayn Osman Mansur. **[1a] (p1113)**

Islamic-Christian Solidarity
Based in Khartoum. Founder – Hatim Abdullah az-Zaki Husayn. **[1a] (p1113), [58] (p565)**

Islamic Revival Movement
Based in Khartoum. Founder – Siddiq al-Haj as-Siddiq. **[1a] (p1113), [58] (p565)**

Islamic Socialist Party
Based in Khartoum. Leader – Salah al-Musbah. **[1a] (p1113)**

Islamic Ummah Party (IUP) – (registered)
Officially registered as a political party on 13 April 1999. Leader – Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi. The IUP is allied with the Government. **[1a] (p1113), [58] (p565)**

Justice and Equality Movement (JEM)
The Justice and Equality Movement (Jem), currently reported to be fighting government troops near the capital Khartoum, was founded by Darfuri Muslims loyal to Islamist leader Hassan al-Turabi, whose National Islamic Front (NIF) instigated President Omar al-Bashir's 1989 coup against Sadeq al-Mahdi. Jem is led by a lawyer, Khalil Ibrahim Muhammad, who wrote "The Black Book: Imbalance of Power and Wealth in the Sudan" about the disproportionate numbers of Arabs in powerful positions. **[9c]**

Darfurian-based political movement/rebel group that emerged in 2001. **[6e] (p39)** Leader – Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. **[6e] (p39)** It split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. **[6e] (p39)**

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

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government….The message is designed to appeal to all marginalized Sudanese –

whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan." **[6e] (p39)**

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." **[6e] (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." **[6e] (p39)**

See also Section 3.07: Darfur conflict; Section 17.01: Ethnic groups/Darfur; Annex B: National Movement for Reconstruction/Reform and Development and Annex D: Black ethnic groups – Darfur

Justice Party
Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. **[1a] (p1113)**

Korbaj (which in Arabic means 'whip')
The ICI recorded that, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. **[6e] (p40)**

Moderate Trend Party
Based in Khartoum. Leader – Mahmud Jiha. **[1a] (p1113)**

National Democratic Party
Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party. **[1a] (p1113), [58] (p565)**

National Movement for Reconstruction/Reform and Development (NMRD)
A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that: "NMRD leader Nourene Manawi Bartcham, told an IRIN correspondent in N'Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement." **[10dm]** The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. **[10dm]**

The ICI stated that: "On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state." **[6e] (p40)**

See also Section 3.07: The Darfur conflict; Section 17.01: Ethnic groups/Darfur; Annex B: Justice and Equality Movement and Annex D: Black ethnic groups – Darfur

Nile Valley Conference
Based in Khartoum. Founder – Lt-Gen (ret) Umar Zaruq. **[1a] (p1113), [58] (p565)**

Popular Masses' Alliance
Based in Khartoum. Founder – Faysal Muhmad Husayn. **[1a] (p1113), [58] (p565)**

Popular National Congress Party (PNC/PC)
(also referred to as the People's National Congress or Popular Congress)
Founded – June 2000. Founder and leader – Hassan al-Turabi **[1a] (p1113), [58] (p565)**

Europa's Regional Surveys of the World: Africa South of the Sahara 2005 stated that, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. **[1a] (p1094)** Al-Turabi was detained on 21 February 2001 and finally released in October 2003. **[58] (p565)** The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004.

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. **[9a]**

See also Section 14: 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')
The ICI recorded that, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. **[6e] (p40)** The Report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. **[6e] (p40)** The ICI continued: "The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People's Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions." **[6e] (p40)**

Socialist Popular Party
Based in Khartoum. Founder – Sayyid Khalifah Idris Habbani. **[1] (p1113), [58] (p565)**

Sudanese Central Movement
Based in Khartoum. Founder – Dr Muhammad Abu al-Qasim Haj Hamad. **[1] (p1113), [58] (p565)**

Sudanese Communist Party
Although some sources suggest that the Party was formed in 1944 the Communist Party of Sudan web pages indicate that the Party was formed in 1946. **[57], [59]** Leaders – Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

The *Sudan Tribune* reported that: "The Sudanese Communist Party (SCP) founded in 1946, was a major force in Sudanese politics and one of the two most influential, along with the South African Communist Party, until 1971. In 1946 the party was known as

the Sudanese Movement for National Liberation (SMNL). It supported the struggle for national independence, gained by the Sudan in 1956, after which the SMNL changed its name into al-Hizb al-Shuyu`i al-Sudani (Sudanese Communist Party)." **[12r]**

The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. **[23b] (p17)** The report stated that: "Adlan's faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces." **[23b] (p17)** The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. **[57a] (p3) [23b] (p17)**

The 2001 Danish Fact Finding Report stated that: "Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime." **[23b] (p17)**

Sudanese Green Party
Based in Khartoum. Founder – Professor Zakaraia Bashir Imam. **[1a] (p1113), [58] (p565)**

Sudanese Initiative Party
Based in Khartoum. Leader – J'afar Karar. **[1a] (p1113)**

Sudanese Liberation Movement/Army (SLM/A)
Global Security reported on its website that: "The Sudanese Liberation Army is backed by Eritrea. Until 2003, the group was known as the Darfur Liberation Front. Rebels in Darfur emerged in February 2003 under the name of Darfur Liberation Front. The Darfur Liberation Army announced no connection with the southern rebels, but it called in the middle of March 2003 for 'an understanding' with the opposition forces which fight the Islamist government in Khartoum. In March 2003 the Darfur Liberation Front announced it had downed a helicopter that was carrying an official in the province. On 14 March 2003 Darfur Liberation Front announced that the movement will be called the Sudan Liberation Movement and the Sudan Liberation Army (SLM/SLA). The Darfur Liberation Front was a secessionist organisation calling for the secession of the area of Darfur from Sudan. The SLA, led by Mini Arkoi Minawi, says it wants to 'create a united, democratic Sudan'." **[99a]**

In January 2006, it was reported that the Darfuri rebel movements – the SLM/A and JEM – had agreed to join forces under the banner Alliance of Revolutionary Forces of West Sudan. (AFP, 22 January 2006) **[13a]**

See also Section 3.07: The Darfur conflict; Section 17.01: Ethnic groups/Darfur; and Annex D: Black ethnic groups – Darfur

Sudan People's Liberation Movement /Army (SPLM/A or SPLM-Mainstream)
Formed – 1983. **[58]** Leader – Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. **[9a]** Now the ruling party in south Sudan and a member of the National Government of Unity. **[10i]**

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People's Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. **[58] (p565)** Rather than ending the mutiny, Garang encouraged other garrisons to rebel. **[58] (p565)**

South Sudan Independence Movement/Army (SSIM/SSIA)
"Nuer-dominated militia, led by Riek Machar, who split from the SPLM/A in 1991, to form the SPLM/A-Nasir/United. In 1994 Riek became leader of the SSIM/A and Lam Akol took the name of SPLM/A-United for his faction in west-central Upper Nile. In 1995 Riek and Garang signed a ceasefire and agreed to reintegrate their forces, but in April 1996 Machar signed a deal with the government. In 1997, the SSIM/A merged with the other rebel factions which signed the April 1997 Khartoum peace accord to become the SSDF." (IRIN News) **[10dv]**

Sudanese National Party (SNP)
Based in Khartoum. Leader – Hasan al-Mahi – participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). **[52b]**

Umma (Ummah) Party (UP/'mainstream UP')
Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman – Dr Umar Nurad Ad-Da'im. Leader – Sadiq al-Mahdi.

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi.

Information found on sudan.net noted that: "During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989." **[57] (p1)** The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. **[57] (p1)** Institute for Security Studies (ISS) reported of the prospects for a sustainable peace in Sudan on 1 May 2003. **[43a]**

See also Section 14.01 Political affiliation: Freedom of assembly and association/Members and supporters of the Umma/Ummah Party (UP)

Umma (Ummah) Party (registered)
Breakaway faction of UP-Mainstream, no longer in existence. Leader – Nur Jadayn

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)
A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the formers political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. **[43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')**

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. **[43b] ('The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process')**

National Democratic Alliance (NDA)

Asmara-based organisation. Chair – Osman al-Mirghani. Vice Chairman. **[60a] (p2), [58] (p565)** The opposition movements that are members of the NDA include:

Beja Congress (BC)*
Baa'th Party (pro-Iraq)* **[23b]**
Baa'th Party (pro-Syria) **[23b]**
Democratic Unionist Party (DUP – Mirghani faction and its groupings)* **[23b]**
Legitimate Command (LC)* – formed from dissident military officers from Sudan
Sudan Alliance Forces (SAF)* – founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman.
Sudan African National Union (SANU)* **[23b]**
Sudanese Communist Party (SCP – Nogud faction)* **[23b]**
Sudan Federal Democratic Alliance (SFDA)* – founded 1994, Chair – Ahmad Dreige – advocates a decentralised, federal structure for Sudan
The Sudanese National Party (SNP)* **[23b]**
The Sudan People's Democratic Front (SPDF) **[23b]**
The Sudan People's Liberation Movement (SPLM)* – Leader – Salva Kiir – now also President of south Sudan and First Vice President of the National Government.
Free Lions Association* – an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. **[23b]**
Sudan Liberation Movement – The Sudanese Liberation Army is a member of the National Democratic Alliance (NDA), the umbrella opposition organisation grouping. **[99a]**

* Indicates parties that were members of the Leadership Council of the NDA, along with the General Council of the Trade Union Federation, unidentified independent national figures and unidentified representatives of the liberated areas. **[60a] (p1)**

Political Parties of the World, published in 2005, stated that: "The NDA was formed in the immediate aftermath of the June 1989 military coup as a coalition which linked, somewhat awkwardly, a desperate group of opponents of the Bashir regime including the Sudan People's Liberation Movement/Army and a number of Muslim-based parties, many of which not only supported the imposition Islamic shari'a law on the south, but had also opposed Southern autonomy or secession prior to the coup." **[58] (p565)** The Alliance's own website stated that the NDA set up its headquarters outside Sudan in Asmara, the capital city of Eritrea, and there were also branch offices in Cairo, Nairobi, Washington and London. **[60a] (p1)**

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the government and the NDA had signed a tentative peace agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. **[10dm]**

See also Annex B: Beja Congress

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Annex C: Prominent people: past and present

The information below has been taken from the Official Government of Sudan website, source **[5b] (accessed on 14 October 2006)**, 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).

THE GOVERNMENT

Chief of State
Lt Gen Umar Hassan Ahmad Al-Bashier

First Vice-President
Salva Kiir Mayardit

Second Vice President
Ali Uthman Muhammad Taha

The information below has been taken from the Gurtong Peace Project website, source **[18k]**, 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
H.E Lt. General Salva Kiir Mayardit

Vice-President
H.E Lt. Gen. Dr. Riek Machar Teny

For information on prominent people in opposition parties and rebel groups, see Annex B: Political organisations

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Annex D: Main ethnic groups

This list should not be viewed as exhaustive.

The United States State Department report on Human Rights practices 2006, published on 6 March 2007, stated that: "The population was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects." **[3a] (p17)**

See also Annex E: 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

The Encyclopaedia Britannica (EB) stated: "Those Sudanese who consider themselves Arabs are, for the most part, racially mixed and many of them are indistinguishable from black southerners." **[62b] (p2)** EB 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." **[62b] (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." **[62b] (p2-3)**

EB 2004 also recorded that, 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. **[62b] (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. **[66a]**

NON-ARAB ETHNIC GROUPS COLLECTIVELY KNOWN AS THE BEJA (NORTH-EAST SUDAN)

Amarar, Beni Amer, Bischarin, Hadendoa **[40]**

EB 2004 and the US Library of Congress' Country Study of 1991 (LoC 1991) noted that 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. **[62b] (p3) [37a] (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. **[37a] (p4)** However, EB 2004 and LoC 1991 agreed that the Beja are mostly descended from an indigenous people and have retained their

Bedawiye language. **[62b] (p3) [37a] (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." **[37a] (p4)**

BLACK ETHNIC GROUPS – DARFUR (NORTH-WEST SUDAN)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa **[40]**

Encyclopaedia Britannica online stated that: "Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west." **[62b] (p3)** The Library of Congress 1991 study recorded that, the Fur have resisted Arabisation despite being long surrounded and ruled by Arabs. **[37a] (p5)** 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." **[37a] (p5)**

EB 2004 recorded that, 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. **[62a] [63] (p21) [37a] (p5)** The 1991 LoC study recorded that the Zaghawa are semi-nomadic people who call themselves Beri. **[37a] (p5)** Ethnologue 2004 recorded, the Zaghawa in Sudan numbered approximately 102,000 in 1982. **[63] (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." **[37a] (p5)** The study also stated that whilst they were "Converted to Islam, the Zaghawa nevertheless retain much of their traditional religious orientation." **[37a] (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. **[19n]**

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBIANS (PARTS OF NORTH SUDAN)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi **[40]**

Encyclopaedia Britanica 2004 stated that: "Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north." **[62b] (p3)** EB 2004 and the LoC 1991 study both noted that, the most prominent of these groups, the Nubians, lived along the Nile in the far north and in southern Egypt. **[62b] (p3) [37a] (p4)** However, LoC also recorded that Nile Nubians are known to have resettled in towns such as Khartoum, Kassala and Port Sudan. **[37a] (p4)** EB 2004 and LoC's 1991 study stated that they spoke Nubian and that most also spoke Arabic as a second language. **[62b] (p3) [37a] (p4)** 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." **[37a] (p4)**

See also Section 17:01 Ethnic groups/Nubians

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBA (CENTRAL SUDAN)

Kadugli, Katla, Koalib, Krongo, Nemyang or Nyima, Tagoi, Temeini

Encyclopaedia Britannica (EB) online 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." **[62b] (p4)**

The Library of Congress' 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." **[37a] (p9)** 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. **[37a] (p9)**

LoC's 1991 study noted that, these groups, whilst collectively known as the Nuba, vary considerably in their culture and social organisation. **[37a] (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. **[37a] (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. **[37a] (p4)**

The Leni Riefenstahl website stated that, the German director-photographer lived with at least two different Nuba tribes between 1962 and 1977. **[65a]** The website reproduced a selection of photographs, primarily of the Masakin Qisar Nuba and the Kau Nuba. **[65a] [65b]** These images provide some background information to the cultural practices of these two tribes, and show various scarification patterns. **[65a] [65b]** The website of another photographer, F Jack Jackson, displayed photographs of Nuba tribes' people taken in Sudan prior to the outbreak of the north-south civil war. **[66a]**

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

Encyclopaedia Britannica online 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." **[62b] (p4)** Ethnologue 2004 and Languages of the World, 1995 both recorded that, the languages of these three groups have the same name as their group (e.g. the Dinka speak Dinka). **[63] (p6-7, 16, 17) [49] (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. **[37a] (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." **[37a] (p6)**

The Encyclopaedia Britannica stated: "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." **[62b] (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." **[37a] (p6)** The LoC study also recorded that the Nuer populace was 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. **[37a] (p6-7)**

The Gurtong Peace Project website provides the profiles of South Sudanese Communities **[18l]**

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Annex E: 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, Languages of Sudan (accessed on 9 May 2007). **[63a]**

The Encyclopaedia Britannica (EB) stated: "There are more than 100 languages spoken as mother tongues in the Sudan." **[62b] (p6)** Ethnologue 2004 listed 142 languages for Sudan and stated: "Of those, 134 are living languages and 8 are extinct." **[63] (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." **[37a] (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." **[37a] (p5)**

See also Annex D: 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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

BERTA
[WTI] 22,000. Northern Sudan. Alternate names: BARTA, BURTA, 'BENI SHANGUL', WETAWIT.
Dialects: SHURU, BAKE, UNDU, MAYU, FADASHI.
Classification: Nilo-Saharan, Berta. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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.
Clasificación: Nilo-Saharan, Komuz, Gumuz. **[63]**

HAUSA
[HUA] 418,000 in Sudan (1993 Johnstone). Northern Sudan.
Classification: Afro-Asiatic, Chadic, West, A, A.1. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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.
Classification: Nilo-Saharan, Central Sudanic, East, Moru-Madi, Northern. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

PÄRI
[LKR] 28,000 (1987 SIL). Southern Sudan, Upper Nile Province.
Alternate names: LOKORO.
Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Unclassified. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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. **[63]**

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.
Clasificación: Nilo-Saharan, Saharan, Eastern. **[63]**

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. **[63]**

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Annex F: Religions of Sudan

This list should not be viewed as exhaustive. See also Section 16: Freedom of Religion

The United States State Department report on International Religious Freedom 2008, published on 19 September 2008, stated that: Sudan has an estimated population of 40.2 million and an area of 967,500 square miles. "Two-thirds to three-fourths of the population live in the 15 states of the north and are generally from Arabic-speaking Semitic groups. The remaining one-fourth to one-third of the population live in the south and are mostly Nilotic peoples. An estimated 70 percent of the population is Muslim. Islam predominates in the north. Almost all Muslims are Sunni, although there are significant distinctions between followers of different Sunni traditions, particularly among Sufi brotherhoods. An estimated 25 percent of the population holds traditional indigenous beliefs (animism), which are prevalent in rural areas throughout the country. Some animists have been baptized but do not identify themselves as Christians, or they combine Christian and animist practices." **[3h] (Section I. Religious Demography)**

"Christians are the third largest religious group, traditionally concentrated in the south and the Nuba Mountains. Widespread displacement and migration during the long civil war increased the population of Christians living in the north. While many Christians have returned to the south, Khartoum still has a significant Christian population. The Roman Catholic Church of Sudan and the Episcopal Churches of Sudan estimate they have six million and five million baptized followers, respectively, although active churchgoers are far fewer." **[3h] (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. **[1a] (p1114)** "Some Muslim leaders estimated the country's Muslim population to be more than thirty-two million, or above 80 percent of the total population; almost all Muslims in the country were Sunni, with a small Shi'a community, although there were significant distinctions between followers of different Islamic traditions. The most significant divisions within the Sunni community occurred along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, were associated with the opposition Umma and Democratic Unionist Parties, respectively." **[3f] (Section I. Religious Demography)**

CHRISTIANITY

Sudan Council of Churches – Chair: Most Reverend Paolino Lukudu Loro (Roman Catholic Archbishop of Juba); General Secretary: Reverend Clement H Janda. **[1a] (p1114)** EB 2004 estimated that "Christians account for between 4 and 10 percent of the population." **[1a] (p1088)**

The United States State Department report on International Religious Freedom 2006, published on 15 September 2006, noted that: "Precise religious data were not available; self-reported membership totals in particular religious groups could not be confirmed, and outdated census figures may not be accurate. In general Islam predominated in the North, while traditional indigenous beliefs (animism) and Christianity were prevalent in the South." **[3f] (Section I. Religious Demography)**

Roman Catholic church
Archbishop of Khartoum: Cardinal Gabriel Zubeir Wako. **[1a] (p1114)**
Archbishop of Juba: Most Reverend Paolino Lukudu Loro. **[1a] (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. **[1a] (p1114)**

Sudan Catholic Bishops' Conference
Founded in 1971 by Most Reverend Paolino Lukudu Loro. **[1a] (p1114)**

Maronite Rite: Maronite Church in Sudan
Reverend Father Youseph Neama. **[1a] (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. **[1a] (p1114)**

Syrian Rite: Syrian Church in Sudan
Under the jurisdiction of the Patriarch of Antioch. Protosyncellus: Right Reverend Joseph Hannouche (Bishop of Cairo). **[1a] (p1114)**

ORTHODOX CHURCHES

Coptic Orthodox Church: Metropolitan of Khartoum, Southern Sudan and Uganda
Right Reverend Anba Danial. **[1a] (p1114)**
Bishop of Atbara, Omdurman and Northern Sudan
Right Reverend Anba Sarabamon. **[1a] (p1114)**

Greek Orthodox Church
Metropolitan of Nubia Archbishop: Dionyssios Hadzivassiliou. **[1a] (p1114)**
Europa 2005 noted that, "The Ethiopian Orthodox Church is also active." **[1a] (p1114)**

The Anglican Communion
Archbishop in Sudan: Most Reverend Joseph Biringi. **[1a] (p1114)**

The (Episcopal) Church of the Province of the Sudan
Established in 1976, has 24 dioceses and approximately one million adherents. **[1a] (p1114)**

OTHER CHRISTIAN CHURCHES

Evangelical Church
Chair: Reverend Radi Elias. Approximately 1,500 members; administers schools, a literature centre and a training centre. **[1a] (p1114)**

Presbyterian Church
Autonomous since 1956; General Secretary: Reverend Thomas Maluit. Approximately 67,000 members. **[1a] (p1114)**

SIM Sudan

Founded 1937; Director: L Dick. **[1a] (p1114)**

Europa 2005 recorded that, "The Africa Inland Church, the Sudan Interior Church and the Sudanese Church of Christ are also active." **[1a] (p1114)**

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Annex G: States of Sudan

The information below has been taken from the Official Government of Sudan website, source [4c]. 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 1.01: Geography

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Annex H: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FIDH	International Federation for Human Rights
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
GOSS	Government of South Sudan
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
NISS	National Security and Intelligence Service
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
SOAT	Sudan Organisation Against Torture
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
UNSC	United Nations Security Council
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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