

## Darfur Country Report

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## Explanatory Note

This report presents country of origin information (COI) on Sudan up to 3<sup>rd</sup> August 2015 on issues of relevance in refugee status determination for Sudanese nationals from Darfur.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on events which have occurred since 1 August 2014 (and post the publication of Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014) and sources were accessed in August and September 2015. Annual reports covering events from 2014 have been included even though part of their reporting periods pre-date the cut-off point for research, as they were not available at the time of the June 2014 ACCORD publication. In certain noted sections of this report, COI has been included that was identified in the August 2014 ACCORD report, reproduced with permission from the authors. Such COI which pre-dates the cut-off point for research was include to provide historical context where necessary.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities. Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

## Sources and databases consulted

### Databases consulted:

[ECOI.net](#)

[Refworld](#)

[Reliefweb](#)

### Sources consulted

[Action on Disability and Development International](#)

[Aidsmap](#)

[Aegis Trust](#)

[African Arguments](#)

[African Centre for Justice and Peace Studies \(ACJPS\)](#)

[Africa Review](#)

[AIDSPortal](#)

[All Africa](#)

[Amnesty International](#)

[Anti Trafficking Legal Project \(ATLeP\)](#)

[Arry](#)

[Article 19](#)

[Avert](#)

[Brookings Institution](#)

[Carnegie Endowment for International Peace](#)

[CHR Michelsen Institute](#)

[Committee to Protect Journalists](#)

[Doctors Without Borders](#)

[Child Soldiers International](#)

[Eldis](#)

[Enough Project](#)

[Equal Rights Trust](#)

[Eric Reeves, Sudan Research, Analysis, and Advocacy](#)

[Freedom Sudan](#)

[Fund for Peace – Fragile States Index 2015](#)

[Gay Star News](#)

[Global Gayz](#)

[Hands off Cain](#)

[Heidelberg Institute for International Conflict Research](#)

[Human Rights Watch](#)

[Human Security Baseline Assessment for Sudan and South Sudan/Small Arms Survey](#)

[Inclusion International](#)

[Institute for Economics & Peace – Global Peace Index 2015](#)

[Institute for War and Peace Reporting](#)

[Internal Displacement Monitoring Centre](#)

[International Committee of the Red Cross \(ICRC\)](#)

[International Crisis Group](#)

[International Disability Alliance](#)

[International Federation for Human Rights](#)

[International Gay and Lesbian Human Rights Commission](#)

[International Lesbian, Gay, Bisexual and Trans and Intersex Association](#)

[International Office for Migration Sudan Mission](#)

[International Refugee Rights Initiative](#)

[International Rehabilitation Council for Torture Victims](#)

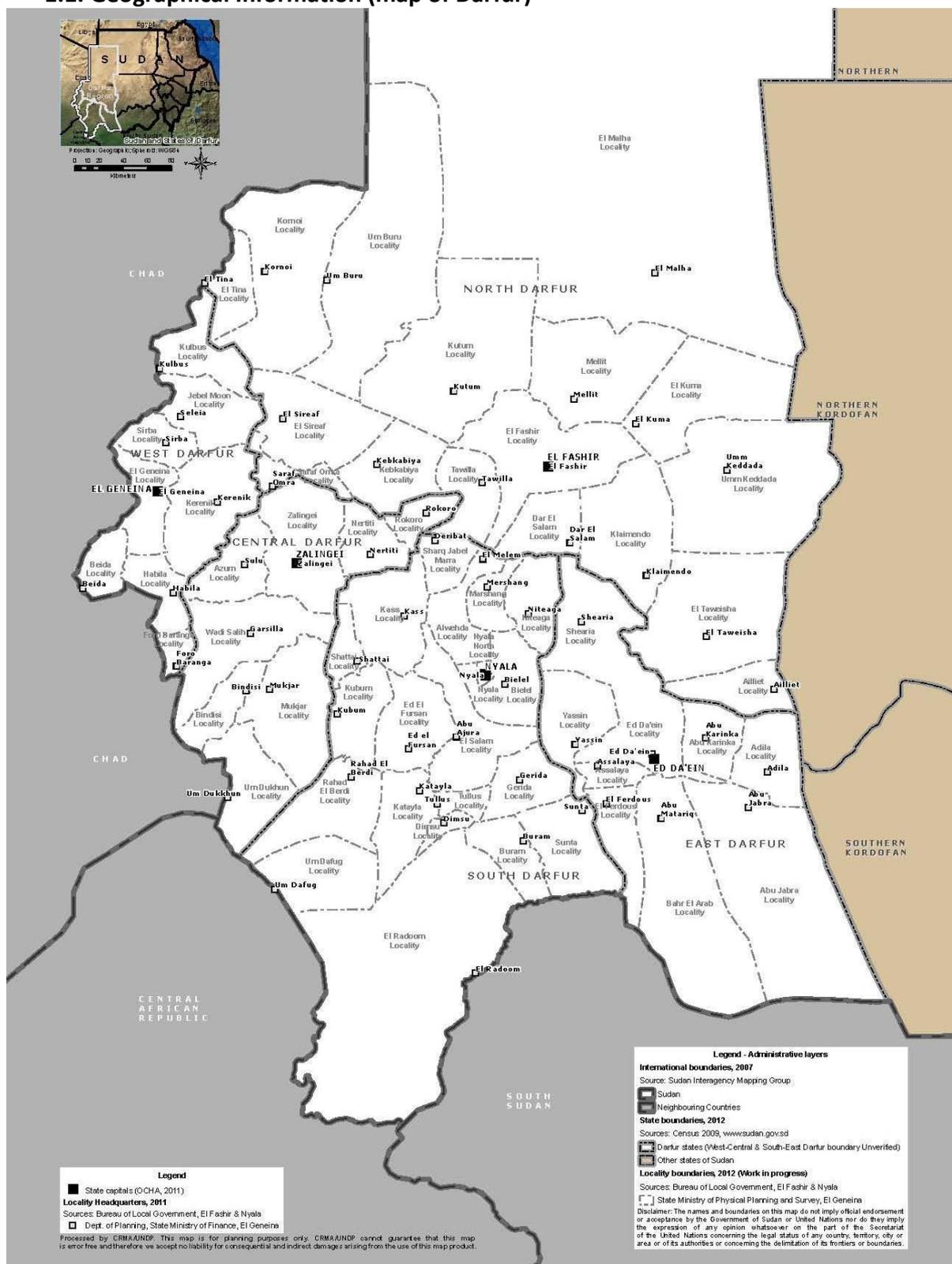
[Inter Press Service](#)  
[IRIN news](#)  
[Jamestown Foundation](#)  
[Leonard Cheshire Disability International](#)  
[Medecins Sans Frontieres – Access Campaign](#)  
[Medecins Sans Frontieres/Doctors Without Borders](#)  
[Minority Rights Group International](#)  
[Open Society Foundations](#)  
[Organization for Refuge, Asylum & Migration \(ORAM\)](#)  
[Oxfam](#)  
[Pink News](#)  
[Radio Dabanga](#)  
[Radio Free Europe/Radio Liberty](#)  
[Reporters Without Borders](#)  
[Reuters Africa](#)  
[Save the Children](#)  
[Rift Valley Institute](#)  
[Strategic Initiative for Women in the Horn of Africa](#)  
[Sudan Social Development Organisation](#)  
[Sudan Tribune](#)  
[Transparency International](#)  
[UK Foreign and Commonwealth Office](#)  
[UNAMID](#)  
[United Nations Children’s Fund \(UNICEF\)](#)  
[United Nations Development Programme \(UNDP\)](#)  
[United Nations High Commissioner for Refugees \(UNHCR\)](#)  
[United Nations Human Settlements Programme \(UNHABITAT\)](#)  
[United Nations Office for the Coordination of Humanitarian Affairs \(UNOCHA\)](#)  
[United Nations Office on Drugs and Crime \(UNODC\)](#)  
[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#)  
[United Nations Population Fund \(UNPFPA\)](#)  
[United Nations Special Rapporteur on trafficking in persons, especially in women and children](#)  
[United Nations Women](#)  
[United Nations World Food Programme \(WFP\)](#)  
[United States Institute of Peace](#)  
[United States Department of State](#)  
[Uppsala Universitet – UCDP Conflict Encyclopedia](#)  
[Waging Peace](#)  
[Walk Free Foundation > The 2014 Global Slavery Index](#)  
[World Bank](#)  
[World Health Organisation](#)  
[76 Crimes](#)

## List of Acronyms

<b>CPA</b>	Comprehensive Peace Agreement
<b>DDPD</b>	Doha Document for Peace in Darfur
<b>DRA</b>	Darfur Regional Authority
<b>GoNU</b>	Government of National Unity
<b>GoS</b>	Government of Sudan
<b>HSBA</b>	Human Security Baseline Assessment for Sudan and South Sudan
<b>ICC</b>	International Criminal Court
<b>JEM</b>	Justice and Equality Movement
<b>LJM</b>	Liberation and Justice Movement
<b>NCP</b>	National Congress Party
<b>NIF</b>	National Islamic Front
<b>NLJM</b>	National Liberation and Justice Movement
<b>NLJP</b>	National Liberation and Justice Party
<b>NISS</b>	National Intelligence and Security Service
<b>PDF</b>	Popular Defence Forces
<b>RAC</b>	Revolutionary Awakening Council
<b>RSF</b>	Rapid Support Forces
<b>SAF</b>	Sudanese Armed Forces
<b>SCP/SCoP</b>	Sudanese Congress Party
<b>SLA</b>	Sudanese Liberation Army
<b>SPLM</b>	Sudan People's Liberation Movement
<b>UNAMID</b>	African Union – United Nations Mission in Darfur

# 1. Background information<sup>1</sup>

## 1.1. Geographical Information (map of Darfur)<sup>2</sup>



<sup>1</sup>COI in this subsection reproduced with permission from ACCORD as cited in:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014

<sup>2</sup> CRMA/UNDP - Crisis and Recovery Mapping and Analysis/United Nations Development Programme, [Darfur Map](#), 2012

## 1.2. Central government<sup>3</sup>

The CIA World Factbook explains that Sudan is a “federal republic ruled by the National Congress Party (NCP), which seized power by military coup in 1989” and the federal state comprises the following 18 states :

Al Bahr al Ahmar (Red Sea), Al Jazira (Gezira), Al Khartoum (Khartoum), Al Qadarif (Gedaref), An Nil al Abyad (White Nile), An Nil al Azraq (Blue Nile), Ash Shimaliyya (Northern), Gharb Darfur (West Darfur), Gharb Kurdufan (West Korodfan), Janub Darfur (South Darfur), Janub Kurdufan (South Kordofan), Kassala, Nahr an Nil (River Nile), Sharq Darfur (East Darfur), Shimal Darfur (North Darfur), Shimal Kurdufan (North Kordofan), Sinnar, Wasat Darfur (Central Darfur).<sup>4</sup>

The federal republic is ruled by the National Congress Party (NCP) which seized power by military coup in 1989.<sup>5</sup> Sudan’s president is both the chief of state and head of government.<sup>6</sup> Field Marshal Umar Hassan Ahmad al-Bashir has fulfilled both roles as president since 16 October 1993.<sup>7</sup> Furthermore, Article 8 of Sudan’s Armed Forces Act of 2007 states that the Sudanese Armed Forces “shall be under the supreme command of the President of the Republic”.<sup>8</sup> The country’s executive leadership consists of a three-member presidency: a president (al-Bashir), first vice president (Bakri Hassan Salih), and second vice president (Hasabu Mohamed Abdel Rahman), the latter both since 3 December 2013.<sup>9</sup>

The January 2005 final North/South Comprehensive Peace Agreement (CPA) mandated a Government of National Unity, which between 2005 and 2011 provided a percentage of leadership posts to the southern Sudan-based Sudan People’s Liberation Movement (SPLM).<sup>10</sup> This was disbanded following the secession of South Sudan in July 2011.<sup>11</sup> Sudan continues to operate under the interim national constitution of the CPA.<sup>12</sup> The Equal Rights Trust explains that

The Constitution recognises the President as both Head of State and Head of Government. It also sets out an extensive list of functions and powers vested in the Presidency, including the powers to appoint holders of constitutional and judicial posts; summon, adjourn or prorogue the National Legislature; declare war; declare and terminate states of emergencies; and have initiative for and give assent to constitutional amendments and legislation. The President appoints the National Council of Ministers and sits as a member of the Council, together with the two Vice Presidents. The National Council of Ministers is recognised as the “national executive authority in the State”<sup>65</sup> and has functions which include: planning state policy; initiating national legislation; adopting the national budget and international agreements; and receiving reports on the performance of both ministries and states.<sup>13</sup>

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<sup>3</sup>Selected COI in this subsection reproduced with permission from ACCORD as cited in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 1.2 Central government

<sup>4</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>5</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>6</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>7</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>8</sup> Sudan, [Armed Forces Act 2007 \[Sudan\]](#), 5 December 2007

<sup>9</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 3* and Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>10</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>11</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>12</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 3*

<sup>13</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 1.4 *Government and Politics* p.25

Sudan's bicameral National Legislature consists of a Council of States and a National Assembly.<sup>14</sup> The 2014 U.S. Department of State report notes that "The CPA interim constitution also provides a formula for allocating seats in the bicameral legislature (composed of a postsecession 354-member National Assembly and 30-member Council of States) and cabinet prior to the elections. The formula reserves 52 percent of the positions for the NCP and 14 percent for northern opposition parties, including those from Darfur".<sup>15</sup> Presidential and parliamentary elections were held over four days from 13 April 2015. According to National Electoral Commission chief Mokhtar al-Asam, there was a participation rate of over 46 percent.<sup>16</sup> The UN Secretary-General reported with regards to the election results that:

The national elections in the Sudan, which were boycotted by all major opposition forces, took place from 13 to 16 April. On 27 April, the National Elections Commission announced that President Bashir won the presidential race with 94.5 per cent of the vote and that NCP had secured a majority of 323 out of 426 seats in the National Assembly. The general elections did not appear to have demonstrated any significant shift in the political dynamics in Darfur. This could be explained by the seeming lack of active participation of the population in the electoral process and the boycott by the opposition, including Darfur's rebel groups.<sup>17</sup>

The Inter Press Service explains that Sudan's main opposition groups refused to participate in the elections leaving 15 little known candidates to run against Bashir.<sup>18</sup> Agence France Presse further noted that "his closest competitor -- Fadl el-Sayed Shuiab of the Federal Truth Party -- took just 1.43 percent of the vote".<sup>19</sup> Sudan's cabinet, the Council of Ministers, is "appointed by the president" and dominated by the NCP (formerly known as the National Islamic Front (NIF)).<sup>20</sup> For a full list of cabinet members, see:

- ❖ CIA World Factbook, [Chiefs of State and Cabinet Members of Foreign Governments](#), Sudan, last updated 27 July 2015

### 1.3. Local government (Darfur Regional Authority)

The Equal Rights Trust explains that "Article 24 of the Constitution establishes the country as a "decentralised state" with four levels of government: national government; the government of South Sudan; state government; and local government. While the provisions related to South Sudan are now redundant, those related to state government remain in effect. The Constitution establishes that each state should have its own state governor, legislature, and two representatives on the Council of States. The state governor is empowered to appoint of a Council of Ministers and, with this Council, to exercise executive powers. State governments have power in an extensive list of areas, including inter alia: state police and prisons; state media; state land and natural resources; the provision of healthcare and primary and secondary education; traditional and customary law; and direct and indirect taxation to raise revenue for the state".<sup>21</sup>

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<sup>14</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>15</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 3*

<sup>16</sup> Agence France Presse, [Sudan's Bashir reelected with 94 percent of vote](#), 27 April 2015

<sup>17</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, *paragraph 38*

<sup>18</sup> Inter Press Service, [Sudanese Leader Presumed Winner in Largely Uncontested Poll](#), 14 April 2015

<sup>19</sup> Agence France Presse, [Sudan's Bashir reelected with 94 percent of vote](#), 27 April 2015

<sup>20</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *Government*

<sup>21</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, *1.4 Government and Politics p.27*

The website of the International Donor Conference for Reconstruction and Development in Darfur explains that “The Darfur Regional Authority (DRA) is an interim governing body for the Darfur region of the Republic of Sudan and replaces the former Transitional Darfur Regional Authority, which was established in 2007 under the terms of the 2006 Darfur Peace Agreement”.<sup>22</sup> The same source further reports that (original emphasis):

As outlined in Article 10 of the DDPD [[Doha Document for Peace in Darfur](#)], the DRA is a regional authority with both executive and legislative functions. Under the chairmanship of Dr. Tijani Seisi, leader of the Liberation and Justice Movement, the DRA assumed its full functions on 8 February 2012.

The DRA is the principal instrument for the implementation of the DDPD in collaboration with the Government of Sudan and with the support of the international partners. It is envisaged to play a central role in enhancing implementation, coordination and promotion of all post-conflict reconstruction and development projects and activities in Darfur, and to be responsible for cooperation and coordination among the States of Darfur.

The activities of the DRA shall primarily aim to promote:

1. Peace and security;
2. Socio-economic development, stability and growth;
3. Justice, reconciliation and healing.

The DDPD also established five Commissions aimed at focusing on the most crucial issues of sustainable recovery in Darfur, namely: land; compensation; truth, justice and reconciliation; returns; and, security arrangements. Spearheaded by the DRA, these institutions are in their infancy, yet are well-positioned to effect meaningful progress in recovery and development.[...]

The regional authority consists of the Darfur Executive and the Darfur Council (legislative).

The **Darfur Executive** is led by an Executive Chairperson, Darfur state governors, ministers and heads of the Darfur commissions.

The **Darfur Council** will be made up of 67 Council Members drawn from the movements and the Darfur state legislatures.<sup>23</sup>

The UN Secretary-General reported that “The sixth session of the Darfur Council of the Darfur Regional Authority, which was held in El Fasher from 8 to 23 December [2014], highlighted the recent progress made in the implementation of the Doha Document for Peace in Darfur.”<sup>24</sup> It further noted that:

During the reporting period, the Justice and Equality Movement-Sudan (JEM-Sudan) and the Government of the Sudan continued to implement the power-sharing provisions of the agreement. On 3 December, President Bashir appointed Sadiq Yousef Zakaria and Mohammed Ahmad Hario, both of JEM-Sudan, as Minister of Agriculture and Minister of Social Care, respectively, of the Darfur Regional Authority. Bahar Abdelgadir was also appointed as Chairperson of the Darfur Nomad and Herder Development Council and Nahar Osman Nahar as Chairperson of the Darfur Social Welfare Fund. Ten additional members of the movement were appointed to the Darfur Council, with one given the post of Deputy Speaker.<sup>25</sup>

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<sup>22</sup> International Donor Conference for Reconstruction and Development in Darfur (held on 7-8 April 2013), [Darfur Regional Authority](#), undated (accessed 10 August 2015)

<sup>23</sup> International Donor Conference for Reconstruction and Development in Darfur (held on 7-8 April 2013), [Darfur Regional Authority](#), undated (accessed 10 August 2015)

<sup>24</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, *paragraph 40*

<sup>25</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, *paragraph 40*

The same source notes that according to the Doha Document for Peace in Darfur [DDPD], the DRA was “scheduled to formally end by 14 July 2015, four years after the signing of the Doha process, with its extension or abolishment to be determined through a referendum. To date a referendum has not been held. The inclusion of the Doha Document in the national constitution in January 2015, however, suggests that the Darfur Regional Authority will remain in place beyond 14 July”.<sup>26</sup> Radio Dabanga reported that at the end of June 2015, “President Al Bashir extended the mandate of the DRA for another year, after having met a DRA delegation over a conflict about power-sharing arrangements between the NLJM and the ruling party”.<sup>27</sup>

Radio Dabanga reports in a July 2015 article that “The DDPD further stipulates that the permanent administrative status of Darfur will be determined by a referendum, to be held within one year after the signing of the peace accord. Until the referendum has taken place, the governments of the five Darfur states are supposed to be coordinated and supervised by the DRA. [...] The head of the governmental Darfur Peace Follow-up Office, Amin Hassan Omar, announced during the press conference that the government has postponed the referendum in Darfur, as set out in the DDPD, “until stability has been achieved in the region”.<sup>28</sup>

Radio Dabanga further reports that in July 2015 that the “head of the Liberation and Justice Movement (LJM), Bahar Idris Abu Garda, has called for a reformation of the Darfur Regional Authority (DRA), ‘so that it can carry out the assignments for which it has been established’”.<sup>29</sup> Abu Garda described the DRA performance over the past three years as “very weak”, accusing it of not implementing any development projects in Darfur and that the DRA has implemented only 74 out of 1,071 planned rehabilitation projects so far.<sup>30</sup> It is further reported that “As DRA head, Sese has been subjected to accusations of fraud. In January [2015], Abu Garda accused him of deploying fighters of his personal militia into the Disarmament, Demobilisation, and Reintegration (DDR) programme, as agreed on in the DDPD, instead of LJM ex-combatants”.<sup>31</sup>

The International Crisis Group reports in an April 2015 report that “In recent years, the government has created numerous, increasingly mono-ethnic administrative units, with officials from dominant local tribes, as well as new positions in the native administration, rewarding government allies but also triggering new conflicts. This tribalisation is criticised by officials and Arab communities that benefited from it but now worry it creates more conflicts. They sometimes also accuse the central government of “divide and rule” tactics to keep Darfur elites busy with local conflicts and away from power struggles in the centre. Since 2006 moreover, Arab communities and militias have grown increasingly disillusioned with promises of development and services, money (including salaries for combatants and compensations for the killed or wounded) and posts in the government and army. The economic crisis further undermines the government’s ability to provide patronage”.<sup>32</sup>

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

For an overview of the current state of the conflict in Darfur, see [3. Current state of the conflict, and human rights and security situation](#).

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<sup>26</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 41

<sup>27</sup> Radio Dabanga, [Abu Garda calls for reformation of Darfur Regional Authority](#), 1 July 2015

<sup>28</sup> Radio Dabanga, [Abu Garda calls for reformation of Darfur Regional Authority](#), 1 July 2015

<sup>29</sup> Radio Dabanga, [Abu Garda calls for reformation of Darfur Regional Authority](#), 1 July 2015

<sup>30</sup> Radio Dabanga, [Abu Garda calls for reformation of Darfur Regional Authority](#), 1 July 2015

<sup>31</sup> Radio Dabanga, [El Bushra mooted to succeed Sese in Darfur Regional Authority](#), 4 August 2015

<sup>32</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, III. *Spiraling Communal Conflict*, B. *Intra-Arab Conflicts: The Politics of Land and “Chieftaincies”* p.7

As reported on the website of the International Donor Conference for Reconstruction and Development in Darfur:

A conflict in Darfur erupted in 2003 when armed groups from Darfur rebelled against the government of Sudan after a complex web of grievances built up to become increasingly violent and ethnically oriented. Following intensive negotiations the Darfur Peace Agreement (DPA) was signed between the Government of National Unity (GoNU) and the Sudanese Liberation Army (SLA) faction, led by Minni Minnawi in May 2006. The Darfur Peace Agreement, however, did not succeed in stabilizing the region, and the lack of recognition of the DPA by several parties to the conflict, led to a failure to secure a comprehensive peace in Darfur.<sup>33</sup>

The Small Arms Survey provides the following historical background of the conflict in Darfur:

The civil war in Darfur is commonly understood to have broken out in early 2003, but in fact several rebel groups had been fighting before that on a very small scale. The Sudan Liberation Army (SLA) announced its existence in February 2003, followed one month later by JEM. Most of their members came from the Fur, Zaghawa, and Masalit groups, who felt that local Arab groups and the Khartoum government were conspiring against them. The world first really paid attention to the growing fighting in Darfur when a combined force of SLA and JEM groups attacked Al Fasher airport in April 2003, destroying seven aircraft and capturing the head of the Sudanese air force (Flint and deWaal, 2008). But rebel cohesion did not last. The SLA soon splintered into several factions, the most significant being SLA-Abdul Wahid (SLA-AW), led by Abdul Wahid Mohamed al Nur, a Fur lawyer, and SLA-Minni Minawi (SLAMM), under Minni Arku Minawi, a Zaghawa former trader. Minawi signed the DPA in 2006, but SLA-AW and JEM did not. By this point the Darfur civil war had led to the deaths of tens, perhaps hundreds of thousands of people, although the exact numbers are disputed.

The DPA did not stop fighting between the other rebel groups and the government, and after an unproductive period in Khartoum Minni Minawi also returned to rebellion in December 2010. Over the years the conflict in Darfur evolved considerably, with Arab groups fighting among themselves and even against the government, and smaller African groups supporting government troops (Gramizzi and Tubiana, 2012). Non-political criminality also increased. However, the main threat to the government was still the rebel movements, and in particular JEM, which undertook a brazen but unsuccessful raid on Omdurman in May 2008, far to the east of Darfur. International engagement, including from Ethiopia, Libya, and the United States, as well as other regional and international actors, persuaded several smaller rebel groups to merge, forming the Liberation and Justice Movement (LJM), whose leader, Tijani al-Sisi, signed the DDPD on 14 July 2011. The agreement contained provisions for power and wealth sharing, and Sisi became the head of the new Darfur Regional Authority. But he soon complained that he was not receiving the funds he needed to do the job, and fault lines in the LJM—already present prior to the agreement—increased (Gramizzi and Tubiana, 2012, p. 15).

The DDPD, like the DPA before it, did not bring peace to Darfur, in large part because the major rebel groups—in this case JEM, SLA-AW, and SLA-MM—did not sign it (Gramizzi and Tubiana, 2012; ICG, 2014). But these rebel movements remained divided and unable to take and hold new territory, although their ability to launch guerrilla raids on government forces remained a serious security threat.

<sup>34</sup>

A June 2015 IRIN report provides the following summary of the conflict:

Khartoum's counter-insurgency campaign has relied heavily on locally-recruited Arab militias who have been accused of mass killings of civilians in non-Arab areas suspected of supporting the rebels. According to the UN, the conflict has left as many as 300,000 people dead and displaced another 2.5 million.

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<sup>33</sup> International Donor Conference for Reconstruction and Development in Darfur (held on 7-8 April 2013), [About Darfur](#), undated (accessed 10 August 2015)

<sup>34</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014

Over the years, the conflict has grown increasingly complex, with rebel movements splintering into numerous rival factions – some of which made peace, at least temporarily - and Arab groups turning against each other and the central government in ethnic disputes often linked to land rights and political power.

After years of failed international peace initiatives, and the indictment of Bashir by the International Criminal Court for crimes including genocide, the conflict has intensified since 2013 with the government launching dry-season offensives against the rebels in Darfur as well as the neighbouring Kordofan region.<sup>35</sup>

#### 1.4.1. Inter-communal fighting

In an April 2015 report the International Crisis Group notes with regards to the ‘Spiraling Communal Conflict’ in Darfur that:

Violence in Darfur has continually evolved. In 2003-2005, it was mostly due to attacks by pro-government, largely Arab militias targeting non-Arab communities accused of supporting the rebels. While those continued and intensified again in 2014, violence has mutated since 2006, with Arab communities and militias fighting each other and, to a lesser extent, non-Arab militias targeting non-Arab communities. Arab militias also turned against their government backers, while rebel factions fragmented and fought against each other as well.<sup>36</sup>

The same source reports with regards to ‘Arab Militias against Non-Arab Communities and the Advent of the RSF’:

Attacks of increasingly uncontrolled forces continued, particularly in 2012-2014, in the Kutum and Hashaba areas of North Darfur. They intensified in other, previously relatively spared areas after the 2013 creation of the Rapid Support Forces (RSF), a paramilitaries under National Intelligence and Security Service (NISS) command. [...]

Other recent, more localised violence pitting Arab militias against non-Arab communities included attacks by Beni Halba Arabs against the South Darfur Gimir community in 2013 over land; by abbala Rizeigat militias against Gimir and Tama communities in Saref Omra (North Darfur) in March 2014, over local disputes; and between Habbaniya Arabs and Fellata (Pula) in the Buram area (South Darfur) in September 2014, over rustling.<sup>37</sup>

Reporting on ‘Intra-Arab Conflicts’ the same April 2015 International Crisis Group report considers that:

Intra-Arab conflicts appear the main cause of increased fighting in Darfur since 2013. These were particularly intense, because the government was losing control of heavily armed militias fighting on both sides. Since 2006, largely unreported clashes have gradually multiplied. Except for the conflict over the Jebel Amir gold-mine in North Darfur, most are due to long-running competition over land and power, some dating to the colonial period. Then, as now, most community conflicts pitted a community holding traditional land rights (and paramount chieftaincies tied with those rights) against others considered as newcomers, hosts and tributaries of the “landowners”. Since the restoration of both the traditional land tenure system and “native administration” (traditional authorities) in the 1980s, newcomers increasingly seek land rights and chieftaincies. Obtaining them from the government has also been a way for a community to acquire its own administrative unit. [...]

Intra-Arab conflicts have pitted against each other communities and militias that have been fighting on the government’s side. Khartoum has generally been cautious about taking sides lest it drive the other to the rebels. All blame the government for non-support, so the conflicts have increased

<sup>35</sup> IRIN, [Briefing: Darfur's deepening conflict](#), 02 June 2015

<sup>36</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, III. *Spiraling Communal Conflict* p.4

<sup>37</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, III. *Spiraling Communal Conflict*, A. *Arab Militias against Non-Arab Communities and the Advent of the RSF* p.5-6

resentment among Darfur's Arabs. All sides also tried, with limited success, to paint their adversaries as rebels, so as to get government backing.

They have been more successful in mobilising kinsmen in paramilitary forces (more rarely the army). Tribes also asked kinfolk army officers and politicians to find support in Khartoum; their intervention sometimes switched the balance of intra-Arab conflicts, for instance in favour of the Ta'aisha against the Salamat, and the Rizeigat against the Beni Husein. Three main intra-Arab conflicts have been a main cause of recent deadly violence in the Darfur states.

1.Salamat versus Misseriya and Ta'aisha in Central Darfur. [...]

2.Gold and land: Beni Husein versus abbala Rizeigat in North Darfur [...]

3.Rizeigat versus Ma'aliya in East Darfur [...]<sup>38</sup>

The International Crisis Group also reports with regards to 'Non-Arab Conflict with the Zaghawa':

Conflicts are also taking place between non-Arab tribes, particularly in the eastern Darfur lowlands between El-Fasher and Nyala, where the Berti, Bergid, Mima and Tunjur suffered both Arab militia and rebel (in particular SLA-MM) predation. In retaliation for the latter, the Zaghawa, considered "newcomers" and the most prominent tribe in the rebel movements, have been targeted by locally recruited, non-Arab militias since 2011. Kibir, the Berti governor, reportedly armed the non-Arabs.<sup>39</sup>

The UN Secretary-General reports that "Four major tribal conflicts occurred in 2014, all of which were contained, to a certain extent, through the conclusion of peace or cessation of hostilities agreements".<sup>40</sup> It identifies these as the conflicts between:

Ma'alia and Southern Rizeigat, East Darfur

Ma'alia and Hammar, East Darfur

Beni Hussein-Northern Rizeigat, North Darfur

Salamat-Misseriya, Central Darfur.<sup>41</sup>

The same report further notes with regards to intercommunal fighting in 2014 that:

Intercommunal fighting also led to heavy casualties and some displacements in 2014. Given that the root causes remain largely unaddressed, mediation efforts leading to peace agreements relieve the underlying problems and grievances of the communities only temporarily. Of particular concern is the management of the artisanal gold mines in the Jebel Amer region of North Darfur, which has been at the heart of repeated clashes between the Northern Rizeigat and Beni Hussein tribes, and the control over pastures and potential oil-producing areas in the localities of Adila and Abu Karinka in East Darfur, the battleground of the Southern Rezeigat and Ma'alia tribes.<sup>42</sup>

The November 2014 report of the UN Secretary-General on the on the African Union-United Nations Hybrid Operation in Darfur stated with regards to intercommunal violence that:

During the reporting period, intercommunal clashes, largely between ethnic Arab tribes over access to resources, continued to affect and displace civilians: 11 confrontations and 377 reported fatalities were recorded as compared to 24 confrontations and 93 confirmed deaths in the previous period. The

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<sup>38</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, III. *Spiraling Communal Conflict*, B. *Intra-Arab Conflicts: The Politics of Land and "Chieftaincies"* p.6-9

<sup>39</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, III. *Spiraling Communal Conflict*, D. *Non-Arab Conflict with the Zaghawa* p.13

<sup>40</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 26

<sup>41</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 27-34

<sup>42</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 64

conflicts between the Rizeigat and the Ma'alia in East Darfur, the Beni Hussein and the Northern Rizeigat in North Darfur and the Fallatta and the Habbaniya in South Darfur represent the most significant tribal conflicts.<sup>43</sup>

The February 2015 report from the same source noted that:

Intercommunal clashes over access to land, water, pastures and other resources continued during the reporting period, although the level of intensity decreased. A total of eight confrontations, with 40 fatalities, were recorded as compared to 11 confrontations and 377 confirmed deaths during the previous period. With the beginning of the dry season, the risk of clashes between Arab nomads migrating southward and sedentary communities harvesting their crops increased.<sup>44</sup>

According to the May 2015 report from the same source:

During the reporting period, UNAMID recorded 11 incidents of intercommunal clashes resulting in 278 fatalities, as compared to 8 clashes resulting in 40 fatalities in the previous period. Conflicts between Arab tribes over cattle rustling continued to be the main cause of increased violence, especially in Southern Darfur. In most of the cases, the Government reacted with a view to stopping the violence, but has had limited lasting success, as reconciliation processes initiated did not address the root causes of inter- and intra-tribal conflicts over land, natural resources and cattle rustling.<sup>45</sup>

For further information, see [3. Current state of the conflict, and human rights and security situation](#) and [6.3. Conflict between tribes since August 2014](#).

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

The International Crisis Group explains that:

The war in Darfur began in 2003. Rebels were mostly recruited from local non-Arab communities, in particular the Fur, Zaghawa and Masalit. The government responded with a counter-insurgency strategy based on mobilisation of Arab militias (known pejoratively as Janjawid) and attempts to divide the opposition. The first main deal was signed in 2006 in Abuja, Nigeria, with a single rebel faction, as the rebellion increasingly fragmented along ethnic lines. Non-signatories and factions fought against signatories and each other, and disgruntled Arab militias turned against each other and sometimes the government. Widespread, though less intense violence continued despite deployment of the AU Mission in Sudan (AMIS) in 2004 and the larger UNAMID in 2007. With South Sudan's independence in 2011 and resumption of the war in South Kordofan and Blue Nile, Darfur rebels allied with the older Sudan People's Liberation Movement "northern" wing (SPLM-N) to form the SRF and established new rear bases in South Sudan and South Kordofan.

The DDPD was signed with the militarily weak and loosely united Liberation and Justice Movement (LJM) and other minor rebel factions five days after South Sudan's independence and a month after the resumption of the war in South Kordofan. While it remains largely unimplemented, Khartoum insists, in spite of mediators' initial commitment to continue talks with non-signatories, that it is not renegotiable. The Sudan Liberation Army faction led by Minni Minawi (SLA-MM) was the most active rebel group in Darfur in 2013-2014. It continued fighting in the eastern plains between Mellit, in North Darfur, and Gereida, in South Darfur state, regularly taking and briefly holding towns.

The other, weaker faction of Abdelwahid Mohammed Ahmed Nur (SLA-AW) controlled much of the Jebel Marra massif in the centre of Darfur, despite determined government offensives. In 2013, the

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<sup>43</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 17

<sup>44</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 19

<sup>45</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 8

Justice and Equality Movement (JEM), one of two main original Darfur rebel groups, sent most of its troops to fight beside the SPLM-N in South Kordofan.

However, it may resume fighting in Darfur out of dissatisfaction with the situation in South Kordofan, where there are tensions with allied SPLM-N over troop behaviour and strategy. Violence spiked in all three theatres as Khartoum opted for what it designated “decisive summer” offensives in 2013-2014. Arab militias that were only notionally government controlled again attacked communities accused of supporting the rebels and increasingly each other.<sup>46</sup>

The Enough Project considers in a June 2014 report<sup>47</sup> ‘Janjaweed Reincarnate’ that “For years, President Bashir’s regime has faced an armed and political challenge from rebels on the periphery and a burgeoning opposition in the center. In response, the regime has recommitted itself to a narrow and divisive vision of what it means to be Sudanese. As a consequence, its strategy for self-preservation has been grounded in collective punishment of the communities from which a majority of the rebels come. Long-term observers of Sudanese politics agree that displacing and driving away these communities remains a central element of the government’s strategy for managing diversity and dealing with the rebellion”.<sup>48</sup>

The International Crisis Group further notes that “Violence in the Darfur region of Sudan’s far west continues unabated. [...] Intensification of combat with rebel factions prompted the government in 2014 to fall back again upon notorious military auxiliaries, this time its new Rapid Support Forces (RSF), thus worsening violence and displacements. Arab militias and paramilitary forces like the RSF attacked non-Arab communities accused of being pro-rebel, fought each other, took part in communal conflicts and even hit at regular government troops”.<sup>49</sup>

The UN Secretary-General states that “Since the formation of the Sudanese Revolutionary Front in 2011 as a loose alliance of armed opposition movements, the field of conflict of the armed movements in Darfur has broadened”.<sup>50</sup> It further reports that:

In particular, JEM-Gibril divided its efforts between Darfur and the Two Areas, which, coupled with the absence of its leadership on the ground, has significantly weakened its presence in Darfur.

In 2013, the Government launched a major military offensive in Darfur and the Two Areas using the Rapid Support Forces, causing large-scale displacement of civilians in Darfur. From February to May 2014, with aerial and ground support from the Sudanese military, the Rapid Support Forces succeeded in dislodging the armed movements from many of their traditional strongholds in the central corridor, as well as in areas south of Nyala. SLA/MM in particular sustained heavy losses.<sup>51</sup>

The November 2014 report of the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in Darfur that “During the reporting period, while military operations decreased overall, possibly because of the rainy season (July to September), clashes between Government forces and armed movements occurred intermittently and aerial bombardments by the Government of the Sudan were reported

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<sup>46</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, 1. Overview p. 4

<sup>47</sup> Although pre-dating the cut off point for research, this source has been included given its relevance and because it was not included in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014)

<sup>48</sup> Enough Project, [Janjaweed Reincarnate: Sudan’s New Army of War Criminals](#), June 2014, *Rekindling an old flame* p.8

<sup>49</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, 1. Overview p. 1

<sup>50</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 61

<sup>51</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 61

on a number of occasions”.<sup>52</sup> The February 2015 report from the same source noted that “increased political tensions have coincided with a marked escalation in the conflict in Darfur between the Government and the armed movements with the redeployment of the Rapid Support Forces in December [2014] [...] Following a similar pattern to the events in Darfur one year ago, the beginning of the dry season coincided with the launching of offensive military action by the Government of the Sudan and the armed movements”.<sup>53</sup> The March 2015 Special report of UN Secretary-General states that:

Clashes decreased between June and early December 2014 owing to the rainy season and the prospect of direct negotiations with SLA/MM and JEM-Gibril. With no progress in the talks held in Addis Ababa, however, the Government resumed offensive operations early in December.

Whereas the earlier phase of the operation had targeted SLA/MM, the second phase concentrated on dislodging SLA/AW from the hilly terrain of Jebel Marra.

The two phases of Operation Decisive Summer have given the government forces the upper hand in the conflict in Darfur. The non-signatory armed movements, especially SLA/MM and JEM-Gibril, have been considerably weakened, while SLA/AW has been confined to a very small geographical area.<sup>54</sup>

According to the May 2015 report from the same source, “The reporting period was marked by an escalation of hostilities between Government forces and the rebel factions, namely, the Sudan Liberation Army faction Abdel Wahid (SLA/AW), the SLA faction Minni Minawi (SLA/MM) and the Justice and Equality Movement faction Gibril Ibrahim (JEM/Gibril). The Government intensified its counter-insurgency operations with the launch of the second phase of Operation Decisive Summer, led by the Rapid Support Forces, leading to additional displacements of the civilian population”.<sup>55</sup>

For further information, see [2.2. Armed opposition groups](#) and [3. Current state of the conflict, and human rights and security situation](#).

## 2. Actors involved in the conflict

### 2.1. Government forces

#### 2.1.1. Armed forces<sup>56</sup>

The CIA World Factbook explains that the Sudanese Armed Forces (SAF) consists of the: Land Forces, Navy (includes Marines), Sudanese Air Force (Sikakh al-Jawwiya as-Sudaniya) and Popular Defense Forces.<sup>57</sup>

Article 8 of Sudan’s Armed Forces Act of 2007 states that the SAF “shall be under the supreme command of the President of the Republic”.<sup>58</sup> President Field Marshal Omar Hasan Ahmad al-Bashir

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<sup>52</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 2

<sup>53</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 9

<sup>54</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 62 and 63

<sup>55</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 2

<sup>56</sup> Selected COI in this subsection reproduced with permission from ACCORD as cited in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 2.1.1 Armed forces

<sup>57</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, Military

<sup>58</sup> Sudan, [Armed Forces Act 2007 \[Sudan\]](#), 5 December 2007

is the Commander in Chief, Major General Abdel Rahim Mohammed Hussein is the Minister of Defense and in June 2015 Lieutenant General Mustafa Osman Obeid Salim was appointed the army's Chief of Staff.<sup>59</sup>

Article 6 (1) of the Act defines the SAF as “military forces of national composition” whose “target and mission” consists in “protection of sovereignty of the country, and securing safety of its territories, and participating in construction thereof, and assisting in facing national disasters and protection or the Nation’s gains, and defense of the constitutional regime”.<sup>60</sup> As set out in Article 6 (2), “[t]hey help law enforcement organs, upon need, in the time of peace and emergencies, in accordance with the provisions of the law; and shall have for the sake of that, such powers and legal protection, as may be granted to such forces”.<sup>61</sup>

A September 2013 Radio Dabanga article provides the following background on the SAF:

The Sudanese Armed Forces (SAF) is a conventional armed force with a mandate to protect and to maintain internal security. It carries out its mandate mainly through ground forces, including Popular Defence Force (PDF) militia, as well as an air force and navy. The Supreme Commander of the armed forces, Marshall Omar Hassan Ahmad Al Bashir, holds both the posts of National President and Commander-In Chief of the Armed Forces and People’s Defence Forces (PDF). He exercises his power through the Minister of Defence Major General Abdel Rahim Mohamed Hussein. He appoints the Chief of General staff Lieutenant general Ismat Abdel Rahman being the Commander of the Armed Forces together with five Deputy Chiefs of Staff for Operations, Intelligence, Logistics, Administration, Training and Morale. The air force and navy are separate services under the commander-in-chief.<sup>62</sup>

The World Bank puts the total number of armed personnel in Sudan at 264,300 as of 2013 defined as “active duty military personnel, including paramilitary forces if the training, organization, equipment, and control suggest they may be used to support or replace regular military forces”.<sup>63</sup> According to the website Global Security, “The Sudanese army numbered 200,000 soldiers in 2014, organized into at least 15 divisions, including 1 armored, 1 mechanized, 1 airborne and at least 11 infantry divisions. By then, the army had 445 tanks, 248 reconnaissance vehicles, 412 armored vehicles, 849 artillery pieces, including 665 multiple rocket launchers”.<sup>64</sup>

Defence Web, a South Africa-based news portal with a focus on defence and security issues in Africa provided the following overview of the SAF’s structure as of December 2013:

- 6 Regional Commands
- 1 armoured division HQ
- 1 airborne Corps HQ
- 1 Republican Guard brigade
- 2 armoured brigades
- 2 infantry brigades
- 1 parachute brigade
- 3 artillery regiments
- 5 air defence brigades
- 1 SAM battalion
- 1 engineer battalion
- 1 ranger company

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<sup>59</sup> Sudan Tribune, [Sudan’s Bashir conducts major reshuffle in top army posts](#), 1 June 2015

<sup>60</sup> Sudan, [Armed Forces Act 2007 \[Sudan\]](#), 5 December 2007

<sup>61</sup> Sudan, [Armed Forces Act 2007 \[Sudan\]](#), 5 December 2007

<sup>62</sup> Radio Dabanga, [‘6,000 young Darfuris recruited by Khartoum’: sources](#), 2 September 2013

<sup>63</sup> World Bank, [Armed forces personnel, total](#), 2010-2014 [accessed 11 August 2015], *Sudan*

<sup>64</sup> Global Security, [Sudan Army](#), undated [accessed 11 August 2015]

1 special operations/counter terrorist unit.<sup>65</sup>

The same source reported with regard to the capabilities and resources of the SAF that:

Sudan's military is large and relatively well equipped, and is bolstered by paramilitary, irregular tribal and former rebel militias. The Sudanese Armed Forces (SAF) are combathardened, having fought in various conflicts in recent times, including the Sudanese Civil War, Darfur Conflict, Sudan-SPLM-N conflict and the 2012 South Sudan-Sudan border conflict. Nevertheless Sudanese army soldiers are considered to be largely ineffective, poorly motivated and politically unreliable. During the 1990s purges eroded the army's capability and command authority. Sudan has acquired vast amounts of military hardware over the last decade, primarily from the East using oil money. China and Russia are the country's biggest suppliers, with Russia providing aircraft like Mi-24 attack helicopters and Mi-17 transport helicopters and China providing aircraft and armoured vehicles. Sudan has used such equipment in Darfur in spite of a United Nations arms embargo. The Air Force in particular continues to receive new hardware, replacing some of the many aircraft that it has lost to crashes and rebel action. Since the 1990s Chinese, Russian and Iranian companies have helped Sudan develop its domestic military industry, which manufactures small arms, artillery and armoured vehicles. The Military Industry Corporation (MIC) was established in 1993 to manufacture weapons and equipment for the Sudanese military and is now marketing its products internationally. Products include recoilless rifles, mortars, rocket launchers and upgraded armoured vehicles. Sudanese military acquisitions are ongoing, particularly due to the numerous security concerns Sudan faces, notably the rebel Sudan People's Liberation Movement North (SPLM-N), as well as the Sudan Revolutionary Front (SRF), which also includes rebel groups from Darfur. In addition, Sudan is maintaining a strong military due to tensions with South Sudan.<sup>66</sup>

For ranks and insignia of the Sudan army see:

- ❖ International Encyclopedia of Uniform Insignia Around the World, [Rank Insignia- Army Land Forces: Sudan](#), undated [accessed 10 September 2015]

The 2014 U.S. Department of State report indicates that "The Ministry of Defense oversees all elements of the SAF, including the Border Guards and military intelligence units. [...] In late 2013 the government announced the creation of the RSF [Rapid Support Forces] as a new element of the security apparatus. The RSF draws largely from Arab militias who previously acted as "jingaweit." A former SAF general commanded the RSF, but the NISS oversaw its operations.<sup>67</sup> See [2.1.4.3. Janjaweed and Rapid Support Forces](#).

The 2014 U.S. Department of State report further noted that:

In June 2013 the National Assembly amended article (4) of the 2007 Sudanese Armed Forces Act. The new amendment subjects any civilians within SAF-controlled areas believed to be rebels or members of paramilitary groups to military trials. The NISS and military intelligence officers applied this article to detainees in the conflict areas.<sup>68</sup>

### Overview of SAF abuses in Darfur

The 2014 U.S. Department of State report indicates that in Darfur, "In addition to deaths attributed to intercommunal clashes, many deaths continued to be attributed to the SAF and militia groups. Security deteriorated in North Darfur, and violence, including indiscriminate SAF aerial and artillery

<sup>65</sup> Defence Web, [Sudanese Armed Forces](#), 3 December 2013

<sup>66</sup> Defence Web, [Sudanese Armed Forces](#), 3 December 2013

<sup>67</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.d

<sup>68</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.e

bombardments, continued in the Jebel Marra area in Darfur. [...] SAF raids resulted in civilian casualties".<sup>69</sup> Reporting with regards to the situation in Sudan more generally the same source notes that "Former detainees reported physical and psychological torture by police, the NISS, and military intelligence personnel of the SAF".<sup>70</sup>

For further information on abuses committed by the SAF in Darfur, see:[3. Current state of the conflict, and human rights and security situation](#); [5. Rule of Law and the Administration of Justice](#); [10.2. Sexual and gender-based violence \(SGBV\)](#); and [11.1. Recruitment and use of children by government forces and armed groups](#).

### 2.1.2. Intelligence

A September 2013 Radio Dabanga article provides the following background on the Military Intelligence (Istikhbarat El Askariyya):

Military Intelligence (Istikhbarat El Askariyya) is a branch of the General Staff with its own administration and command. Under emergency laws, it has the power to arrest, detain and interrogate. With regard to communication and reporting, it passes information through the operational chain, as well as directly to the Presidency.<sup>71</sup>

With regards to the National Intelligence and Security Service (NISS) the same report notes that:

National Security and Intelligence Service (NISS) is not part of the Sudan Armed Forces but is part of the Ministry of Interior, formed in February 2004 as a move to create one unified service dealing with both internal and external intelligence. Its main headquarter is in Khartoum and is headed by a Director-general who is appointed by the President. The previous Director-General, Major-general Salah Abdallah (also known as Salah Gosh) who was detained for being involved in an alleged coup attempt, had to report at least every second day to the President (not the minister of interior). Its mandate derives from the National Security Force Act (NSF).<sup>72</sup>

The 2014 U.S. Department of State report notes with regards to the NISS that:

The NISS is responsible for internal security and all intelligence matters. It is independent of any other ministry. [...]

The Ministry of Defense oversees all elements of the SAF, including the Border Guards and military intelligence units. [...]

Impunity for the security forces remained a serious problem. The law provides NISS officials with legal protection for acts committed in their official capacities. The government reported it investigated some cases of police abuse; however, it infrequently lifted police immunity or pressed charges against officers. The government generally failed to investigate violations committed by other branches of the security forces.

The government reported the NISS maintained an internal court system to address internal discipline matters, and investigate and prosecute violations of the National Security Act, including abuse of power under article 59 of the act. Penalties included up to 10 years in jail, a fine, or both for NISS officers found in violation of the act. The government claimed to have closed approximately 25 cases during the year. [...]

Although the government in 2011 named a special prosecutor from the Ministry of Justice to monitor NISS detentions, the independent expert remained concerned about weak judicial oversight of NISS

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<sup>69</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.g

<sup>70</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.c

<sup>71</sup> Radio Dabanga, [‘6,000 young Darfuris recruited by Khartoum’: sources](#), 2 September 2013

<sup>72</sup> Radio Dabanga, [‘6,000 young Darfuris recruited by Khartoum’: sources](#), 2 September 2013

arrests and detention. In numerous press statements, the independent expert expressed concern over the NISS' failure to adhere to human rights principles, including respect for the rule of law in Khartoum, Darfur, and the Two Areas.<sup>73</sup>

Amnesty International reports that in March 2015, "the Sudanese Parliament passed amendments to the Interim Constitution, including one extending the NISS' mandate. The amendment to Article 151 transforms the NISS from an intelligence agency focused on information gathering, analysis and advice, to a fully-fledged security agency with a broad mandate to exercise a mix of functions usually carried out by the armed forces or law enforcement agencies. By expanding the NISS's mandate, Parliament has not only endorsed its methods but rewarded its performance".<sup>74</sup> The same source further notes that:

Neither the revised Article 151 nor the NSA explicitly or implicitly require the NISS to abide by relevant international, regional and domestic law. [...]

The "new" relationship between the NISS, the military and law enforcement agencies is not articulated. The NISS is already deployed both militarily and in law enforcement. There is a risk that the NISS's mandate, cutting across intelligence, military and law enforcement spheres, could also undermine or unduly interfere with ordinary police work thus enhancing dysfunction in the criminal justice system.

The increased mandate and powers of the NISS is already having far-reaching and negative effects on the protection and protection of human rights. Under the National Security Act, NISS agents have immunity from civil and criminal liability for acts conducted in "the course of their duty" or in "good faith." They are only vulnerable to prosecution if the Director General of the NISS decides to lift this protection. The African Commission on Human and Peoples' Rights (ACHPR) opines that such a remedy, being discretionary and not subject to judicial oversight, is therefore inadequate and insufficient.<sup>75</sup>

In June 2015 General Ali Mohamed Salim replaced General Sideeg Amer Hassan Ali as the Chairman of the Intelligence and Security.<sup>76</sup>

### Overview of NISS abuses in Darfur

According to Freedom House's 2015 'Freedom in the World' report, "the 2010 National Security Act gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or their relatives. Human rights groups accuse the NISS of systematically detaining and torturing government opponents, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now".<sup>77</sup> A further report from Freedom House notes that "Sudanese dissidents living abroad have also been targeted by the NISS, indicating a level of surveillance that may be able to cross international borders or entail cooperation with other governments".<sup>78</sup>

Reporting on abuses committed by NISS in Darfur the 2014 U.S. Department of State report notes that:

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<sup>73</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.d

<sup>74</sup> Amnesty International, [Sudanese National Intelligence Service empowered to violate human rights](#), 19 March 2015

<sup>75</sup> Amnesty International, [Sudanese National Intelligence Service empowered to violate human rights](#), 19 March 2015

<sup>76</sup> Sudan Tribune, [Sudan's Bashir conducts major reshuffle in top army posts](#), 1 June 2015

<sup>77</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>78</sup> Freedom House, [Freedom on the Net 2014 - Sudan](#), 4 December 2014

In June 2013 the National Assembly amended article (4) of the 2007 Sudanese Armed Forces Act. The new amendment subjects any civilians within SAF-controlled areas believed to be rebels or members of paramilitary groups to military trials. The NISS and military intelligence officers applied this article to detainees in the conflict areas. [...]

In Darfur fighting involving government forces, rebels, and ethnic militias continued. Fighting was often along ethnic lines. These armed groups, including the RSF, which the NISS controlled, killed and injured civilians, raped women and children, looted properties, targeted IDP camps, and burned villages in South, East, and North Darfur. These acts resulted in the displacement of approximately 400,000 persons by August. An increase in common forms of criminality also contributed to a deterioration of overall security in Darfur.<sup>79</sup>

Reporting on abuses committed by NISS and the military intelligence throughout Sudan in general the same report further notes that:

Authorities generally maintained control over the security forces, but there were instances in which elements of the security forces acted independently of civilian control, especially in Darfur. [...]

Former detainees reported physical and psychological torture by police, the NISS, and military intelligence personnel of the SAF. Some of those arrested were subjected to torture and other forms of mistreatment, including prolonged isolation, exposure to extreme temperature variations, electric shock, and use of stress positions. Some female detainees alleged the NISS harassed and sexually assaulted them while in detention. [...]

Security forces used excessive force against demonstrators. [...]

Security forces, rebel groups, and armed individuals raped women throughout the country. [...]

Security forces and police harassed suspected government opponents. [...]

The NISS, police, and military intelligence arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer. The government often targeted political opponents and suspected rebel supporters. [...] NISS officials frequently denied holding individuals in their custody or refused to confirm where they were being held. [...]

Human rights organizations asserted the NISS ran “ghost houses,” where it detained opposition and human rights figures without acknowledging they were being held. Such detentions were prolonged at times.<sup>80</sup>

In a September 2014 report Amnesty International notes with regards to the lack of accountability for NISS in Sudan that:

Under international human rights law, states must investigate all cases of excessive use of force, arbitrary detention such as secret or unacknowledged detention and torture and other ill-treatment, bring perpetrators to justice and ensure effective redress for the victims. Amnesty International and ACJPS [African Centre for Peace and Justice Studies] have identified widespread problems resulting in the persistence of impunity for violations committed by the security services. Firstly, the GoS has repeatedly failed to ensure prompt, thorough, impartial and effective investigations. Second, access to justice for victims and their families is hampered through immunities for the police, the NISS and other security services, the lack of will to investigate lodged criminal complaints, and the harassment and intimidation of those who try to do so. [...]

In Sudan, complaints against a member of the security services are effectively curtailed by immunity legislation. Legislation governing the SAF, NISS and police all include immunities for acts committed “in good faith” and “in the course of duty”. Immunities can only be waived by the relevant governing bodies of the Ministry of Interior, Defence or Director of the NISS. [...]

A Darfuri lawyer told Amnesty International: “Because of the immunities, it is almost impossible for victims of human rights violations to file charges against NISS officers and the police. A lot of people

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<sup>79</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.e, and Section 1.g

<sup>80</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.c, Section 1.d. and Section 1.e

don't even want to try despite the glaring evidence because they know it's not going to lead to anything. [...]

Amnesty International and ACJPS have interviewed lawyers acting for people who have brought criminal complaints against the police and the NISS. These lawyers have expressed the view that, in cases of such complaints about the police or NISS, the response of the relevant prosecutors has been inadequate, sometimes even to the extent of defending the police or NISS officers. Due to the lack of rigour by prosecutors in pursuing cases, the initiative is left in many cases to victims to press for criminal investigations to be pursued. [...]

Even in the rare cases where there is irrefutable evidence and witnesses and immunities are lifted, the judicial system fails to effectively investigate complaints of excessive use of force, torture and other ill-treatment by the security services with a view to prosecuting those who commit such human rights violations. [...]

Many fear if they attempt to pursue legal remedies, they risk being threatened by these security services or being re-arrested. Lawyers who have encouraged their clients to file complaints against members of the NISS or the police told Amnesty International that many victims back down at the last minute given fear of reprisals.<sup>81</sup>

In a March 2015 report Amnesty International considers that "Though the NISS has for the last decade perpetrated human rights violations with impunity, its current human rights violations have reached unprecedented level".<sup>82</sup> The same source further notes that:

The NISS has used excessive and sometimes lethal force in breaking up demonstrations, protests and rallies as well as office raids and confiscations of newspapers, perpetrated arbitrary arrests and deliberately targeted ethnic and religious minorities.

Between 2012 and 2014, the NISS arrested human rights defenders, students, activists, political opponents and journalists en masse. Most of those arrested were subsequently released without trial, but a few have been kept incommunicado, outside the protection of the law and vulnerable to torture and other forms of ill-treatment. Human rights violations committed by NISS agents are seldom investigated by the Sudanese authorities.<sup>83</sup>

For further information on abuses committed by the NISS in Darfur, see: [5. Rule of Law and the Administration of Justice](#); and [7. Civil and Political Rights](#).

### 2.1.3. Law enforcement

The 2014 U.S. Department of State report notes that:

Several government entities have responsibility for internal security, including the NISS, Ministry of Interior, and Ministry of Defense. Civilian authorities generally maintained control of police and other security apparatuses but failed to prevent societal violence. The government attempted to respond to some interethnic fighting but was not effective in mediating peaceful solutions. [...]

The Ministry of Interior oversees the national police, including the security police, Special Forces police, traffic police, and the combat-trained Central Reserve Police. There was a police presence throughout the country. [...]

Impunity for the security forces remained a serious problem. [...] The government reported it investigated some cases of police abuse; however, it infrequently lifted police immunity or pressed

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<sup>81</sup> Amnesty International, [Excessive and Deadly: The use of force, arbitrary detention and torture against protesters in Sudan](#), 3 September 2014, III -THE LACK OF ACCOUNTABILITY AND JUSTICE p.21-26

<sup>82</sup> Amnesty International, [Sudanese National Intelligence Service empowered to violate human rights](#), 19 March 2015

<sup>83</sup> Amnesty International, [Sudanese National Intelligence Service empowered to violate human rights](#), 19 March 2015

charges against officers. The government generally failed to investigate violations committed by other branches of the security forces. [...] Corruption among some police and other security force members was a problem.<sup>84</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur considers that “Criminality remains a major concern. It is compounded by the limited capacity of local law enforcement authorities, impunity, proliferation of small arms and a culture of violence stemming from Darfur’s protracted conflict environment”.<sup>85</sup> The report further noted that:

Tribal rivalry and intercommunal tensions, particularly in Central, East and North Darfur, as well as clashes and retaliatory attacks between the Government and armed movements and aerial bombardments perpetuate a climate of insecurity and impunity. In some areas this insecurity was compounded by a limited presence of law enforcement officers, raising protection concerns as internally displaced persons and local communities suffered under continuing harassment of Arab militias and SLA-AW rebel forces.<sup>86</sup>

Reporting specifically on the law enforcement authorities’ response to conflict related sexual violence, the same source notes that “There is a prevailing lack of confidence in law enforcement agencies to take action, particularly when perpetrators belong to armed groups. Many police stations are ill-equipped to act on civilians’ complaints”.<sup>87</sup> For further information, see [10.4.State response to SGBV](#).

The May 2015 report of the same source similarly notes that “The absence of Government authorities in remote areas impacted on law enforcement, and the inefficient judiciary system continued to contribute to a culture of impunity and repeated crimes”.<sup>88</sup>

According to Freedom House’s 2015 ‘Freedom in the World’ report, “the 2010 National Security Act gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or their relatives”.<sup>89</sup>

### Overview of police abuses in Darfur

The UN Secretary-General reported in his February 2015 report on the African Union United Nations Hybrid Operation in Darfur, with regards to impunity of law enforcement agencies that:

The right to redress by victims of human rights violations continued to be affected by the reluctance of law enforcement authorities to pursue cases brought to their attention. This failure to address human rights violations perpetuates the insecure environment for civilians in Darfur and contributes to widespread impunity. For example, 30 of the 118 documented cases were reported by victims to the Sudan law enforcement authorities. However, only 7 cases have been investigated, resulting in 5

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<sup>84</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.d

<sup>85</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 20

<sup>86</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 78

<sup>87</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 54

<sup>88</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 14

<sup>89</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

arrests, whereas in the remaining 23 reported cases, UNAMID confirmed with victims and/or witnesses that law enforcement authorities did not take any action. Government authorities have cited a lack of capacity of the law enforcement authorities and lack of information on the identity of perpetrators as reasons for the lack of progress in investigating cases. Victims and their families blamed lack of willingness on the part of the authorities to investigate cases.<sup>90</sup>

Reporting on abuses committed by the police throughout Sudan in general the 2014 U.S. Department of State report notes that:

Authorities generally maintained control over the security forces, but there were instances in which elements of the security forces acted independently of civilian control, especially in Darfur. [...]

Security forces used excessive force against demonstrators. [...]

Security forces, rebel groups, and armed individuals raped women throughout the country. [...]

Security forces and police harassed suspected government opponents. [...]

The law requires the police and attorney general to investigate deaths on police premises, regardless of suspected cause of death. Suspicious causes of death while in police custody were often investigated but not prosecuted. [...]

Former detainees reported physical and psychological torture by police, the NISS, and military intelligence personnel of the SAF. Some of those arrested were subjected to torture and other forms of mistreatment, including prolonged isolation, exposure to extreme temperature variations, electric shock, and use of stress positions. Some female detainees alleged the NISS harassed and sexually assaulted them while in detention. [...]

Security forces and police harassed suspected government opponents. [...]

The NISS, police, and military intelligence arbitrarily arrested and detained persons. Authorities often detained persons for a few days before releasing them without charge, but many persons were held much longer. The government often targeted political opponents and suspected rebel supporters. [...] NISS officials frequently denied holding individuals in their custody or refused to confirm where they were being held. [...]

The NISS, police, and military intelligence arbitrarily arrested and detained persons. [...]

Police use of excessive force to disperse demonstrators resulted in deaths and injuries. [...]

There were frequent reports of sexual harassment by police.<sup>91</sup>

In a September 2014 report Amnesty International notes with regards to the lack of accountability for the police in Sudan that:

Under international human rights law, states must investigate all cases of excessive use of force, arbitrary detention such as secret or unacknowledged detention and torture and other ill-treatment, bring perpetrators to justice and ensure effective redress for the victims. Amnesty International and ACJPS [African Centre for Peace and Justice Studies] have identified widespread problems resulting in the persistence of impunity for violations committed by the security services. Firstly, the GoS has repeatedly failed to ensure prompt, thorough, impartial and effective investigations. Second, access to justice for victims and their families is hampered through immunities for the police, the NISS and other security services, the lack of will to investigate lodged criminal complaints, and the harassment and intimidation of those who try to do so. [...]

In Sudan, complaints against a member of the security services are effectively curtailed by immunity legislation. Legislation governing the SAF, NISS and police all include immunities for acts committed "in good faith" and "in the course of duty". Immunities can only be waived by the relevant governing bodies of the Ministry of Interior, Defence or Director of the NISS. [...]

A Darfuri lawyer told Amnesty International: "Because of the immunities, it is almost impossible for victims of human rights violations to file charges against NISS officers and the police. A lot of people

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<sup>90</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 56

<sup>91</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.a, 1.c, Section 1.d, Section 1.e and Section 6

don't even want to try despite the glaring evidence because they know it's not going to lead to anything. [...]

Amnesty International and ACJPS have interviewed lawyers acting for people who have brought criminal complaints against the police and the NISS. These lawyers have expressed the view that, in cases of such complaints about the police or NISS, the response of the relevant prosecutors has been inadequate, sometimes even to the extent of defending the police or NISS officers. Due to the lack of rigour by prosecutors in pursuing cases, the initiative is left in many cases to victims to press for criminal investigations to be pursued. [...]

Even in the rare cases where there is irrefutable evidence and witnesses and immunities are lifted, the judicial system fails to effectively investigate complaints of excessive use of force, torture and other ill-treatment by the security services with a view to prosecuting those who commit such human rights violations. [...]

Many fear if they attempt to pursue legal remedies, they risk being threatened by these security services or being re-arrested. Lawyers who have encouraged their clients to file complaints against members of the NISS or the police told Amnesty International that many victims back down at the last minute given fear of reprisals. [...]

These barriers to accessing justice, particularly in respect of violations perpetrated by the NISS, are a persistent problem that have been recognised by regional and international human rights mechanisms. A number of complaints have been lodged against Sudan before the African Commission on Human and Peoples' Rights, on behalf of victims who have not been able to seek effective remedies within the Sudanese justice system for torture and other ill-treatment at the hands of the NISS and the police. The African Commission has found in some of these cases that remedies are not available for victims of arbitrary detention, torture and other ill-treatment at the hands of the NISS in Sudan because of legal and procedural barriers that grant immunity to NISS officials. The African Commission has called on Sudan to reform its laws, including the NSA of 2010 governing the work of the NISS, and bring them in line with international and regional standards.<sup>92</sup>

For further information on abuses committed by the police in Darfur, see: [5. Rule of Law and the Administration of Justice](#) and [7. Civil and Political Rights](#).

#### 2.1.4. Paramilitary militias

According to an April 2015 International Crisis Group report, "There are estimates of as many as 200,000 Arab militia members in Darfur, partly integrated into official paramilitary forces. [...] This includes Border Guard, Popular Defence Forces (PDF), CRP and RSF members, other paramilitaries in principle under army or security officer control and tribal militias or armed nomads under traditional chiefs or war leaders (agid).<sup>93</sup> Moreover it notes that "they have increasingly felt abandoned and turned against the government. Since 2013, Khartoum's inability to protect Arab civilians from attacks by militias of other Arab communities has further increased anti-government animosity. For political and economic reasons, Khartoum stopped paying some militias and delivering food and ammunition; some of these turned against it, calling themselves Jundi al-Mazlum (the "neglected soldiers")".<sup>94</sup>

The Human Security Baseline Assessment for Sudan and South Sudan (HSBA) reports in August 2014 that "The increasingly uncontrolled involvement of government auxiliary forces—in particular the Central Reserve Police and the Border Guards—alongside the uniformed Popular Defense Forces and

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<sup>92</sup> Amnesty International, [Excessive and Deadly: The use of force, arbitrary detention and torture against protesters in Sudan](#), 3 September 2014, III - THE LACK OF ACCOUNTABILITY AND JUSTICE p.21-26

<sup>93</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, C. Arab Militias against the Government (Including Hilal's rebellion) p.10 and footnote 43

<sup>94</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, C. Arab Militias against the Government (Including Hilal's rebellion) p.10

the Rapid Support Forces (including many former so-called 'Jangaweed' leaders) is also a hallmark of the evolving conflict. As it did in the early stage of the 2003 rebellion, the government is pursuing a strategy of supporting, financing, and arming militias to counter rebel incursion and operations, and is encouraging them to attack and destroy communities suspected of supporting or harboring rebels. The lack of government control allows these forces to operate with impunity, resulting in increased use of indiscriminate armed violence against the civilian population".<sup>95</sup>

The International Crisis Group further reports with regards to paramilitary involvement in the conflicts in Darfur that:

In Darfur, as in Sudan's second civil war (1983-2005) and the renewed conflicts in South Kordofan and Blue Nile, the government has relied on militias and paramilitaries, such as the PDF, Border Guards, CRP and RSF, but they have proved no more effective than the regular army in ending multiple rebellions.<sup>96</sup>

The 2014 U.S. Department of State report provides the following overview of paramilitary militias in Darfur:

Reports claimed ethnic militias affiliated with government security forces, including the Border Guards and Central Reserve Police, supported their ethnic kin in intercommunal conflicts, further increasing the number of deaths. Sources documented attacks by progovernment militia on civilians in areas controlled by both rebels and the government including east Jebel Marra and Giraida, South Darfur.<sup>97</sup>

There were numerous reports that government forces, rebel groups, and ethnic militia groups committed arbitrary and unlawful killings of civilians in connection with the conflicts in Darfur, Abyei, and the Two Areas. [...]

In Darfur and the Two Areas, government forces and government-aligned militias killed civilians, including by repeated targeting and indiscriminate aerial and artillery bombardment of civilian areas. Ground attacks often followed aerial bombardments. Rebel forces also killed civilians during attacks. [...] All parties to the conflicts in Darfur and the Two Areas were accused of perpetrating torture and other human rights violations and abuses. Government forces abused persons detained in connection with armed conflict as well as IDPs suspected of having links to rebel groups. There were continuing reports government security forces, progovernment and antigovernment militias, and other armed persons raped women and children. [...]

Attacks by armed militia on UNAMID increased. Militia groups carjacked UNAMID vehicles and abducted UNAMID staff for ransom.<sup>98</sup>

For information on the paramilitaries' involvement in the current conflict, see [3. Current state of the conflict, and human rights and security situation.](#)

#### **2.1.4.1. Border Guards**

For a historical overview of the Border Guards, see:

- ❖ Sudan Human Security Baseline Assessment, [Border Intelligence Brigade \(Al Istikhbarat al Hudud\) \(AKA Border Guards\)](#), updated November 2010

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<sup>95</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Darfur](#), August 2014 [accessed 13 August 2015]

<sup>96</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, *F. Beyond the Militia Impasse* p.15

<sup>97</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

<sup>98</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.a, Section 1.g*

A September 2013 Radio Dabanga article provides the following background on the Border Guards:

Border Intelligence Guards (BIG) now called border guards. It is part of the Military Intelligence and headquartered in Khartoum with the primary role of which is to monitor and gather information in the border area, mainly Darfur. Members of this unit are recruited from the local population. They are deployed to their areas of origin, according to their experience in the area, knowledge of the tribes, and ability to differentiate between people of different tribal and national origins based on local knowledge. Border Intelligence guards are under the operational control of the Military Intelligence Officers in the particular Division where they are deployed and otherwise fall under the regular chain of command for the armed forces. They were initially considered to become the elite, with military identity cards and monthly salaries. While initially border guards officers were recruited in relation to the conflict in southern Sudan, the Government began recruiting them during the early stages of the armed conflict in Darfur in late 2002 and early 2003. Apparently, border guards soldiers are recruited directly into the army in the same way as regular soldiers. In the past advertisements were made through media channels for volunteers.<sup>99</sup>

The 2014 U.S. Department of State report indicates that “The Ministry of Defense oversees all elements of the SAF, including the Border Guards [...]”.<sup>100</sup> It further notes that “Reports claimed ethnic militias affiliated with government security forces, including the Border Guards and Central Reserve Police, supported their ethnic kin in intercommunal conflicts, further increasing the number of deaths. Sources documented attacks by progovernment militia on civilians in areas controlled by both rebels and the government including east Jebel Marra and Giraida, South Darfur”.<sup>101</sup> Radio Dabanga reported in January 2015 that Border Guards were mobilising civilians to join fighting against the armed rebel movements in Zalingei, the capital of the state.<sup>102</sup> The 2014 U.S. Department of State report also documents that child recruitment by the Border Guards has been reported.<sup>103</sup> See [11.1. Recruitment and use of children by government forces and armed groups](#) for further information.

The UN Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to the Border Guards that:

In July and August 2014, hostilities resumed following cattle theft by Southern Rizeigat at a Ma’alia village. The clashes, involving the Rapid Support Forces and the Border Guards, left 320 people dead.<sup>104</sup>

In his November 2014 report the same source noted that:

On 14 August, 45 Arab men dressed in uniforms of the Rapid Support Forces, the Sudanese armed forces and the Border Guard surrounded and threatened to attack the Hamada and Mosku camps of internally displaced persons (South Darfur) over allegations that camp residents had killed two members of the Rapid Support Forces on 9 August. Two days later, 100 Arab men on camels armed with machine guns and assault rifles reportedly fired indiscriminately in the vicinity of Hamada camp for three hours. The Sudanese armed forces intervened and a Government-led mediation resulted in the internally displaced persons paying blood money for the death of the two men. [...]

During the reporting period, intercommunal clashes, largely between ethnic Arab tribes over access to resources, continued to affect and displace civilians: 11 confrontations and 377 reported fatalities

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<sup>99</sup> Radio Dabanga, ‘[6,000 young Darfuris recruited by Khartoum](#)’: sources, 2 September 2013

<sup>100</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.d

<sup>101</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.g

<sup>102</sup> Radio Dabanga, [Army recruiting drive to counter rebels in East Darfur](#), 17 January 2015

<sup>103</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.g

<sup>104</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 28

were recorded as compared to 24 confrontations and 93 confirmed deaths in the previous period. The conflicts between the Rizeigat and the Ma'alia in East Darfur, the Beni Hussein and the Northern Rizeigat in North Darfur and the Fallatta and the Habbaniya in South Darfur represent the most significant tribal conflicts. [...]

UNAMID was informed by local sources in Adillathat Southern Rizeigat involved in the clash wore uniforms similar to those of the Rapid Support Forces and the Border Guards and were allegedly in possession of high-powered automatic weapons and mortars.<sup>105</sup>

In October 2014 SUDO (UK) reported that "A group of Ziyadiya belonging to the Border Guards, a Para-military militia operating in Darfur on the side of the government army, rebelled against the army and were surrounded in the Ziyadiya residential area in the north of Al-Fasher town. There was a heavy exchange of fire using small arms and heavy artillery. The rebelling militia managed to escape out of town towards the North, heading for Mellit, which is a centre of the Ziyadiya tribe. On their way they clashed with a unit of the Popular Defence Force (PDF), a Para-military militia based in Umm Marahek. The PDF members in this area are from the Berti tribe. The rebelling forces from the Border Guards killed six soldiers from the PDF and injured 16 who were taken to Al-Fasher. The rebelling forces then headed towards Mellit".<sup>106</sup>

In his February 2015 report the same source noted that UNAMID documented 89 incidents of human rights violations and abuses, 29 cases of which, involving 52 victims, were allegedly perpetrated by the Government of the Sudan and affiliated entities (police, Rapid Support Forces, Popular Defence Force, Border Guards and SAF).<sup>107</sup>

The May 2015 Report of the UN Secretary-General notes with regards to local conflict and intercommunal violence involving the Border Guards:

The destabilizing impact of numerous paramilitary groups also continued to exacerbate tensions between local communities. In Northern Darfur, armed Arab Zeyadiyah, reportedly members of the Border Guards and the Central Reserve Police, attacked the Berti community on 27 February in two separate incidents in Makisi village near Malha, killing five and abducting eight Berti. The attacks were carried out in retaliation for the alleged murder of five Zeyadiyah by the Berti, which the latter denied. Despite the signing on 23 March of an agreement to cease hostilities mediated by local authorities, attacks by the Zeyadiyah continued until the end of March, resulting in the killing of at least 33 Berti and 14 Zeyadiyah individuals and the displacement of approximately 30,000 Berti families.<sup>108</sup>

An April 2015 Radio Dabanga article put the death toll "among Berti in the recent attacks of the paramilitary Border Guard militias and Central Reserve Police (Abu Tira) on villages of Mellit locality" at 106, with a reported 48,819 people affected by the violence.<sup>109</sup> The same source notes that in July 2015, "Seven people were killed and others wounded in an attack by paramilitaries of the Border Guards and the Central Reserve Police (locally known as Abu Tira) on six villages in Mellit locality, North Darfur".<sup>110</sup>

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<sup>105</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 16-17

<sup>106</sup> SUDO (UK), [Militia clashes in Al-Fasher 24th Oct 2014](#), 27 October 2014

<sup>107</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 52

<sup>108</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015 paragraph 11

<sup>109</sup> Radio Dabanga, [More than 48,000 Berti affected by militia violence in North Darfur](#), 12 April 2015

<sup>110</sup> Radio Dabanga, [Seven dead in Ziyadiya attack on Berti villages in North Darfur](#), 7 July 2015

### 2.1.4.2. Central Reserve Police ("Abu Tira")

For a historical overview of the Central Reserve Police, see:

- ❖ Sudan Human Security Baseline Assessment, [Central Reserve Police](#), updated January 2011

A September 2013 Radio Dabanga article provides the following background on the Central Reserve Police:

The Central Reserve Police (CRP) are combat-trained forces, known in Darfur as 'police soldiers' and armed with weapons not used by regular police. These include light and heavy machine guns, RPG7s, 82 mm mortars and, when they participate in joint combat operations under the tactical control of the Sudanese Army, reportedly also 105 mm and 130 mm artillery. They drive Land Cruisers mounted with 12.7 mm machine guns. The CRP has become increasingly important in the conflict in Darfur (and neighbouring Kordofan), and like other forces, members have staged visible protests, including against alleged non-payment of salaries accusing the government of 'deceiving' them. They said they would join the armed opposition movements in fighting against the government. In 2004, the CRP opened a training centre in North Darfur by Musa Hilal. Victims call them 'Janjaweed' for example in May 2008 after an attack on a camp for displaced persons in Tawila, in North Darfur. Representatives of the local community complain ever since about killings, violent assaults and rapes that occurred during attacks. During the attacks in Nyala, July 2013 they were mixed with Border Guards targeting National Security Forces, NGOs, police forces and the Sudan Armed Forces.<sup>111</sup>

The 2014 U.S. Department of State report notes that:

The Ministry of Interior oversees the national police, including the security police, Special Forces police, traffic police, and the combat-trained Central Reserve Police. There was a police presence throughout the country. [...]

Reports claimed ethnic militias affiliated with government security forces, including the Border Guards and Central Reserve Police, supported their ethnic kin in intercommunal conflicts, further increasing the number of deaths. Sources documented attacks by progovernment militia on civilians in areas controlled by both rebels and the government including east Jebel Marra and Giraida, South Darfur.<sup>112</sup>

Reporting in September 2014 Radio Dabanga noted that "Elements of the Central Reserve Police raped four women near Shangil Tobaya, North Darfur".<sup>113</sup> On 21 October 2014 Radio Dabanga reported that "This morning, a group of paramilitary Central Reserve Police forces ravaged a part of Zamzam camp for the displaced, south of El Fasher, capital of North Darfur. It was a revenge attack after one of their troops was killed".<sup>114</sup>

The May 2015 Report of the UN Secretary-General notes with regards to local conflict and intercommunal violence involving the Central Reserve Police:

The destabilizing impact of numerous paramilitary groups also continued to exacerbate tensions between local communities. In Northern Darfur, armed Arab Zeyadiyah, reportedly members of the Border Guards and the Central Reserve Police, attacked the Berti community on 27 February in two separate incidents in Makisi village near Malha, killing five and abducting eight Berti. The attacks were carried out in retaliation for the alleged murder of five Zeyadiyah by the Berti, which the latter denied. Despite the signing on 23 March of an agreement to cease hostilities mediated by local authorities, attacks by the Zeyadiyah continued until the end of March, resulting in the killing of at

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<sup>111</sup> Radio Dabanga, '[6,000 young Darfuris recruited by Khartoum](#)': sources, 2 September 2013

<sup>112</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.d

<sup>113</sup> Radio Dabanga, [Five women, including two minors, raped in North Darfur](#), 7 September 2014

<sup>114</sup> Radio Dabanga, ['Abu Tira' ravage part of Zamzam camp in North Darfur](#), 21 October 2014

least 33 Berti and 14 Zeyadiyah individuals and the displacement of approximately 30,000 Berti families.<sup>115</sup>

An April 2015 Radio Dabanga article put the death toll “among Berti in the recent attacks of the paramilitary Border Guard militias and Central Reserve Police (Abu Tira) on villages of Mellit locality” at 106, with a reported 48,819 people affected by the violence.<sup>116</sup> The same source notes that in July 2015, “Seven people were killed and others wounded in an attack by paramilitaries of the Border Guards and the Central Reserve Police (locally known as Abu Tira) on six villages in Mellit locality, North Darfur”.<sup>117</sup>

### 2.1.4.3. Janjaweed and Rapid Support Forces (RSF)

The International Crisis Group explains in an April 2015 report that “The war in Darfur began in 2003. Rebels were mostly recruited from local non-Arab communities, in particular the Fur, Zaghawa and Masalit. The government responded with a counter-insurgency strategy based on mobilisation of Arab militias (known pejoratively as Janjawid) and attempts to divide the opposition”.<sup>118</sup> The Enough Project provides the following overview of role of the Janjaweed militia in the conflict in Darfur:

In February 2003, two rebel groups, the Sudan Liberation Movement, or SLA, and the Justice and Equality Movement, or JEM, launched a full scale rebellion against the Sudanese government. The rebellion was prompted by ongoing economic marginalization and insecurity. Those involved in the rebellion were predominantly from Muslim sedentary tribes of the region, including the Fur and the Zaghawa.

The Sudanese government responded by enlisting the help of some of the nomadic tribes in Darfur, including the Rizeigat and the Misseriya, to put down the rebellion. The government promised these tribes land in exchange for their military allegiance, subsequently turning the conflict into genocide by “Arabizing” the issues. With support from the Sudanese Government’s National Congress Party, or NCP, these groups formed militias known as the Janjaweed, and began wreaking havoc throughout Darfur, ultimately leading to the deaths of around 300,000 people and the displacement of almost 4 million.

Since the conflict began, the rebels in Darfur have splintered multiple times, leaving an unwieldy number of groups with varying needs, and an increasingly complicated road to peace. One such splintering, which resulted from a Fur-Zaghawa division within the SLA, ultimately led to the creation of the Sudan Liberation Army – Minni Minnawi, or SLA-MM. The SLA-MM was the only one of the Darfur rebel groups to sign the Darfur Peace Agreement, or DPA, in Abuja in 2006. While Minnawi’s decision to sign the DPA secured him a leadership position in Khartoum, he was later sidelined by the government and ostracized by his own people, thus accomplishing nothing for the people of Darfur. [...] At the height of the violence in the period from 2003 to 2005, Janjaweed fighters were the primary perpetrators of brutal attacks on non-Arab civilians, particularly those from the Fur, Masalit, and Zaghawa communities. The International Criminal Court (ICC) traced these attacks to the highest levels of Sudan’s government, eventually issuing an arrest warrant indicting President Bashir for genocide. [...]

In the intervening years, with the loss of oil revenues from wells in South Sudan, the Sudanese government grew increasingly unable to fulfill its economic commitments to the young Arab men who form the backbone of the Janjaweed. [...]

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<sup>115</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015 paragraph 11

<sup>116</sup> Radio Dabanga, [More than 48,000 Berti affected by militia violence in North Darfur](#), 12 April 2015

<sup>117</sup> Radio Dabanga, [Seven dead in Ziyadiya attack on Berti villages in North Darfur](#), 6 July 2015

<sup>118</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, II. *The Unending Rebellion and Its Costs* p.3

These "abandoned" Janjaweed often looked to looting, kidnapping, and pillaging to fill the gap. In some cases, their battles took place within Darfur, but in many instances, they tapped into broader transnational criminal poaching and trafficking networks.<sup>119</sup>

Reporting on the 'conflict since 2003', a January 2015 Immigration and Refugee Board of Canada research memo notes with regards to the involvement of the Janjaweed that:

The Janjaweed (also spelled Janjawid, Janjawad, Jingaweit, Jinjaweed), an Arab militia, has been used to target members of African ethnic groups (Cultural Survival July 2008; MRG May 2009; DRDC 21 July 2004; 3), including, notably, the Masalit, Zaghawa and Fur (ibid., 8; Cultural Survival July 2008; Human Rights Watch May 2004, 7). According to the DRDC, members of the Janjaweed militias are "manipulated and politicised around self-centered and racist ideas" of Arab supremacy (n.d.b, 1). Similarly, the US CRS report indicates that one of the group's primary goals is to push African groups out of Darfur and to seize lands belonging to "non-Arabs" (15 June 2011, 28). Various sources report that the Janjaweed are sponsored by the government of Sudan (MRG May 2009; DRDC n.d.b, 1; AI July 2004, 3, 8). Sources also indicate that the Janjaweed and the Sudanese armed forces coordinate their attacks (US 15 June 2011, 28; Human Rights Watch May 2004, 8), with many attacks reportedly beginning with aerial reconnaissance and bombardment by the Sudanese air force, and followed by attacks on the ground by Janjaweed and government forces (ibid., 41). Since 2003, many Janjaweed fighters have reportedly been absorbed into government security forces, including the Popular Defence Forces (Human Rights Watch June 2011, 12). Janjaweed have also been absorbed into the Border Intelligence Guards (Enough Project Aug. 2013, 1; IWPR 24 Mar. 2010; US 19 Apr. 2013, 7) and the Central Reserve Police (ibid.; Enough Project Aug. 2013, 1).

The Janjaweed have been reported to target civilians (Cultural Survival July 2008; DRDC 21 July 2004, 3; US 15 June 2011, 28). They are known to employ "scorched-earth" tactics (Cultural Survival July 2008; DRDC n.d.b; Human Rights Watch May 2004, 7), which involves making villages uninhabitable by destroying vegetation, seizing livestock, burning buildings to the ground, and contaminating drinking water with human and animal carcasses (Cultural Survival July 2008). Information published by the US Department of State's Humanitarian Information Unit (HIU) indicates that the US government had confirmed evidence of the complete destruction of 2,964 villages in Darfur between February 2003 and December 2009 (5 Apr. 2010).

A 2004 Amnesty International report outlines various ways in which rape was being used as a weapon of war by government and Janjaweed forces against women and girls of Masalit and other ethnicities with "full impunity" and "full knowledge" of the government (AI July 2004, 4, 11). Testimonies collected by Amnesty International described numerous incidents, including public rape as a form of humiliation, gang rapes, rape of pregnant women, torture and killings in the context of sexual violence, sexual slavery, rapes during attacks on villages, rapes during flight or at checkpoints, and rapes taking place in camps for internally-displaced persons (IDPs) in Darfur (ibid., 10-16). Similarly, Freedom House wrote in its 2005 report on Sudan that "[m]any independent refugee accounts described a systematic campaign of rape of women by Janjaweed and government soldiers" (2005). In an April 2008 report on sexual violence in Darfur, Human Rights Watch wrote that

[f]ive years into the armed conflict in Sudan's Darfur region, women and girls living in displaced persons camps, towns, and rural areas remain extremely vulnerable to sexual violence. Sexual violence continues to occur throughout the region, both in the context of continuing attacks on civilians, and during periods of relative calm. Those responsible are usually men from the Sudanese security forces, militias [including Janjaweed], rebel groups, and former rebel groups, who target women and girls predominantly (but not exclusively) from Fur, Zaghawa, Masalit, Berti, Tunjur, and other non-Arab ethnicities. (Apr. 2008, 1)

In 2004, the United States concluded that the Janjaweed and the Sudanese government were responsible for committing genocide against civilians in Darfur (US 15 June 2011, 27). In January 2005, the International Commission of Inquiry on Darfur stated in its report to the UN Secretary-General that,

[b]ased on a thorough analysis of the information gathered in the course of its investigations, the Commission established that the Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law

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<sup>119</sup> Enough Project, [Conflicts in Sudan: Darfur](#), undated [accessed 13 August 2015]

amounting to crimes under international law. In particular, the Commission found that Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. These acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity. The extensive destruction and displacement have resulted in a loss of livelihood and means of survival for countless women, men and children. In addition to the large scale attacks, many people have been arrested and detained, and many have been held incommunicado for prolonged periods and tortured. The vast majority of the victims of all of these violations have been from the Fur, Zaghawa, Massalit, Jebel, Aranga and other so-called 'African' tribes. (25 Jan. 2005, 3)

The International Criminal Court (ICC) issued an arrest warrant in 2009 for President Omar al-Bashir for war crimes and crimes against humanity, and a second warrant in 2010 for genocide (Thomson Reuters Foundation 13 June 2013; AI 20 Sept. 2013). The ICC has also issued arrest warrants for Sudanese defence minister Abdelrahim Mohamed Hussein, for crimes against humanity and war crimes committed in Darfur (UN 1 Mar. 2012; Enough Project 2 Dec. 2011; US 19 Apr. 2013, 13). A senior Janjaweed leader was also indicted by the ICC (Enough Project Aug. 2013, 3; AI 20 Sept. 2013; Thomson Reuters Foundation 13 June 2013, 3). [...]

The Enough Project, a Washington-based organization that "works with concerned citizens, advocates, and policy makers to prevent, mitigate, and resolve crises of genocide and crimes against humanity" (n.d.), wrote the following in a 2013 report entitled the Economics of Ethnic Cleansing in Darfur:

The Janjaweed militias are back. The Sudanese government's notorious paramilitary force and favorite instrument of counterinsurgency - which earned infamy at the height of Darfur's genocide in the mid-2000s - has unleashed several scorched-earth campaigns in 2013 that have ethnically cleansed communities off their land, displacing hundreds of thousands of Darfuris. (Aug. 2013, 15).

The report indicated that, in 2013, Janjaweed groups were continuing to attack Masalit communities as well as other non-Arab groups, and Arab groups that were previously aligned with the government (Enough Project Aug. 2013, 1).<sup>120</sup>

A September 2013 Radio Dabanga article provides the following background on the Janjaweed:

The term Janjaweed has been widely used to describe the attackers (the words fursan -horsemen, knights- or mujahedeen). The term was used by the Security Council in resolution 1564. Victims of attacks have indicated that the Janjaweed were acting with and on behalf of Government forces, but no formal evidence has been provided. "Janjaweed" is a generic Darfuri term that can be translated as "bandits". Historically, this word describes armed horsemen performing 'pogroms' against farmers and villagers. They were spontaneous militias or self-defence forces (nomads or farmers) often armed by the government. Currently, Central Reserve Police troops (locally known as Abu Tira) operating in the Darfur are often identified by its victims as Janjaweed.<sup>121</sup>

The Enough Project considers in a June 2014 report<sup>122</sup> 'Janjaweed Reincarnate' that "One decade after Darfur's Janjaweed militiamen earned global infamy as "devils on horseback," Sudan is experiencing brutal violence at their hands once again. The first six months of 2014 have brought devastating death and destruction on par with any time in recent memory, including the period from 2003 to 2005, which is widely considered the height of the genocide in Darfur. [...]The U.N. Security Council mandated that the Sudanese government disarm its Janjaweed militias a decade ago. This never happened. Now, many of those same men are moving across the country on government

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<sup>120</sup> Immigration and Refugee Board of Canada, [Sudan: Treatment of the Masalit ethnic group in Darfur by government authorities and armed militias, including incidents of violence \(2002-2013\)](#), 17 January 2015

<sup>121</sup> Radio Dabanga, ['6,000 young Darfuris recruited by Khartoum': sources](#), 2 September 2013

<sup>122</sup> Although pre-dating the cut off point for research, this source has been included given its relevance and because it was not included in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014)

command, burning civilian areas to the ground, raping women, and displacing non-Arab civilians from their homes”.<sup>123</sup>

The 2014 U.S. Department of State report explains that “In late 2013 the government announced the creation of the RSF [Rapid Support Forces] as a new element of the security apparatus. The RSF draws largely from Arab militias who previously acted as “jingaweit.” A former SAF general commanded the RSF, but the NISS oversaw its operations.<sup>124</sup> The International Crisis Group reports that the first regiment of the RSF “5,000-6,000 strong, was mostly recruited in South Darfur from the local abbala (camel-herding) component of the Rizeigat Arab tribe, the bulk of the infamous “Janjawid” militias”.<sup>125</sup> The same source further notes that “RSF leader Mohammed Hamdan Dagolo (“Hemmeti”) is the nephew of a traditional leader of the Awlad Mansour section of the Mahariya Rizeigat. Originally from Chad, the government let them occupy historic Fur land, but in 2007, unhappy with waning support, Hemmeti launched a brief rebellion. To regain his support, he was made security adviser to South Darfur’s governor”.<sup>126</sup>

According to the Enough Project “In exchange for recruiting a new force of 6,000 men, the militia commander was promoted to the rank of brigadier general within the NISS and given state-issued identification cards to sell to recruits. These cards entitle bearers to legal immunity under Sudan’s 2010 National Security Services Act and confer financial benefits from the state”.<sup>127</sup> The Enough Project further reports that many original Janjaweed commanders have become officers in the RSF, but are “operating under vastly different circumstances from those under which the rag-tag militias that conducted the first wave of the Sudanese government’s genocidal campaign operated”:

First, these forces are better equipped. They also come under central command and are fully integrated into the state’s security apparatus. Second, they have legal immunity under Sudanese law from prosecution for any acts committed in the course of duty. Finally, although they were recruited in Darfur, the troops have been deployed around the country at the command of the Sudanese government. These forces also play a role in broader transnational criminal looting and poaching networks, adding a regional dynamic to their activities.<sup>128</sup>

Further reporting on the first regiment of the RSF the International Crisis Group states that:

It was trained in central Sudan, then sent to South Kordofan for the first “summer campaign” against the SRF. In the unfamiliar Nuba Mountains, it reportedly suffered heavy casualties, then moved to North Kordofan, where it wreaked havoc around the capital, al-Obeid. Returning to South Darfur, it attacked non-Arab communities accused of rebel support, displacing some 30,000 in February 2014. [...] Initially the retraining of some Darfur Arab militias, their integration into supposedly more professional regular units and deployment outside Darfur could have been seen as a way to neutralise restive militias and reassert government control. It is not what happened: RSF abuses in Kordofan may have contributed to a policy change – the strategy seems now to deploy them in their own areas, Darfur RSF to Darfur and new RSF components, locally recruited, to South Kordofan and Blue Nile. But RSF abuses (and impunity) have not ended, including in Darfur and, more surprisingly, in central Sudan, where militia misbehaviour was long seen as a peripheries issue. In September 2013, RSF took part in government repression of protesters in Khartoum, and in December 2014, RSF recruits in

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<sup>123</sup> Enough Project, [Janjaweed Reincarnate: Sudan’s New Army of War Criminals](#), June 2014, *Introduction p.1*

<sup>124</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

<sup>125</sup> International Crisis Group, [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *II. A. The Government’s “Hot Dry Season” Campaign p. 3*

<sup>126</sup> International Crisis Group, [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *II. A. The Government’s “Hot Dry Season” Campaign p. 3, footnote 6*

<sup>127</sup> Enough Project, [Janjaweed Reincarnate: Sudan’s New Army of War Criminals](#), June 2014, *Introduction p.2*

<sup>128</sup> Enough Project, [Janjaweed Reincarnate: Sudan’s New Army of War Criminals](#), June 2014, *Introduction p.3*

training caused great damage in villages north of Khartoum, reportedly fighting with locals and killing several.<sup>129</sup>

Freedom House reports that “A new counterinsurgency militia, the Rapid Support Forces, was responsible for numerous atrocities in 2014. Numbering up to 6,000 fighters, this latest incarnation of the notorious janjaweed militias led offensives in South Darfur in February and March and South Kordofan in May and June in which civilians were deliberately targeted”.<sup>130</sup> Reporting of the role of the RSF in Darfur in 2014 the International Crisis Group reports that “Intensification of combat with rebel factions prompted the government in 2014 to fall back again upon notorious military auxiliaries, this time its new Rapid Support Forces (RSF), thus worsening violence and displacements. Arab militias and paramilitary forces like the RSF attacked non-Arab communities accused of being pro-rebel, fought each other, took part in communal conflicts and even hit at regular government troops”.<sup>131</sup> According to the Enough Project, “In both Darfur and South Kordofan, the [RSF] fighters have directly targeted civilians, particularly those of the Fur, Masalit, Zaghawa, and Nuba ethnic groups”.<sup>132</sup>

Further reporting on the RSF the 2014 U.S. Department of State report notes that:

Authorities generally maintained control over the security forces, but there were instances in which elements of the security forces acted independently of civilian control, especially in Darfur. The government’s Rapid Support Forces (RSF), played a more significant role during the year. [...]

During the year the RSF played a more significant role in the government’s campaign against rebel movements. The government tightly controlled information about the RSF, and public comment critical of the RSF often resulted in arrest or detention. [...]

In Darfur fighting involving government forces, rebels, and ethnic militias continued. Fighting was often along ethnic lines. These armed groups, including the RSF, which the NISS controlled, killed and injured civilians, raped women and children, looted properties, targeted IDP camps, and burned villages in South, East, and North Darfur. These acts resulted in the displacement of approximately 400,000 persons by August. An increase in common forms of criminality also contributed to a deterioration of overall security in Darfur.

All states in Darfur were under states of emergency, although provisions of the emergency status varied by state.

Government forces primarily provided support, including training, weapons, and ammunition, to the RSF. The government seldom took action against government forces that attacked civilians. Rebel forces received financial support from foreign sources. [...]

Security in the Darfur region deteriorated due to the rise in interethnic conflict, as well as continued clashes between the government and rebel factions, and attacks by the government’s RSF forces on unarmed civilians in South, North, and East Darfur. [...]

In late December the government’s RSF carried out a number of operations in the East Jebel Marra region of North and Central Darfur. Reports indicated numerous civilians killed, entire villages and crops burned, livestock raided, and upwards of 20,000 civilians displaced as a result of these attacks.<sup>133</sup>

Human Rights Watch reports that “Between February and April 2014, the government’s Rapid Support Forces (RSF) burned scores of villages across much of South and North Darfur. [...] RSF forces

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<sup>129</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, A. *Arab Militias against Non-Arab Communities and the Advent of the RSF* p.6

<sup>130</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>131</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, 1. *Overview* p. 1

<sup>132</sup> Enough Project, [Janjaweed Reincarnate: Sudan’s New Army of War Criminals](#), June 2014, *A nationwide and transnational campaign* p.9

<sup>133</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Executive Summary, Section 1.d and Section 1.g*

continued to attack civilians in 2015 in Jebel Mara. Tens of thousands of residents of Jebel Mara have been displaced to areas where they lack adequate food, water, and shelter”.<sup>134</sup>

The UN Secretary-General on the African Union United Nations Hybrid Operation in Darfur reported with regards to the RSF that:

In July and August 2014, hostilities resumed following cattle theft by Southern Rizeigat at a Ma’alia village. The clashes, involving the Rapid Support Forces and the Border Guards, left 320 people dead.<sup>135</sup>

In his November 2014 report the same source noted that:

In August and September, armed Arab militias and the Rapid Support Forces increased their control over areas in North, South and East Darfur with reported attacks on civilians, including internally displaced persons, by the Northern Rizeigat in Korma, Tawilla and Shangil Tobaya (North Darfur) and by the Northern Rizeigat, Southern Rizeigat and Misseriya in Menawashi (South Darfur) and Labado (East Darfur). [...]

On 14 August, 45 Arab men dressed in uniforms of the Rapid Support Forces, the Sudanese armed forces and the Border Guard surrounded and threatened to attack the Hamada and Mosku camps of internally displaced persons (South Darfur) over allegations that camp residents had killed two members of the Rapid Support Forces on 9 August. Two days later, 100 Arab men on camels armed with machine guns and assault rifles reportedly fired indiscriminately in the vicinity of Hamada camp for three hours. The Sudanese armed forces intervened and a Government-led mediation resulted in the internally displaced persons paying blood money for the death of the two men. In a separate incident, on 22 September, a group of internally displaced persons were harassed, beaten and robbed of personal belongings and livestock by suspected members of the Rapid Support Forces near Kobi village (South Darfur). [...]

During the reporting period, intercommunal clashes, largely between ethnic Arab tribes over access to resources, continued to affect and displace civilians: 11 confrontations and 377 reported fatalities were recorded as compared to 24 confrontations and 93 confirmed deaths in the previous period. The conflicts between the Rizeigat and the Ma’alia in East Darfur, the Beni Hussein and the Northern Rizeigat in North Darfur and the Fallatta and the Habbaniya in South Darfur represent the most significant tribal conflicts. [...]

UNAMID was informed by local sources in Adilla that Southern Rizeigat involved in the clash wore uniforms similar to those of the Rapid Support Forces and the Border Guards and were allegedly in possession of high-powered automatic weapons and mortars.<sup>136</sup>

In January 2015 Sudan expert Eric Reeves reported that “The RSF are much more heavily armed than the Janjaweed, with weapons considerably more powerful and lethal. Khartoum intends for the RSF to finish the job in Darfur, and no expense will be spared in ensuring that they have superior firepower in fighting the Darfuri rebels. The RSF are more cohesive than the Janjaweed ever were, and represent a critical component of the Khartoum regime’s military power”.<sup>137</sup> He further considers that “With the RSF -- more potent, more cohesive, and more tightly bound to the regime -- Khartoum’s génocidaires have a weapon that is providing a decisive military edge. The evidence of the past few months has repeatedly links the RSF to large-scale atrocity crimes throughout Darfur;

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<sup>134</sup> Human Rights Watch, [UN: Civilians at Risk as Darfur Attacks Surge](#), 11 June 2015

<sup>135</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 28

<sup>136</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraphs 10, 11, 16, 17

<sup>137</sup> Eric Reeves (The Huffington Post), [Completing the Darfur Genocide: Khartoum’s Renewed Ambition](#), 13 January 2015

this information comes to us by way of Darfuris speaking to Radio Dabanga, far and away our best and most detailed source of information from the ground in Darfur”.<sup>138</sup>

In February 2015 the Society for Threatened Peoples reported with regards to the RSF:

In Sudan children and youth still are suffering from the escalation of armed conflict in the five Darfur provinces and in South Kordofan and Blue Nile. Widely ignored by the international community fighting, violence, lawlessness and impunity in the Darfur provinces have increased in the years 2014/2015. Most violence against the civilian population has been committed by the state-affiliated “Rapid Support Forces (RSF)”. The RSF are organized and commanded by the “National Intelligence and Security Service (NISS)”. Systematically, the RSF, which has been used by the army and government to fight the insurgents, has been intimidating and terrorizing the civilian population in the Darfur provinces.

Nearly every week new incidents have been documented by the Society for Threatened Peoples. A typical incident occurred on February 4/5, 2015, in the villages of Um Siyala and Mursal in North Darfur Province. A group of militiamen on camels torched all 300 houses, assaulted the inhabitants and robbed their belongings. Most inhabitants of the villages are women, elderly people and children. The Sudanese president Omar Hassan al Bashir repeatedly has justified the actions of RSF lauding the militiamen as “martyrs who defend the country”. Sudanese politicians who criticized the RSF for committing violence and rapes, have been arrested and accused to undermine the constitutional order and to disturb public peace.<sup>139</sup>

In his February 2015 report the UN Secretary-General on the African Union United Nations Hybrid Operation in Darfur noted that UNAMID documented 89 incidents of human rights violations and abuses, 29 cases of which, involving 52 victims, were allegedly perpetrated by the Government of the Sudan and affiliated entities (police, Rapid Support Forces, Popular Defence Force, Border Guards and SAF).<sup>140</sup> Reporting on Operation Decisive Summer, led by the Rapid Support Forces the May 2015 report from the same source notes that:

Since my last report, there has been no tangible progress towards the resolution of the conflict in Darfur. The fighting between the Government of the Sudan and the armed movements continued and resulted in high numbers of newly displaced persons. The second phase of the Government’s military offensive, Operation Decisive Summer, was aimed to put an end to all armed rebellions in the Sudan. In Darfur, the main focus of this phase was on reclaiming Jebel Marra and preventing the armed movements from crossing the borders with South Sudan and regrouping. Despite their numerical superiority, better equipment and logistics, the objective of the Sudanese Armed Forces/Rapid Support Forces joint operations, which was to dismantle the rebel stronghold of Jebel Marra and establish a firm grip on the area, was not achieved.<sup>141</sup>

The June 2015 report of the UN Secretary-General on ‘Children and armed conflict’ notes that:

Darfur continued to experience intermittent fighting between Government forces and non-signatory armed groups, with a spike from January to May and in December, following the launch of the Government’s “Decisive Summer” military offensive using the rapid support forces. Intertribal and intratribal clashes in which children were involved intensified. In that context, the verification of violations against children remained difficult. [...]

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<sup>138</sup> Eric Reeves (The Huffington Post), [Completing the Darfur Genocide: Khartoum’s Renewed Ambition](#), 13 January 2015

<sup>139</sup> Society for Threatened Peoples, [Written statement\\* submitted to the UN Human Rights Council by the Society for Threatened Peoples, a non-governmental organization in special consultative status, Children suffering from armed conflict in Nigeria, Cameroon and Sudan](#), 20 February 2015

<sup>140</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 52

<sup>141</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 2 and

In March, eyewitnesses reported the presence of boys between 15 and 17 years of age during a rapid support forces parade in Nyala, South Darfur. Another report mentioned that an estimated 37 children were seen carrying machine guns in El Daein, East Darfur. [...]

Forty-eight incidents of rape and other forms of sexual violence affecting 60 girls were verified and attributed to the armed forces (15), the rapid support forces (10) and unidentified armed men (35). [...] Eight incidents of abduction of 13 children (10 boys, 3) were reported and attributed to the rapid support forces (4), border guards (3), armed forces (1) and unidentified militias (5). Children were used in support functions or labour and sometimes were sexually abused.<sup>142</sup>

Also reporting on the forced recruitment of minors Radio Dabanga notes in August 2014 that “The SPLM-N spokesman for the Nuba Mountains, Jatigo Amoga Delman, told Radio Dabanga that the “Rapid Support militias, under the command of the National Intelligence and Security Service (NISS), during the past few days have recruited more than 3,000 boys between 15 and 17 years old from the areas under control of the regime in South Kordofan”<sup>143</sup>.

For further information on child recruitment by the RSF see [11.1. Recruitment and use of children by government forces and armed groups](#) and for information on sexual and gender based violence perpetrated by the RSF, see [10.2. Sexual and gender-based violence \(SGBV\)](#).

#### 2.1.4.4. Popular Defence Forces (PDF)

For a historical overview of the Popular Defence Forces, its organisation and personnel see:

- ❖ Sudan Human Security Baseline Assessment, [Popular Defence Forces \(al Difa'a al Shaabi\)](#), updated March 2011
- ❖ Global Security, [Sudan - Popular Defense Forces \(PDF\)](#), undated [accessed 11 August 2015]

According to the International Crisis Group, the Popular Defence Forces (PDF) were “established in 1989 as a “semi-military” force, it was expanded in 1991 to help Khartoum fight the civil war. It was supposed to be dismantled under the CPA but was expanded and remains important in the Darfur, South Kordofan and Blue Nile conflicts”<sup>144</sup>.

The website of Global Security reports that the PDF was the military wing of the National Islamic Front which as of 2004 consisted of 10,000 active members, with 85,000 reserves and had been deployed alongside regular army units against various rebel groups.<sup>145</sup> By 2011 in most areas of Sudan the PDF was an inactive reserve force to the regular army, but remained operational in areas of active conflict such as Darfur and Southern Kordofan where it played a major role in the distribution of weapons to, and military training for, tribal militias.<sup>146</sup>

A September 2013 Radio Dabanga article provides the following background on the PDF:

The PDF are locally based, organised, trained, and equipped Islamist units raised by the government to protect local communities. The PDF are defined by the Popular Defence Forces Act of 1989. They were mainly mobilised from Darfur, sending tens of thousands of Darfuris to fight against southern

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<sup>142</sup> UN, [Report of the Secretary-General: Children and armed conflict](#), 5 June 2015, *Darfur para 179, 180, 182, 185*

<sup>143</sup> Radio Dabanga, [Sudan militia recruit more than 3,000 minors in South Kordofan](#), 27 August 2014

<sup>144</sup> International Crisis Group (ICG), [Sudan and South Sudan's Merging Conflicts](#), 29 January 2015, *Appendix D: Glossary of Terms and Groups p.29*

<sup>145</sup> Global Security, [Sudan - Popular Defense Forces \(PDF\)](#), undated [accessed 11 August 2015]

<sup>146</sup> Global Security, [Sudan - Popular Defense Forces \(PDF\)](#), undated [accessed 11 August 2015]

rebels. It is operational in Darfur and Southern Kordofan. In addition it plays a major role in the distribution of weapons to, and military training for, tribal militias. When rebellion was declared in Darfur in 2003, the PDF was the first paramilitary force to be mobilised. Army headquarters urged local officials to mobilise and recruit forces through tribal leaders and sheikh. The UN Panel of Experts on Sudan has reported that PDF recruits come under regular army command once integrated into the regular army for operations, and normally wear the same uniform as the unit into which they are inducted. In 2011 three battalions of PDF were dispatched to North and South Darfur early in 2011 to spearhead an offensive against the armed movements of East Jebel Marra. The local PDF units are answerable to the governor of North Darfur, Osman Kibir. The active part of this paramilitary force is estimated between 35,000 -45,000. Currently the lines between PDF and the Border Guards are blurred. Both received training at the Misteriha barracks in North Darfur and went on operations together. The PDF is receiving uniforms, guns, ammunition, and food, but no salaries. The Small Arms Survey authenticated PDF arms including 12- and 40-barrel rocket launchers, Howitzer shells, D-30 shells, 100 mm and 130 mm artillery shells and portable, shoulder-fired SAM-7 surface-to-air missiles.<sup>147</sup>

In his February 2015 report the same source noted that UNAMID documented 89 incidents of human rights violations and abuses, 29 cases of which, involving 52 victims, were allegedly perpetrated by the Government of the Sudan and affiliated entities (police, Rapid Support Forces, Popular Defence Force, Border Guards and SAF).<sup>148</sup>

According to the June 2015 report of the UN Secretary-General on 'Children and Armed Conflict', "Although no new recruitment cases by Sudanese Armed Forces were verified, the United Nations received credible information of recruitment and use of children by the Popular Defence Forces".<sup>149</sup> For further information on child recruitment by the Popular Defence Forces see [11.1. Recruitment and use of children by government forces and armed groups.](#)

## 2.2. Armed opposition groups

Reporting with regards to Darfur's armed opposition groups the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) notes that:

The Darfur conflict features a dizzying array of armed opposition groups, factions, and alliances that are in constant flux. Many opposition groups have joined the government or endorsed peace agreements only to later rejoin the rebellion. Rebel groups are divided not only in terms of their ideological and political objectives, but according to tribal and geographical representation. In addition to native distinctions, foreign governments have sought to create or support coalitions of opposition forces for the purposes of pursuing peace talks. But these coalitions, and their constituent groups, have not always enjoyed popular support or legitimacy within Darfur.<sup>150</sup>

In August 2014 the same source noted with regards to active rebel movements that:

The major active rebel movements, including the Sudan Liberation Army-Minni Minawi (SLA-MM), SLA-Abdul Wahid (SLA-AW), and mainstream Justice and Equality Movement (JEM), have repeatedly rejected participating in the Doha process. They advocate a new political vision based on a broad and

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<sup>147</sup> Radio Dabanga, '[6,000 young Darfuris recruited by Khartoum](#)': sources, 2 September 2013

<sup>148</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 52

<sup>149</sup> UN, [Report of the Secretary-General: Children and armed conflict](#), 5 June 2015 paragraph 174

<sup>150</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Darfur's armed groups](#), undated [accessed 13 August 2015]

inclusive national dialogue. The establishment of the Sudan Revolutionary Front (SRF) in November 2011 has led to rapprochement between the long-estranged SLA-MM and the Fur-dominated SLA-AW, as well as with JEM. As a consequence of the SRF's establishment, the Darfur movements have conducted several joint operations against government forces outside Darfur—primarily in South Kordofan—but continue to operate independently in Darfur.<sup>151</sup>

The International Crisis Group reported in April 2015 with regards to 'rebel factional fighting' that "Almost from its beginning, the rebellion was threatened by fragmentation along tribal lines and leadership rivalries. This was aggravated by efforts of Khartoum and its allies (particularly Chad and Qatar) to divide the most threatening movements, and of AU and UN mediators to bring more rebels to the negotiating table, all resulting in splinter factions signing piecemeal deals with the government.<sup>72</sup> At times, the UN, AU, U.S., Libya, Ethiopia and South Sudan attempted to reunite divided movements, but most efforts proved counter-productive, leading to further divisions".<sup>152</sup>

According to a February 2015 Human Rights Watch report "Throughout the conflict in Darfur, the three largest rebel factions have been the Sudan Liberation Army faction led by Abdel Wahid el-Nur (SLA/AW), the Sudan Liberation Army faction led by Minni Minnawi (SLA/MM) and the Justice and Equality Movement (JEM). These factions have fragmented throughout the conflict, creating dozens of smaller groups. In 2010, a coalition of small splinter factions from the SLA and the JEM emerged called the Liberation and Justice Movement, which signed a peace agreement with the government of Sudan in 2011. In 2012, the SLA/AW, SLA/MM, and the JEM entered into a coalition with rebel groups from other parts of Sudan called the Sudan Revolutionary Front (SRF)".<sup>153</sup>

### **2.2.1. Justice and Equality Movement (JEM)<sup>154</sup>**

The International Crisis Group reports that JEM is a "Darfur rebel group founded by Dr Khalil Ibrahim Mohammed in 2003 with other politically experienced Darfurians, many ex-members of the Popular Congress Party (PCP) of Hassan al-Turabi, an architect of the 1989 coup that brought the Muslim Brotherhood to power in Khartoum but who was dismissed by the regime in 1999. Following Khalil Ibrahim's 2011 death, his brother Jibril has chaired it".<sup>155</sup> Hence it is also known as JEM-Jibril.

An August 2013 Human Security Baseline Assessment for Sudan and South Sudan (HSBA) report notes with regards to the origins and composition of the Justice and Equality Movement (JEM) (AKA JEM-Jibril) that:

The Justice and Equality Movement (JEM) was established early in 2003 by a group of educated, politically experienced Darfurians, many of them former members of the Popular Congress Party (PCP) of Hassan al Turabi, architect of Sudan's Islamic revolution. Most of its leaders and membership initially came from the Kobe, a Zaghawa sub-group more numerous in Chad than in Darfur. Since 2007 JEM has worked actively to recruit Darfurian Arabs, including from government-supported militias or 'janjaweed'".

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<sup>151</sup>Human Security Baseline Assessment for Sudan and South Sudan, [Darfur](#), August 2014 [accessed 13 August 2015]

<sup>152</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, *E. Rebel Factional Fighting* p.14

<sup>153</sup> Human Rights Watch, [Mass Rape in Darfur](#), 11 February 2015, *footnote 10*

<sup>154</sup> Selected COI in this subsection reproduced with permission from ACCORD as cited in:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 2.2.1 *Justice and Equality Movement (JEM)*

<sup>155</sup> International Crisis Group (ICG), [Sudan and South Sudan's Merging Conflicts](#), 29 January 2015, *Appendix D: Glossary of Terms and Groups* p.30

From the outset, JEM sought national reform and regime change, using the atrocities in Darfur to delegitimize the government internationally. It refused to sign the Darfur Peace Agreement (DPA) in May 2006, and two years later won new support in Darfur after attacking Khartoum's twin city, Omdurman. Despite the broadening of its base, JEM's real political and military power remains with the Kobe Zaghawa inner circle.<sup>156</sup>

Al Jazeera reports that in May 2008, JEM "launched the first rebel attack on the Sudanese capital", an act through which JEM came to be perceived as "the major anti-government faction in Darfur".<sup>157</sup> Al Jazeera further states that JEM is "espousing an Islamist ideology" and that JEM comprises several ethnic groups although "[m]ost Jem members, including its leader, are from the Zaghawa tribe whose people straddle the Chad-Sudan border" and that as of 2010 JEM leaders claimed to have as many as 35,000 well-armed fighters.<sup>158</sup> According to an October 2014 Small Arms Survey report, most of the members of both JEM and the Sudan Liberation Army (SLA) "came from the Fur, Zaghawa, and Masalit groups, who felt that local Arab groups and the Khartoum government were conspiring against them".<sup>159</sup> It further notes that "A large part of JEM's leadership comes from an Islamist background, which is a major ideological difference with the two SLA factions and the SPLM-North".<sup>160</sup> The November 2014 report of the UN Secretary-General notes that "Unlike either SLA-MM, whose constituents are mainly Zaghawa, or SLA-AW, which is predominantly Fur, JEM-Gibril has a diverse membership which in the past contributed to its influence throughout Darfur."<sup>161</sup>

Al Jazeera further notes that "After years of refusing to attend peace talks with Khartoum, JEM finally signed a goodwill agreement at talks brokered by Qatar at the beginning of 2009. However, it soon fell apart after Omar al-Bashir expelled some western development and aid groups from Darfur when the International Criminal Court in the Hague issued a warrant for his arrest in connection with alleged war crimes committed in Darfur. JEM withdrew its support for the accord until, it said, Khartoum reinstated the aid groups".<sup>162</sup> The Human Security Baseline Assessment for Sudan and South Sudan reports with regards to JEM's participation in peace talks that:

In February 2010, JEM signed a framework agreement with the GoS at the Doha talks. The agreement committed both sides to a cessation of hostilities and a prisoner release, and set an agenda for substantive talks, including on a permanent ceasefire. The agreement soon collapsed, however, with both sides blaming the other.

In May 2010, JEM withdrew from Doha, accusing Khartoum of not seeking peace. It returned to the negotiating table in March 2011, but refused to sign the 14 August 2011 agreement between the Liberation and Justice Movement (LJM) and the GoS, stating its readiness to continue negotiations, but only if the entire substance of the agreement was reopened. The GoS has refused to do this, permitting discussions on the security protocol only. JEM's rhetoric focuses on building an opposition coalition for regime change, although never explicitly ruling out a negotiated settlement.

The movement was seriously divided over the decision to reject the Doha agreement and more generally the national- vs. Darfur-specific agenda. On 26 September 2011, Mohamed Bahr Hamadein, deputy chairman and head of the Kordofan sector, was relieved of his post. JEM alleged he was plotting to sign a separate peace agreement with the GoS in Doha. At the request of JEM's leadership,

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<sup>156</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Justice and Equality Movement \(JEM\) \(AKA JEM-Gibril\)](#), August 2013 [Accessed 13 August 2015]

<sup>157</sup> Al Jazeera, [Who are Sudan's Jem rebels?](#) 5 May 2010

<sup>158</sup> Al Jazeera, [Who are Sudan's Jem rebels?](#) 5 May 2010

<sup>159</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *Darfur* p.10

<sup>160</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *SRF alliance groups* p.15

<sup>161</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, *paragraph 7*

<sup>162</sup> Al Jazeera, [Who are Sudan's Jem rebels?](#) 5 May 2010

the Government of South Sudan arrested eight Juba-based JEM political liaison cadres linked to Hamadein.<sup>163</sup>

Reporting on the size of the group, the August 2013 HSBA report further notes that:

In mid-2010, before a government offensive that led to heavy casualties on both sides, JEM was estimated to have more than 5,000 men armed with mounted anti-aircraft guns, rocket-propelled grenades, heavy machine guns, AK-47s, several hundred vehicles (possibly as many as 1,000, according to one informed source), and at least two tanks, seized from the government. To this day, and despite splits in the movement, JEM remains the strongest and most cohesive military force in Darfur. Its weakness continues to be the lack of a wider constituency among Darfurians.<sup>164</sup>

JEM is a key SRF [Sudan Revolutionary Front] component.<sup>165</sup> The International Crisis Group explains that the SRF was “founded in 2011 by the SPLM-N, JEM, SLA-MM and SLAAW and subsequently joined by small unarmed groups, this umbrella opposition to Sudan’s government coordinates politically and militarily, but its “joint force” has fought only once, in the Kordofans in 2013. It is chaired by SPLM-N’s Malik Agar”.<sup>166</sup> The Small Arms Survey reports that “Of the three Darfur movements, JEM has contributed the most to the SRF militarily in terms of both vehicles and men. It is also seen as the most effective of the three Darfur forces. However, many of JEM’s operations are outside the SRF’s direct command, even when they share the same military objective”.<sup>167</sup> The International Crisis Group further reports that:

Though the SRF coordinates in the field and at the negotiating table, military and political divisions persist. Between and within Darfur movements, there has always been a debate over the benefits of fighting in Darfur (protecting their communities, but possibly attracting government attacks) or taking the fight closer to the capital.

In line with its more national approach, JEM was the first to fight and recruit in South Kordofan and still follows this strategy; almost all its troops moved to South Kordofan in early 2013, then many continued into South Sudan. Chief of Staff Bakhit Abdelkarim (“Dabajo”) left JEM in August 2012, feeling that its forces in South Kordofan were no longer under his authority, and joined Mohammed Bashar, who had been sacked in 2011 and was chosen as the political leader of the new splinter group. There are also divisions within JEM about its role in South Sudan’s war.<sup>168</sup>

The Small Arms Survey reports that “By mid-2013 most of JEM’s troops appeared to have left Darfur entirely”.<sup>169</sup> According to an April 2015 International Crisis Group report, “in 2013, the Justice and Equality Movement (JEM), one of two main original Darfur rebel groups, sent most of its troops to fight beside the SPLM-N in South Kordofan. However, it may resume fighting in Darfur out of

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<sup>163</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Justice and Equality Movement \(JEM\) \(AKA JEM-Jibril\)](#), August 2013 [Accessed 13 August 2015]

<sup>164</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Justice and Equality Movement \(JEM\) \(AKA JEM-Jibril\)](#), August 2013 [Accessed 13 August 2015]

<sup>165</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *Appendix D: Glossary of Terms and Groups* p.30

<sup>166</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *Appendix D: Glossary of Terms and Groups* p.30

<sup>167</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *Military operations outside the joint force* p.26

<sup>168</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *B. The Sudan Revolutionary Front* p.4

<sup>169</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *The first battles* p.19

dissatisfaction with the situation in South Kordofan, where there are tensions with allied SPLM-N over troop behaviour and strategy”.<sup>170</sup>

For historical information on JEM’s Areas of control/activity; Sources of financing/support and Status, see:

- ❖ Human Security Baseline Assessment for Sudan and South Sudan, [Justice and Equality Movement \(JEM\) \(AKA JEM-Jibril\)](#), August 2013 [Accessed 13 August 2015]

#### Overview of JEM activities between August 2014-August 2015

The November 2014 report of the UN Secretary-General notes that “following the split in its ranks after JEM-Bashar (now JEM-Peace) [see below] signed the Doha Document for Peace in Darfur and a large number of JEM-Gibril combatants started fighting in Southern Kordofan and South Sudan, JEM-Gibril has not been active in Darfur except in the area between Um Baru and Tine in North Darfur. On 20 October, following airstrikes by Sudanese armed forces on villages in Um Baru, JEM placed checkpoints between Um Baru and Tine. There have been no military activities by JEM-Gibril in Darfur during the reporting period”.<sup>171</sup>

According to the February 2015 report from the same source “Direct talks between the Government of the Sudan and the Sudan Liberation Army/Minni Minawi (SLA/MM) and the Justice and Equality Movement-Gibril Ibrahim (JEM/Gibril), two of the Darfur armed movements that are not signatories to the Doha Document for Peace in Darfur, commenced under the auspices of the African Union High-level Implementation Panel in Addis Ababa on 23 November [2014]”.<sup>172</sup>

The March 2015 Special report of the UN Secretary-General states that “Since the formation of the Sudanese Revolutionary Front in 2011 as a loose alliance of armed opposition movements, the field of conflict of the armed movements in Darfur has broadened. In particular, JEM-Gibril divided its efforts between Darfur and the Two Areas, which, coupled with the absence of its leadership on the ground, has significantly weakened its presence in Darfur. [...] Clashes decreased between June and early December 2014 owing to the rainy season and the prospect of direct negotiations with SLA/MM and JEM-Gibril. With no progress in the talks held in Addis Ababa, however, the Government resumed offensive operations early in December”.<sup>173</sup> The same source further notes that “The two phases of Operation Decisive Summer have given the government forces the upper hand in the conflict in Darfur. The non-signatory armed movements, especially SLA/MM and JEM-Gibril, have been considerably weakened, while SLA/AW has been confined to a very small geographical area”.<sup>174</sup>

According to the May 2015 report from the same source, “The reporting period was marked by an escalation of hostilities between Government forces and the rebel factions, namely, the Sudan Liberation Army faction Abdel Wahid (SLA/AW), the SLA faction Minni Minawi (SLA/MM) and the

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<sup>170</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, II. *The Unending Rebellion and Its Costs* p.4

<sup>171</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 7

<sup>172</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 4

<sup>173</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 61

<sup>174</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 63

Justice and Equality Movement faction Gibril Ibrahim (JEM/Gibril)".<sup>175</sup> It further notes that "Progress in the implementation of the Doha Document for Peace in Darfur by the Government of the Sudan, the Liberation and Justice Movement (LJM) and JEM-Sudan remains limited. [...] For its part, JEM-Sudan did not complete its transformation into a political party but still fielded candidates during the elections".<sup>176</sup>

The June 2015 report of the UN Secretary-General on 'Children and armed conflict' notes that "The United Nations verified the recruitment of 60 boys aged 14 to 17 years by the JEM (55) and SPLM-N (5). All but 3 of them occurred during a forced recruitment campaign in refugee settlements in Unity State in South Sudan. Unverified information was received about an additional 9 boys recruited by JEM in that same period".<sup>177</sup> See [11.1. Recruitment and use of children by government forces and armed groups](#) for further information.

### Justice and Equality Movement-Mohamed Bashir (JEM-Bashir) (now JEM-Dabajo)

The Human Security Baseline Assessment for Sudan and South Sudan provides the following overview of JEM-Bashir:

Led by Mohamed Bashir Ahmed, a former JEM commander, JEM-Bashir was formed in September 2012 after disputes with JEM leader Gibril Ibrahim, who accused Bashir and former JEM military commander in chief, Bakheit Abdallah Abdel Karim (Dabajo), of a plot to poison former JEM chairman Khalil Ibrahim. Chadian President Idriss Déby was instrumental in the formation of JEM-Bashir and facilitated JEM-Bashir's participation in the Doha process.

Bashir and Dabajo defected with an estimated 15 to 20 per cent of JEM's vehicles and military assets, and began talks in Doha in October 2012. Arko Sulaiman Dahiya was named deputy leader of the movement.

JEM-Bashir presented itself as a representative of mainstream JEM, rhetoric that was repeated by AU and UN mediators and often confused media reporting. The movement declared a cessation of hostilities on 24 October 2012, and a ceasefire with the Government of Sudan on 10 February 2013. Agreement on a supplementary protocol to the DDPD was reached in March 2013, and formally adopted on 6 April in Doha, before the Darfur donors' conference began.

Returning to Darfur on 12 May, Bashir's convoy was ambushed by JEM forces on the Sudan-Chad border. Bashir, his brother Noreen, deputy Dahiya, and several others were killed.

In late May, Dabajo assumed temporary leadership of the movement, which reiterated its commitment to the Doha process. Dabajo was confirmed as leader on 25 June. JEM-Bashir has been substantially weakened by the loss of its senior leadership, and its future as a significant player in Darfur's peace process is uncertain.<sup>178</sup>

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<sup>175</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 2

<sup>176</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 40

<sup>177</sup> UN, [Report of the Secretary-General: Children and armed conflict](#), 5 June 2015, Darfur para 179, 180, 182, 185

<sup>178</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Justice and Equality Movement-Mohamed Bashir \(JEM-Bashir\) \(also known as JEM-Sudan\)](#), July 2013

### 2.2.2. Liberation and Justice Movement (LJM) and National Liberation and Justice Movement (NLJM)/National Liberation and Justice Party (NLJP)<sup>179</sup>

In a January 2014 report the International Crisis Group described the Liberation and Justice Movement (LJM) as “An umbrella group of Darfur rebel factions formed in 2010 and led by Dr Tijani Sese” which signed the Doha Document for Peace in Darfur with the government in July 2011.<sup>180</sup> The same source provides the following overview of the LJM’s troops:

During the Doha talks, the government estimated the LJM had 1,000 to 2,000 troops. The LJM insisted it had vastly more but was ready to accept the integration of 5,000 to 7,000. The parties left the issue to be settled later. A verification exercise under UNAMID auspices registered 47,000 combatants. The government rejected the count, accusing LJM of registering civilians – as many as two thirds of the 47,000 and including women and schoolchildren – and members or former members of government militias. While some LJM officials argued the civilians were “reservists”, most acknowledge the 47,000 include civilians and militia members, as well as exrebels from groups that signed the Abuja agreement but had not been integrated.

Reportedly only 15,000 of the “verified” combatants were armed, and most had been members of government militias. Tijani Sese faulted “the very nature of LJM, which is a movement open to recruits from every armed group”. Other LJM leaders and government officials blamed him for not creating a unified command. “The LJM is a nice name, but with no content”, Maj. General Tajessir said, “it is composed of disparate groups and has no chief of staff. Until early 2012, Sese didn’t seem to know the groups’ composition”. [...]

Only one LJM component, the United Resistance Front (URF) of Bahar Abu Garda, had and still has substantial ranks (some several hundred), recruited from his Zaghawa tribe. The United Revolutionary Forces Front (URFF), an Arab faction led by Yassin Yussif that attracted disgruntled Arab militiamen, was reportedly second largest, but with quite autonomous troops, making the count uncertain and explaining why only a few are still considered part of LJM. Ismail Rifa’a’s ethnic Meidob faction may have 150; and ostensible Fur and Masalit components are mostly political leaders without fighters. During verification, URF camps registered a probably realistic 800 soldiers and URFF camps an inflated 4,500. Approximately 40,000 troops were registered in areas where leaders with no known forces have influence. [...]

Rather than organise a new verification, government and LJM officials agreed to negotiate on numbers of soldiers and officers to integrate. [...] The government finally agreed, in November 2013, to incorporate between 2,500 and 3,000 LJM combatants into the army and police, which should give the movement close to 100 officers. [...] Some are not keen to integrate into the Sudanese army, even as officers. [...] Some frustrated LJM combatants have joined non-signatory groups or returned to civilian life, including in Chadian refugee camps. [...] Relations are strained between troops and the LJM political leadership; Tijani Sese reportedly prefers to use government security services and train newly recruited Fur for his security detail.<sup>181</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur describes that:

In Darfur, tensions grew between the leader of the Liberation and Justice Movement (LJM) and Chairperson of the Darfur Regional Authority (DRA), El Tigani Seisi, and the Secretary-General of LJM, Idriss Bahar Abu Garda, about corruption, unilateral decision-making, tribal preference and lack of a unified political ideology. Seisi was accused of intentionally delaying the transition of LJM into a political party in order to remain in his current position for two more years. In late December

<sup>179</sup> Selected COI in this subsection reproduced with permission from ACCORD as cited in:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 2.2.2 *Liberation and Justice Movement (LJM)*

<sup>180</sup> International Crisis Group, [Sudan’s Spreading Conflict \(III\): The Limits of Darfur’s Peace Process](#), 27 January 2014

<sup>181</sup> International Crisis Group, [Sudan’s Spreading Conflict \(III\): The Limits of Darfur’s Peace Process](#), 27 January 2014, *D. Security Dilemmas, 1. Integrating LJM troops p.10-13*

differences between the two men were reported over the implementation of the security arrangements for the Doha Document for Peace in Darfur. As a result, the principal LJM alliance of six disparate factions, five former SLA factions and the United Revolutionary Forces Front began to unravel along ethnic lines, with the Fur, along with the Massalit and ethnic "Arab" clans supporting Seisi and the Zaghawa, Tunjur and other ethnic "Arab" clans supporting Abu Garda. On 16 January, Seisi dismissed Abu Garda from LJM. However, two days later, the Chairperson of the LJM Revolutionary Liberation Council issued a statement that Seisi had been removed as Chairperson of the movement. Both Abu Garda and Seisi have registered two separate political parties under the name of the Liberation and Justice Party. Both political parties have until 1 March 2015 to finalize the party's establishment and security arrangements or they will be excluded from the election process.<sup>182</sup>

Radio Dabanga reports that in December 2014, "conflicts within the leadership of the former rebel group surfaced. In press conferences in that month and January [2015], Abu Garda fiercely criticised the LJM Leadership Council regarding the postponement of parts of the security arrangements and the failure of implementing development projects in Darfur".<sup>183</sup> Radio Dabanga further notes that "On 18 January, the LJM interim board announced the ousting of Sese as its president. Sese then formed the National Liberation and Justice Movement (NLJM), which was registered as political party in February. The LJM also took part in the April national election as a political party".<sup>184</sup> The party is known as the National Liberation and Justice Party (NLJP).<sup>185</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur notes that "At the end of February, LJM split and formed two new political parties, one led by the former Chair of LJM, Tijani al-Sissi, the other by Secretary Bahar Idriss Abu Garda. The Government could not prevent the split, but it allowed both to contest vacant seats in Darfur during the elections".<sup>186</sup>

On 17 June 2015, the National Liberation and Justice Party (NLJP) led by Dr El Tijani Sese announced the suspension of its political partnership with the ruling party its withdrawal from government, but that it wouldn't affect the implementation of the 2011 Doha Document for Peace in Darfur (DDPD).<sup>187</sup> Radio Dabanga explains that "The former rebel group accused the NCP of not honouring a political agreement to power-sharing between the two parties".<sup>188</sup> However, by 30 June 2015 the NLJP announced its resumed partnership with the ruling National Congress Party.<sup>189</sup>

Reporting with regards to the integration of LJM fighters into the SAF, the 2014 U.S. Department of State report indicates that in Darfur, "On December 23, the press reported the government and Liberation and Justice Movement (LJM) finalized security arrangements for 2,085 former LJM combatants from South and East Darfur. Eligible candidates were to be considered for integration into government security forces".<sup>190</sup> The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur describes that "On 22 December, as part of the final security arrangements on disarmament, demobilization and reintegration, the Darfur Security Arrangements Implementation Commission of the Darfur Regional Authority launched the integration of combatants from LJM in South and East Darfur into SAF and the Sudanese police

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<sup>182</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 8

<sup>183</sup> Radio Dabanga, [Abu Garda calls for reformation of Darfur Regional Authority](#), 1 July 2015

<sup>184</sup> Radio Dabanga, [Abu Garda calls for reformation of Darfur Regional Authority](#), 1 July 2015

<sup>185</sup> Radio Dabanga, [National Liberation and Justice Party launched in Sudan's capital](#), 24 February 2015

<sup>186</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 40

<sup>187</sup> Radio Dabanga, [Sudan's NCP discusses power-sharing again with Darfur party](#), 24 June 2015

<sup>188</sup> Radio Dabanga, [Sudan's NCP discusses power-sharing again with Darfur party](#), 24 June 2015

<sup>189</sup> Radio Dabanaga, [Darfur's National Liberation Party resumes power-sharing with Khartoum](#), 30 June 2015

<sup>190</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.g

forces. According to the Darfur Security Arrangements Implementation Commission, some 4,664 LJM combatants voluntarily participated in the integration process. On 6 February, the integration of LJM into SAF began in West Darfur”.<sup>191</sup> The May 2015 report further notes that “the final security arrangements of the 6,525 LJM former combatants commenced on 28 February 2015. Of that caseload, only 2,018, including 314 women, were found to be eligible for the disarmament, demobilization and reintegration process. Some 1,000 ex-combatants will be integrated into the Sudanese Armed Forces and the Sudan Police Forces, while the remaining 1,018 will be demobilized and provided with reintegration opportunities”.<sup>192</sup>

For information on Abu Garda’s criticism of the Darfur Regional Authority’s performance, see [1.3. Local government \(Darfur Regional Authority\)](#).

### 2.2.3. Sudan Liberation Army (SLA)

The International Crisis Group reports that the Sudan Liberation Army (SLA) was formed in 2001 by Darfurians from non-Arab communities, but that power struggles caused it to splinter.<sup>193</sup> The main factions are the SLA-MM, led by Minni Arku Minawi (Zaghawa), and the SLA-AW, led by Abdelwahid Mohammed Ahmed Nur (Fur).<sup>194</sup> The same source also explains that the Sudan Revolutionary Front (SRF) was “founded in 2011 by the SPLM-N, JEM, SLA-MM and SLAAW and subsequently joined by small unarmed groups, this umbrella opposition to Sudan’s government coordinates politically and militarily, but its “joint force” has fought only once, in the Kordofans in 2013. It is chaired by SPLM-N’s Malik Agar”.<sup>195</sup>

According to a Small Arms Survey report, most of the members of both JEM and the Sudan Liberation Army (SLA) “came from the Fur, Zaghawa, and Masalit groups, who felt that local Arab groups and the Khartoum government were conspiring against them”.<sup>196</sup> The Immigration and Refugee Board of Canada cites a Thomson Reuters article which notes that “SLA originally included fighters from the Massalit, Fur and Zaghawa ethnic groups but became increasingly divided along ethnic lines after 2006, when one faction of the SLA, under the leadership of a Zaghawa leader, Minni Minawi (SLA-MM), signed a peace accord with the government that was rejected by JEM and other factions of the SLA”.<sup>197</sup>

The Small Arms Survey further notes that:

The world first really paid attention to the growing fighting in Darfur when a combined force of SLA and JEM groups attacked Al Fasher airport in April 2003, destroying seven aircraft and capturing the head of the Sudanese air force (Flint and de Waal, 2008). But rebel cohesion did not last. The SLA

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<sup>191</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 41

<sup>192</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 43

<sup>193</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, Appendix D: Glossary of Terms and Groups p.30

<sup>194</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, Appendix D: Glossary of Terms and Groups p.30

<sup>195</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, Appendix D: Glossary of Terms and Groups p.30

<sup>196</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, Darfur p.10

<sup>197</sup> Immigration and Refugee Board of Canada, [Sudan: Treatment of the Masalit ethnic group in Darfur by government authorities and armed militias, including incidents of violence \(2002-2013\)](#), 17 January 2015

soon splintered into several factions, the most significant being SLA-Abdul Wahid (SLA-AW), led by Abdul Wahid Mohamed al Nur, a Fur lawyer, and SLA-Minni Minawi (SLAMM), under Minni Arku Minawi, a Zaghawa former trader. Minawi signed the DPA in 2006, but SLA-AW and JEM did not.<sup>198</sup>

For a historical overview of the SLA, see:

- ❖ Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 2.2.3 *Sudan Liberation Army (SLA) (including SLA-AW, SLA-MM, SLA-Justice and SLAUnited)*

### 2.2.3.1. SLA-AW

For a historical overview of the origins/composition, leadership, areas of control/activity, sources of financing/support and status of SLA-AW, see:

- ❖ Sudan Human Security Baseline Assessment, [Sudan Liberation Army-Abdul Wahid \(SLA-AW\)](#), 6 September 2011

According to an October 2014 Small Arms Survey report, “SLA-AW is led by Fur lawyer Abdul Wahid al Nur, a secularist, albeit one without a particularly well-defined political vision. He has lived outside Darfur for many years, initially in Asmara, then Paris and Kampala. In the first years of the Darfur conflict he was very popular among the Fur, and among non-Fur in the IDP and refugee camps. However, this support has declined over the years. SLA-AW controls large parts of the Jebel Marra mountain range, the historical Fur heartland in the centre of Darfur, but its influence outside this area is minimal. Sudanese security agencies downplay SLA-AW’s resources, suggesting the movement has only around 20–30 vehicles. A more realistic estimate is around 40–50. Because it mainly fights in the mountains, SLA-AW does not need vehicles as much as the other Darfur movements. Most of its fighters are Fur”.<sup>199</sup> The November 2014 report of the UN Secretary-General similarly notes that the SLA-AW is predominantly Fur.<sup>200</sup>

The International Crisis Group reports that around spring 2014, “some of SLA-AW’s main political and military leaders, including Abulgasim Imam, Mohammed Abdelsalam “Tarrada”, Yusif Ahmad “Karjakola” and Nimir Mohammed, also left, angry with Abdelwahid’s uncompromising negotiation stance. Loyal forces reportedly attacked the dissidents and targeted their villages and families. Some SLA-AW dissidents seem to remain part of the SRF and signed a memorandum of understanding with SLA-MM in March 2015; others reportedly joined with non-SRF factions”.<sup>201</sup>

The International Crisis Group also reports that “SLA-AW leader Abdelwahid Mohammed Ahmed Nur demands better security before joining a peace process. Partly as a result, its most active political and military leaders, including ex-West Darfur governor Abulgasim Imam, have left. Abulgasim, still

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<sup>198</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *Darfur* p.10

<sup>199</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *SRF alliance groups* p.15

<sup>200</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, *paragraph 7*

<sup>201</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, *III. Spiraling Communal Conflict, E. Rebel Factional Fighting* p.14

symbolically important in Darfur, announced a Sudan Liberation Movement-Second Revolution (SLM-SR)”<sup>202</sup>.

#### Overview of SLA-AW activities between August 2014-August 2015

According to an April 2015 International Crisis Group report, “The Sudan Liberation Army faction led by Minni Minawi (SLA-MM) was the most active rebel group in Darfur in 2013-2014. [...] The other, weaker faction of Abdelwahid Mohammed Ahmed Nur (SLA-AW) controlled much of the Jebel Marra massif in the centre of Darfur, despite determined government offensives”<sup>203</sup>.

The 2014 U.S. Department of State report indicates that in Darfur, “Clashes between the government forces, government-armed militias, and Darfur rebel movements, notably the SLA/MM, Sudan Liberation Army/Abdul Wahid faction (SLA/AW), and Justice and Equality Movement/Jibreil (JEM-Jibreil), resulted in significant deaths on all sides”<sup>204</sup>. The same source further notes that “On September 1, SLA/AW chairman Abdul Wahid Mohammed Nur issued directives for the execution of eight of his top commanders, including the chief of staff. As of October the executions had not been carried out, and seven of the eight commanders remained in an SLA/AW detention center in Jebel Marra”<sup>205</sup>. It also notes that there have been reports of child recruitment by SLA-AW forces.<sup>206</sup> See [11.1. Recruitment and use of children by government forces and armed groups](#) for further information.

AUN Secretary-General report on the African Union United Nations Hybrid Operation in Darfur noted that “After some delay, the African Union High-level Implementation Panel convened direct talks between the Government and SLA/MM and JEM-Gibril in Addis Ababa on 23 November 2014. The concerted efforts to include all non-signatory rebel groups notwithstanding, SLA/AW decided not to participate in that round of negotiations”<sup>207</sup>.

The UN Secretary-General stated in his November 2014 report with regards to SLA-AW that:

The recent resurgence of activities by the armed movements in several of their strongholds in North, South and Central Darfur points to their possible regrouping several months after the campaign of the Rapid Support Forces earlier in the year had left them substantially weakened. In September and October, the Sudan Liberation Army-Abdul Wahid (SLA-AW) managed to inflict casualties on Government forces in Rockero and Golo (Central Darfur) and in the Jebel Amer area (North Darfur). [...] In recent months, the military presence and influence of SLA-AW have waned beyond its stronghold in Jebel Marra at the junction of Central, North and South Darfur. Factionalism within the group, triggered by the prolonged absence of Abdul Wahid, has weakened the group both politically and militarily. While there have been reports that internal rifts have affected SLA-AW military operations and effectiveness, clashes between the Sudanese armed forces and SLA-AW demonstrated the determination of core SLA-AW elements to limit Government incursions into the area. [...] For the first time in many years, elements of SLA-AW and SLA-MM were also involved in a number of direct attacks on civilians and acts leading to civilian casualties, injuries and displacements. [...]

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<sup>202</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *B. The Sudan Revolutionary Front p.4, footnote 13*

<sup>203</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, *II. The Unending Rebellion and Its Costs p.4*

<sup>204</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

<sup>205</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

<sup>206</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

<sup>207</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 *paragraph 9*

The armed movements were involved in several incidents that resulted in the attack or displacement of civilians. On 7 September, elements of SLA-AW kidnapped six leaders of the internally displaced from Nertiti camp (Central Darfur) over accusations that they were encouraging internally displaced persons to participate in the peace process. The abducted leaders were reportedly detained at the SLA-AW base in Kutum (15 km east of Nertiti) for trial. The head of the group was released on 16 September following negotiations between SLA-AW and the Peaceful Coexistence Committee and Native Administration in the area. The trials were abandoned after UNAMID leadership intervened with the movement's leaders. The other members of the group were released at the end of September.

Elements of SLA-AW were also involved in an attack on an Arab Rizeigat nomadic settlement in the Al Wehda area, near Menawashi (South Darfur) on 11 September in which a sheikh and his son were killed along with 10 camels belonging to the community.<sup>208</sup>

According to a January 2015 International Crisis Group report, "Except for a few raids, SLA factions continue to concentrate in Darfur".<sup>209</sup>

The UN Secretary-General reported in February 2015 that:

Following a similar pattern to the events in Darfur one year ago, the beginning of the dry season coincided with the launching of offensive military action by the Government of the Sudan and the armed movements. The reporting period witnessed a marked increase in fighting between Government forces and the SLA/MM in North Darfur and SLA/AW in Jebel Marra. On 23 December, while addressing a graduation ceremony of the Sudan Armed Forces (SAF) Command and Staff College, President El-Bashir announced the resumption of "Operation Decisive Summer", with the aim of eliminating those armed movements in Darfur and the Two Areas that did not heed the Government's call for dialogue. The announcement was followed by intensified fighting between Government forces and SLA/AW in East Jebel Marra and with SLA/MM near Tawilla, North Darfur.<sup>210</sup>

According to the March 2015 report from the same source:

Clashes decreased between June and early December 2014 owing to the rainy season and the prospect of direct negotiations with SLA/MM and JEM-Gibril. With no progress in the talks held in Addis Ababa, however, the Government resumed offensive operations early in December. Whereas the earlier phase of the operation had targeted SLA/MM, the second phase concentrated on dislodging SLA/AW from the hilly terrain of Jebel Marra.

The two phases of Operation Decisive Summer have given the government forces the upper hand in the conflict in Darfur. The non-signatory armed movements, especially SLA/MM and JEM-Gibril, have been considerably weakened, while SLA/AW has been confined to a very small geographical area.<sup>211</sup>

According to the May 2015 report from the same source, "The reporting period was marked by an escalation of hostilities between Government forces and the rebel factions, namely, the Sudan Liberation Army faction Abdel Wahid (SLA/AW), the SLA faction Minni Minawi (SLA/MM) and the Justice and Equality Movement faction Gibril Ibrahim (JEM/Gibril)".<sup>212</sup>

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<sup>208</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraphs 3, 4, 9, 13 and 14

<sup>209</sup> International Crisis Group (ICG), [Sudan and South Sudan's Merging Conflicts](#), 29 January 2015, B. *The Sudan Revolutionary Front* p.4

<sup>210</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 9

<sup>211</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 62-63

<sup>212</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 2

### 2.2.3.2. SLA-MM

For a historical overview of the origins/composition, leadership, areas of control/activity, sources of financing/support and status of SLA-MM, see:

- ❖ Sudan Human Security Baseline Assessment, [Sudan Liberation Army-Minni Minawi \(SLA-MM\)](#), 6 September 2011

According to an October 2014 Small Arms Survey report, “SLA-MM is led by Minni Minawi, a Zaghawa trader and teacher who worked in northern Nigeria before the war. He broke away from the SLA to form his own Zaghawa-dominated faction at the October–November 2005 Haskanita conference (Tanner and Tubiana, 2007). Minawi’s political vision is not dissimilar to Abdul Wahid’s, and the split was driven by personal ambition and ethnic tensions between the Fur and Zaghawa. Unlike the other Darfur leaders, Minawi signed the 2006 DPA. He was made a senior presidential assistant, but achieved little in that position. In late 2010 he returned to rebellion. SLA-MM is mainly based in South and East Darfur around the railway line between Al Fula and Nyala. It also operates in eastern Jebel Marra and the Shangal Tobay area in North Darfur, as well as occasionally in South Kordofan in SRF operations. One senior Sudanese official claims SLA-MM has ‘tens of vehicles, not hundreds’, but the real figure is likely to be between 150 and 200”.<sup>213</sup>

The November 2014 report of the UN Secretary-General notes that the SLA-MM’s constituents are mainly Zaghawa.<sup>214</sup> According to a January 2015 International Crisis Group report, “the SLA-MM became increasingly national after a failed experience in government under the Darfur Peace Agreement (2006-2010)”.<sup>215</sup>

The International Crisis Group reports that “In spring 2014, Mohammedein Orkajor, SLA-MM’s main North Darfur commander, formed his own faction, reportedly at Chad’s initiative”.<sup>216</sup>

#### Overview of SLA-MM activities between August 2014-August 2015

The 2014 U.S. Department of State report indicates that in Darfur, “Clashes between the government forces, government-armed militias, and Darfur rebel movements, notably the SLA/MM, Sudan Liberation Army/Abdul Wahid faction (SLA/AW), and Justice and Equality Movement/Jibreil (JEM-Jibreil), resulted in significant deaths on all sides”.<sup>217</sup> It further notes that “Some groups claimed Darfur-based rebel groups, such as JEM-Jibreil and the SLA/MM, committed attacks in other regions of the country, especially the Two Areas”.<sup>218</sup>

According to an April 2015 International Crisis Group report, “The Sudan Liberation Army faction led by Minni Minawi (SLA-MM) was the most active rebel group in Darfur in 2013-2014. It continued

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<sup>213</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, *SRF alliance groups* p.15

<sup>214</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, *paragraph 7*

<sup>215</sup> International Crisis Group (ICG), [Sudan and South Sudan’s Merging Conflicts](#), 29 January 2015, *B. The Sudan Revolutionary Front* p.5, *footnote 18*

<sup>216</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, *III. Spiraling Communal Conflict, E. Rebel Factional Fighting* p.14

<sup>217</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

<sup>218</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1.g*

fighting in the eastern plains between Mellit, in North Darfur, and Gereida, in South Darfur state, regularly taking and briefly holding towns”.<sup>219</sup>

According to a Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur:

In 2013, the Government launched a major military offensive in Darfur and the Two Areas using the Rapid Support Forces, causing large-scale displacement of civilians in Darfur. From February to May 2014, with aerial and ground support from the Sudanese military, the Rapid Support Forces succeeded in dislodging the armed movements from many of their traditional strongholds in the central corridor, as well as in areas south of Nyala. SLA/MM in particular sustained heavy losses. [...] Clashes decreased between June and early December 2014 owing to the rainy season and the prospect of direct negotiations with SLA/MM and JEM-Gibril. With no progress in the talks held in Addis Ababa, however, the Government resumed offensive operations early in December. Whereas the earlier phase of the operation had targeted SLA/MM, the second phase concentrated on dislodging SLA/AW from the hilly terrain of Jebel Marra.<sup>220</sup>

The UN Secretary-General reported that “After some delay, the African Union High-level Implementation Panel convened direct talks between the Government and SLA/MM and JEM-Gibril in Addis Ababa on 23 November 2014”.<sup>221</sup> It further notes that:

During the talks, the Government reiterated that it would not reopen the Doha Document for Peace in Darfur for negotiation, while the armed movements insisted that they were not bound by its provisions. On 26 November 2014, the Panel proposed the inclusion of security arrangements, political issues, humanitarian issues, the relationship between the talks and the dialogue and the overall method of work as agenda items. The Government rejected the inclusion of humanitarian issues as a separate agenda item, while the armed movements insisted on that point and proposed the addition of other issues such as development, land and reconciliation. In the light of the lack of agreement, the Panel adjourned the talks on 30 November 2014 for the parties to consult their constituencies on the draft framework agreement.<sup>222</sup>

The UN Secretary-General stated in his November 2014 report with regards to SLA-MM that:

The recent resurgence of activities by the armed movements in several of their strongholds in North, South and Central Darfur points to their possible regrouping several months after the campaign of the Rapid Support Forces earlier in the year had left them substantially weakened. [...] While the Sudan Liberation Army-Minni Minawi (SLA-MM) and the Justice and Equality Movement-Gibril Ibrahim (JEM-Gibril) avoided direct confrontation with Government forces, they asserted their presence by setting up checkpoints in their strongholds of South and North Darfur and extorting cash or fuel from United Nations transportation contractors. [...] SLA-MM, based mainly in South and East Darfur with traditional strongholds in Shearia, Labado and Muhajeria, bore the brunt of the campaign led by the Rapid Support Forces in the first quarter of 2014. [...] For the first time in many years, elements of SLA-AW and SLA-MM were also involved in a number of direct attacks on civilians and acts leading to civilian casualties, injuries and displacements.<sup>223</sup>

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<sup>219</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, II. *The Unending Rebellion and Its Costs* p.3

<sup>220</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 61-62

<sup>221</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 9

<sup>222</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015 paragraph 9

<sup>223</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 4-6, 9

The UN Secretary-General reported in his February 2015 report that:

Following a similar pattern to the events in Darfur one year ago, the beginning of the dry season coincided with the launching of offensive military action by the Government of the Sudan and the armed movements. The reporting period witnessed a marked increase in fighting between Government forces and the SLA/MM in North Darfur and SLA/AW in Jebel Marra. On 23 December, while addressing a graduation ceremony of the Sudan Armed Forces (SAF) Command and Staff College, President El-Bashir announced the resumption of “Operation Decisive Summer”, with the aim of eliminating those armed movements in Darfur and the Two Areas that did not heed the Government’s call for dialogue. The announcement was followed by intensified fighting between Government forces and SLA/AW in East Jebel Marra and with SLA/MM near Tawilla, North Darfur.<sup>224</sup>

The same source notes in his March 2015 report that “The two phases of Operation Decisive Summer have given the government forces the upper hand in the conflict in Darfur. The non-signatory armed movements, especially SLA/MM and JEM-Gibril, have been considerably weakened, while SLA/AW has been confined to a very small geographical area”.<sup>225</sup> According to the May 2015 report from the same source, “The reporting period was marked by an escalation of hostilities between Government forces and the rebel factions, namely, the Sudan Liberation Army faction Abdel Wahid (SLA/AW), the SLA faction Minni Minawi (SLA/MM) and the Justice and Equality Movement faction Gibril Ibrahim (JEM/Gibril)”.<sup>226</sup>

### 2.2.3.3. SLA-Justice

According to an April 2015 International Crisis Group report, SLA-Justice is led by Ali Abdallah “Kerubino”.<sup>227</sup> A smaller faction of the SLA, it sometimes fought jointly with SLA-MM and in March 2014 the army and paramilitaries, including the RSF, defeated SLA-MM and SLA-Justice in Ba’ashim (North Darfur).<sup>228</sup>

For historical information, see:

- ❖ Sudan Human Security Baseline Assessment (HSBA), [\*Forgotten Darfur: Old Tactics and New Players\*](#), July 2012, *Annexe. Main armed opposition groups of Darfur p.88*

### 2.2.3.4. SLA-United/Unity

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<sup>224</sup> UN, [\*Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur\*](#), 26 February 2015, *paragraph 9*

<sup>225</sup> UN, [\*Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur\*](#), 13 March 2015 *paragraph 63*

<sup>226</sup> UN Security Council, [\*Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur\*](#), 26 May 2015, *paragraph 2*

<sup>227</sup> International Crisis Group (ICG), [\*The Chaos in Darfur\*](#), 22 April 2015, *II. The Unending Rebellion and Its Costs p.3, footnote 2*

<sup>228</sup> International Crisis Group (ICG), [\*The Chaos in Darfur\*](#), 22 April 2015, *II. The Unending Rebellion and Its Costs p.3, footnote 2*

According to an April 2015 International Crisis Group report, SLA-Unity is led by Abdallah Yahya.<sup>229</sup> A smaller faction of the SLA, it sometimes fought jointly with SLA-MM.<sup>230</sup>

For historical information, see:

- ❖ Sudan Human Security Baseline Assessment (HSBA), [Sudan Liberation Army-Unity](#), July 2010

### 2.2.3.5. Sudan Liberation Movement/Army-Reformist Group

According to the May 2015 report of the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur:

During the reporting period, a breakaway faction from SLA/MM signed a peace agreement with the Government of the Sudan in N'Djamena on 26 March. The faction, known as the Sudan Liberation Movement/Army-Reformist Group, is led by a former SLA/MM commander and consists of approximately 400 combatants. The agreement, which was mediated by the Government of Chad, made no mention of the Doha Document for Peace in Darfur. It provides for a general amnesty for the members of the group, the integration of a limited number of its combatants into the Sudanese Armed Forces and the disarmament, demobilization and reintegration of the remainder of its members. These parallel initiatives, which are outside the Doha Document for Peace framework or the ongoing efforts of the African Union High-Level Implementation Panel, aim at the fragmentation of the rebel movements by weakening the movements individually and the SRF alliance more generally.<sup>231</sup>

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

The International Crisis group explains that “Musa Hilal, chief of the Mahamid branch of North Darfur’s abballa Rizeigat, was the main Arab militia leader at the start of the conflict”.<sup>232</sup> According to Radio Dabanga, “Hilal, belonging to an Arab clan in North Darfur, became notorious as Janjaweed leader, after simmering conflicts in Darfur erupted into a full-scale war in April 2003. Hilal, at the time serving a jail sentence for stirring-up ethnic conflicts and several murders, was released by the Sudanese government, and tasked with the mobilisation of militiamen, mostly among impoverished Sudanese Arab pastoralists. His gunmen, called Janjaweed in Darfur, targeted unarmed civilians in the region, attacking African Darfuri villages, but they rarely came near forces of the armed rebel movements”.<sup>233</sup> According to a July 2015 African Arguments article, Hilal “retains the ambition to be a leader for all Arab tribes in Darfur”.<sup>234</sup>

The International Crisis further reports with regards to Musa Hilal that:

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<sup>229</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, II. *The Unending Rebellion and Its Costs* p.3, footnote 2

<sup>230</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, II. *The Unending Rebellion and Its Costs* p.3, footnote 2

<sup>231</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 33

<sup>232</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, C. *Arab Militias against the Government (Including Hilal’s rebellion)* p.11

<sup>233</sup> Radio Dabanga, [Former Janjaweed leader ‘reconciled’ with Sudanese govt.](#), 7 July 2015

<sup>234</sup> African Arguments, [Understanding Musa Hilal and Mohamed Hamdan “Hametti” in Sudanese politics – By Hamdan Goumaa](#), 23 June 2015

From 2005, he became more independent and began to negotiate (directly, or through commanders or intermediaries abroad), non-aggression pacts with different rebel factions, as well as with the Chad government then fighting a proxy war with Sudan. In an attempt to win back his loyalty, Khartoum appointed him presidential adviser on tribal and local affairs, and he was elected to the national assembly. He soon resented his positions in Khartoum as a golden cage, however, and in mid-2013 returned to Misteriha, from where he continued to try to change his “Janjawid” image into one of a local peacemaker (notably in the Jebel Amir conflict) and grew increasingly anti-government.

In January 2014, he defected from the ruling National Congress Party (NCP) party to form the “Sudanese Awakening Revolutionary Council” (SARC), claiming to represent the interests of Darfur’s Arabs.

In July 2014, SARC representative Ismail Aghbash signed, in Addis Ababa, a “memorandum of understanding” with the SPLM-N.

Rebels long demanded Hilal prove commitment to Darfur by attacking government strongholds, but he has stayed on the rebellion’s edge. Some of his commanders have crossed the line, signed agreements with rebel factions and repeatedly attacked government convoys, apparently with his blessing. In February 2014, he went further, when his troops attacked a convoy of paramilitaries reportedly sent to retake Jebel Amir from Rizeigat militias. A month later, he took over Saref Omra town, expelling the commissioner. Fighting between the Rizeigat and the commissioner’s (non-Arab) Tama guards escalated to tribal conflict in which 50,000 civilians were reportedly displaced. In March 2014, some fifteen Hilal vehicles reportedly fought beside SLA-MM and SLA-Justice rebels against RSF in Ba’ashim, North Darfur.

Hilal’s more direct anti-government involvement seems largely due to his feud with Governor Kibir. They fell out for various reasons, including Kibir’s alleged role in the 2010 Mawasir market (in El-Fasher) Ponzi scheme, in which many abbalas lost money, and his close relations with rival war chiefs like An-Nur Ahmad in Gubba. In 2013, Kibir appointed a new nazir for the Awlad Tako, a clan in principle under Hilal. There were also rumours that Hilal aspires to replace Kibir or for the government to carve out a new state encompassing the Kebkabiya and Kutum areas, over which he would have de facto authority.<sup>235</sup>

Reporting on Hilal’s political influence, the International Crisis Group further notes that:

In January 2015, after Hilal was said to threaten to prevent April elections in some parts of Darfur, Presidential Assistant Ibrahim Ghandour tried to return him to the fold. Yet, in February and March, after SARC spokesperson Ahmed Mohammed claimed “agreements” concluded with Ghandour and earlier in Chad were not implemented, Hilal threatened again to “sabotage” the polls. He reportedly says he asked for (and was promised) the position of first vice president (replacing Bakri Hasan Saleh), as well as for Arab officials to be appointed governors in South Darfur, East Darfur and West Darfur and deputy governors in the two other states into which Darfur has been divided. There is no indication the government agreed to this, but in March, Hilal toned down his rhetoric about the elections.<sup>236</sup>

The 2014 U.S. Department of State report notes that “Tensions between North Darfur governor Yousef Kibir and former Arab militia leader Sheikh Musa Hilal effectively divided the state into two warring parties”.<sup>237</sup> The International Crisis Group further notes that “in March 2015, as the old conflict between Kibir’s Berti tribe and the Zeyadiya Arabs resumed, Hilal held a conference in Mellit, the Berti capital, and, while again presenting himself as a peacemaker, reportedly tried to rally the Zeyadiya to his struggle against the governor”.<sup>238</sup> A June 2015 IRIN report states that “In North Darfur state, a series of deadly attacks this year has fomented tensions between the Berti and

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<sup>235</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, C. *Arab Militias against the Government (Including Hilal’s rebellion)* p.11

<sup>236</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, C. *Arab Militias against the Government (Including Hilal’s rebellion)* p.13

<sup>237</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1.g

<sup>238</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, C. *Arab Militias against the Government (Including Hilal’s rebellion)* p.12

Zayadia tribes and displaced thousands more people. Berti student leaders reportedly suspect Musa Hilal, a prominent Arab militia chief, of stirring trouble in the province. Hilal is a political rival to North Darfur's Berti governor, Osman Mohamed Yousif Kibir, who stands accused of recruiting an ethnic militia of his own".<sup>239</sup>

In June 2015 Radio Dabanga reported that Hilal told a gathering of his followers that the Revolutionary Awakening Council (RAC) "will discuss a number of issues with the ruling National Congress Party (NCP), including the registration of RAC as a political party, and security arrangements, social reconciliation, and political reforms in Darfur".<sup>240</sup>

### 2.3. Tribal militias

The Human Security Baseline Assessment for Sudan and South Sudan (HSBA) reports that:

Non-Arab Darfurian opposition forces—mainly Fur, Zaghawa, and Masalit groups—first declared their armed opposition to the government in 2003, claiming widespread and long-term marginalization. The Government of Chad provided support to some rebel groups, and allowed them to maintain rear bases across the border in Chad. In 2004–05, the Sudanese government, employing the army as well as paramilitary Arab and Arabized militias, conducted a massive counter-insurgency. According to research published in 2010, as many as 300,000 civilians may have died as a direct or indirect consequence of the conflict.<sup>241</sup>

The Enough Project states in a June 2014 report<sup>242</sup> 'Janjaweed Reincarnate' that:

For more than a decade, Sudan's government has relied on Arab militiamen to do its proverbial dirty work: attacking civilians, burning villages, and slowly destroying traditional cultural ties within targeted communities in the periphery. This alliance between the government and the militias was grounded in three key factors: the Arab tribes of Darfur's historic landless status, the government's need for proxies to carry out their fight and thus afford them plausible deniability, and the potential for mutual economic benefit. At the height of the violence in the period from 2003 to 2005, Janjaweed fighters were the primary perpetrators of brutal attacks on non-Arab civilians, particularly those from the Fur, Masalit, and Zaghawa communities. The International Criminal Court (ICC) traced these attacks to the highest levels of Sudan's government, eventually issuing an arrest warrant indicting President Bashir for genocide. In the intervening years, with the loss of oil revenues from wells in South Sudan, the Sudanese government grew increasingly unable to fulfill its economic commitments to the young Arab men who form the backbone of the Janjaweed. While some were integrated into the security apparatus as members of the Popular Defense Forces, the Central Reserve Police, or the Border Guard, others were left jockeying for alternate revenue streams. As al-Hadi Adam Hamid, a retired lieutenant general who has intermittently headed Sudan's Border Guards since 2003, told researchers with the International Crisis Group: "Later, many members ... felt the government abandoned them. Before they were given salaries, cars, fuel, and uniforms—now it's over."<sup>81</sup> These "abandoned" Janjaweed often looked to looting, kidnapping, and pillaging to fill the

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<sup>239</sup> IRIN, [Briefing: Darfur's deepening conflict](#), 02 June 2015

<sup>240</sup> Radio Dabanga, [Former Janjaweed leader 'reconciled' with Sudanese govt.](#), 7 July 2015

<sup>241</sup> Human Security Baseline Assessment for Sudan and South Sudan, [Sudan](#), undated [accessed 13 August 2015]

<sup>242</sup> Although pre-dating the cut off point for research, this source has been included given its relevance and because it was not included in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014)

gap. In some cases, their battles took place within Darfur, but in many instances, they tapped into broader transnational criminal poaching and trafficking networks.<sup>243</sup>

The International Crisis Group reported in April 2015 that “Violence in Darfur has continually evolved. In 2003-2005, it was mostly due to attacks by pro-government, largely Arab militias targeting non-Arab communities accused of supporting the rebels. While those continued and intensified again in 2014, violence has mutated since 2006, with Arab communities and militias fighting each other and, to a lesser extent, non-Arab militias targeting non-Arab communities. Arab militias also turned against their government backers, while rebel factions fragmented and fought against each other as well. The UN and UNAMID often fail to identify armed players and label attackers only as “unidentified armed groups”.”<sup>244</sup> It further reports that “There are estimates of as many as 200,000 Arab militia members in Darfur, partly integrated into official paramilitary forces. They have increasingly felt abandoned and turned against the government. Since 2013, Khartoum’s inability to protect Arab civilians from attacks by militias of other Arab communities has further increased anti-government animosity”.<sup>245</sup> The same report further notes that:

In Darfur, as in Sudan’s second civil war (1983-2005) and the renewed conflicts in South Kordofan and Blue Nile, the government has relied on militias and paramilitaries, such as the PDF, Border Guards, CRP and RSF, but they have proved no more effective than the regular army in ending multiple rebellions. In Darfur, the militia strategy was counter-productive from the start: abuses drove civilians to support and join rebel movements, causing them to grow quickly from hundreds to thousands of combatants. Moreover, militias often pursued their own local and tribal agendas rather than the government’s – in recent years, leading Arab militias to increasingly fight each other and in some cases regular forces, or even to join the rebellion.

Given the chaos, Arab and non-Arab communities demand arms and their own militias for protection. While the government has often supported this, some officials, including President Bashir, recognise it is a main reason for communal conflicts. Several officials have advocated retaking control of militias, including gradually disarming them (beginning with heavier weapons), then retraining and integrating them into better controlled, more regular forces. Yet, RSF abuses show the limits of this.

Darfur’s militia problem has spread to other parts of Sudan, becoming a national issue that will not be solved without sustainable national consensus. But beyond negotiations with formal rebels, the government’s priority in addressing Darfur’s security problem should be a strategy to neutralise and disarm militias. The DDPD required such disarmament, but Khartoum has been unable and unwilling to implement the provision, for fear this would turn the militias further against it.

That concern is real, and disarmament should not be rushed: past security arrangements show a realistic timetable would be years, not months.<sup>246</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur noted with regards to Arab militias that:

A total of 55 cases of violence and attacks against civilians were recorded by UNAMID, of which 16 cases were allegedly perpetrated by Arab militias, 23 by Government forces and 16 by unknown armed elements. [...]

In August and September, armed Arab militias and the Rapid Support Forces increased their control over areas in North, South and East Darfur with reported attacks on civilians, including internally displaced persons, by the Northern Rizeigat in Korma, Tawilla and Shangil Tobaya (North Darfur) and by the Northern Rizeigat, Southern Rizeigat and Misseriya in Menawashi (South Darfur) and Labado (East Darfur). In addition, 12 alleged attacks by suspected Arab militias against civilians in eight villages

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<sup>243</sup> Enough Project, *Janjaweed Reincarnate: Sudan’s New Army of War Criminals*, June 2014, *Rekindling an old flame* p.8

<sup>244</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, III. *Spiraling Communal Conflict* p.4

<sup>245</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, III. *Spiraling Communal Conflict*, C. *Arab Militias against the Government (Including Hilal’s rebellion)* p.10

<sup>246</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, F. *Beyond the Militia Impasse* p.15

in Korma and the Korma camp of internally displaced persons, which included acts of killing, rape, assault, abduction, threat, robbery and livestock rustling, were reported. [...]

On 14 August, 45 Arab men dressed in uniforms of the Rapid Support Forces, the Sudanese armed forces and the Border Guard surrounded and threatened to attack the Hamada and Mosku camps of internally displaced persons (South Darfur) over allegations that camp residents had killed two members of the Rapid Support Forces on 9 August. Two days later, 100 Arab men on camels armed with machine guns and assault rifles reportedly fired indiscriminately in the vicinity of Hamada camp for three hours. [...]

On 11 September, Arab militiamen attacked three villages located 50 km from the UNAMID team site at Shangil Tobaya. The attack was triggered by a cattlegrazing dispute between farmers and nomads and resulted in the deaths of three men, as well as four children burned, four women raped, and displacement to surrounding camps of internally displaced persons.<sup>247</sup>

The same source further notes that “Various forms of criminality by suspected Arab militias targeting local communities and internally displaced persons who were farming were also recorded. These involved incidents of murder, rape, physical assault, intimidation and animal Rustling”.<sup>248</sup>

The February 2015 report from the same source noted that:

A total of 61 cases of violence and attacks against civilians, resulting in the loss of 113 lives, were recorded by UNAMID during the reporting period. A total of 23 incidents occurred in North Darfur, with 60 fatalities; 16 incidents in South and East Darfur, with 31 fatalities; and 22 incidents fatalities in West and Central Darfur, with 22 fatalities. Arab militias were alleged to have perpetrated 18, the forces of the Government of the Sudan 15 and unknown perpetrators 28 of the recorded attacks.<sup>249</sup>

The same source noted in hisSpecial report on the African Union-United Nations Hybrid Operation in Darfur from 13 March 2015 with regards to crimes against civilians that “the key factors in the situation include wide circulation of arms, weak rule of law mechanisms and impunity. Reports indicate that armed Arab tribesmen, unidentified armed groups and disgruntled and unemployed young people and gangs perpetrated most of the crimes. Armed Arab nomads often accused internally displaced persons of initiating attacks against them and, as a result, demanded exorbitant compensation”.<sup>250</sup>

The May 2015 report from the same source notes that:

Violence committed by organized criminals taking advantage of the overall law and order and security vacuum remained a significant concern for the population in Darfur. A total of 316 crimes were recorded by UNAMID during the reporting period, compared with 61 in the previous one. Violence and gang activity continued to be concentrated in major urban centres and in the vicinity of internally displaced persons camps. The most common crimes included armed robberies and attacks (178 incidents), deadly shootings (23 incidents), assaults (25 incidents), sexual and gender violence (37 incidents), carjackings (11 incidents), abductions (8 incidents), cattle rustling (19 incidents) and arson (15 incidents). Most of the crimes were perpetrated by Arab militia and unidentified armed groups.<sup>251</sup>

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<sup>247</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraphs 9-11 and 15

<sup>248</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 21

<sup>249</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 15

<sup>250</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 65

<sup>251</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 12

For further information, see [6.3. Conflict between tribes since August 2014](#).

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

The 2015 Fund for Peace's 'Fragile States Index' puts Sudan at 'very high alert' along with three other countries: South Sudan, Somalia and the Central African Republic.<sup>252</sup> The 2015 Global Peace Index issued by the Institute for Economics & Peace ranks Sudan 156 out of 162 countries.<sup>253</sup>

The Human Security Baseline Assessment for Sudan and South Sudan (HSBA) sets out in an August 2014 report that "In 2014 the Darfur conflict appears far from resolution given the routine and widespread violence, massive civilian displacement (at least 250,000 displaced through February 2014), and ongoing aerial bombardments. Moreover, a new wave of violence involving security forces, armed movements, and inter-tribal conflicts has weakened internal security and hampered humanitarian access".<sup>254</sup> In the same August 2014 report, the HSBA further noted that:

The dynamics of the Darfur conflict have continued to evolve in 2013-14. In particular, inter-tribal clashes have dramatically increased to include at least eight separate conflicts, leading to the forced displacement of more than 390,000 people in 2013. North Darfur is particularly affected. The conflicts have been triggered by issues of land ownership, political differences, and natural resources such as water, gold, and gum arabic.<sup>255</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in Darfur that "During the reporting period, while military operations decreased overall, possibly because of the rainy season (July to September), clashes between Government forces and armed movements occurred intermittently and aerial bombardments by the Government of the Sudan were reported on a number of occasions. Competition over resources continued to exacerbate the security situation, resulting in deadly clashes between tribes and increased criminality and banditry, all of which had a significant impact on the civilian population, particularly in North, South, East and Central Darfur".<sup>256</sup>

According to the International Crisis Group reporting in April 2015:

Violence in the Darfur region of Sudan's far west continues unabated. Some 450,000 persons were displaced in 2014 and another 100,000 in January 2015 alone, adding to some two million long-term internally displaced persons (IDPs) since fighting erupted in 2003. The government remains wedded to a military approach and reluctant to pursue a negotiated national solution that would address all Sudan's conflicts at once and put the country on the path of a democratic transition. Khartoum's reliance on a militia-centred counter-insurgency strategy is increasingly counter-productive – not least because it stokes and spreads communal violence. Ending Darfur's violence will require – beyond countrywide negotiations between Khartoum, the rebel Sudanese Revolutionary Front (SRF)

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<sup>252</sup>Fund for Peace, [2015 Fragile States Index](#), 2015

<sup>253</sup>Institute for Economics & Peace, [2015 Global Peace Index](#), 2015

<sup>254</sup>Human Security Baseline Assessment for Sudan and South Sudan, [Darfur](#), August 2014 [accessed 13 August 2015]

<sup>255</sup>Human Security Baseline Assessment for Sudan and South Sudan, [Darfur](#), August 2014 [accessed 13 August 2015]

<sup>256</sup>UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, *paragraph 2*

coalition and unarmed players – addressing its local dimensions, within both national talks and parallel local processes.<sup>257</sup>

The UN Secretary-General reported in his February 2015 report on the African Union United Nations Hybrid Operation in Darfur that the security situation in Darfur, which deteriorated during the period under review, was defined by three main trends:

First, since December, little progress has been made in the direct negotiations between the Government of the Sudan and the armed groups. Preparations for the national dialogue have also stalled and tensions have increased in anticipation of the upcoming national elections. Second, increased political tensions have coincided with a marked escalation in the conflict in Darfur between the Government and the armed movements with the redeployment of the Rapid Support Forces in December. Third, the civilian population continued to be affected by intercommunal conflict resulting from the economic situation and conflicts over land and resources. The population is also affected by widespread criminality owing to the severe disruption of traditional livelihoods and weakened dispute-resolution and rule-of-law mechanisms.<sup>258</sup>

According to the June 2015 Report of the Secretary-General on the protection of civilians in armed conflict:

Continued fighting in the Darfur region has involved widespread violations of international humanitarian law and human rights. Clashes in Darfur have seen deliberate or indiscriminate attacks on civilians perceived to be aligned with armed opposition groups and sporadic attacks on those perceived to be aligned with the Government. There were continued reports of sexual violence in Darfur, although the United Nations has had difficulty in gaining access in order to investigate those and other alleged human rights violations.<sup>259</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur reported with regards to current trends and conflict dynamics in Darfur that:

The reporting period was marked by an escalation of hostilities between Government forces and the rebel factions, namely, the Sudan Liberation Army faction Abdel Wahid (SLA/AW), the SLA faction Minni Minawi (SLA/MM) and the Justice and Equality Movement faction Gibril Ibrahim (JEM/Gibril). The Government intensified its counter-insurgency operations with the launch of the second phase of Operation Decisive Summer, led by the Rapid Support Forces, leading to additional displacements of the civilian population. Violence also increased as a result of intercommunal conflicts over land, access to resources, migration issues and tribal rivalries. The proliferation of small arms and the weakness in State authority also led to a rise in criminality and banditry targeting the local population.<sup>260</sup>

### 3.1. Central Darfur

A Human Rights Watch report dating June 2015 states that “Peacekeepers have not been allowed meaningful access to the embattled Jebel Mara area in Central Darfur for five years. The mission also

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<sup>257</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, *I. Overview*

<sup>258</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, *paragraph 56*

<sup>259</sup> UN, [Report of the Secretary-General on the protection of civilians in armed conflict](#), 18 June 2015 *Sudan, paragraph 3*

<sup>260</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, *paragraph 2*

has a mandate to report on human rights abuses but has continually failed to produce sufficient public reporting”.<sup>261</sup>

The US Department of State (USDOS) annual report of June 2015 (covering 2014) notes that: “On October 6, elements belonging to the SLM/AW reportedly killed 16 government troops in an attack on the military garrison town of Guldo, Central Darfur”. The same source further states that “In late December the government’s RSF [Rapid Support Forces] carried out a number of operations in the East Jebel Marra region of North and Central Darfur. Reports indicated numerous civilians killed, entire villages and crops burned, livestock raided, and upwards of 20,000 civilians displaced as a result of these attacks”.<sup>262</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in Central Darfur that “Clashes between Government forces and SLA-AW [Sudan Liberation Army faction Abdel Wahid] near the Straha camp of internally displaced persons at Nertiti (Central Darfur) on 15 October resulted in the killing of two members of the Sudanese armed forces and three members of SLA-AW. Thereafter, the Sudanese armed forces instructed internally displaced persons to suspend regular activities outside the camp because of the volatile security situation. After two days, and following UNAMID intervention on the issue, the situation returned to normal”.<sup>263</sup>

The same report further noted that “On 1 October, SLA-AW elements reportedly abducted 10 teachers and members of the Parent-Teacher Association at Rockero (Central Darfur). The teachers were accused of participating in a National Congress Party conference in Zalingei (Central Darfur) on 24 September and organizing the elections of April 2015 in the area. The political undertone to several of those attacks characterizes a disturbing trend, particularly in the light of the internal power struggles within the SLA-AW movement”.<sup>264</sup>

An October 2014 Radio Dabanga article reported that “On Monday, two young displaced women were gang-raped in the area of Bala, north of Nierteti, in Central Darfur. On the same day, more than 22 women of Garsila camp were assaulted by gunmen in Wadi Salih locality, Central Darfur”.<sup>265</sup>

In a December 2014 article Radio Dabanga reported on military activity in Central Darfur stating that “On Tuesday, rebels of the Sudan Liberation Movement, led by Abdel Wahid El Nur (SLM-AW), attacked a military convoy in the area east of Guldo in Nierteti locality, Central Darfur. “The convoy was on its way from Zalingei to Rokoro,” SLM-AW spokesman Mustafa Tambour told Radio Dabanga. “23 army and militia forces were killed, while we lost eight of our combatants. Three Land Cruisers and a lorry with military supplies were destroyed. We managed to seize large quantities of weapons, ammunition, and supplies””.<sup>266</sup>

In December 2014 Radio Dabanga noted several security incidents in Central Darfur: “Militiamen raided Kolkul village in Zalingei locality, Central Darfur, and kidnapped nine villagers on Saturday. The next day, they released three of them, after a ransom had been paid. A group of gunmen on

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<sup>261</sup> Human Rights Watch, [UN: Civilians at Risk as Darfur Attacks Surge](#), 11 June 2015

<sup>262</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 1. g. *Use of excessive force and other abuses in internal conflict*

<sup>263</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 5

<sup>264</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 14

<sup>265</sup> Radio Dabanga, [Displaced women raped, beaten in Central Darfur](#), 21 October 2014

<sup>266</sup> Radio Dabanga, [Rebels claim control of garrisons in South Kordofan, attack convoy in Darfur](#), 11 December 2014

about 13 horses and camels attacked Kolkul at about 6 am on Saturday, the coordinator of the Zalingei camps told Radio Dabanga. The coordinator explained that the raid came in response to the wounding of a militiaman the day before. "One of them had tried to rape a woman of the village on Friday. Her husband intervened, and injured the assailant"<sup>267</sup>.

Also in December 2014 Radio Dabanga reported that "People in Mukjar locality, Central Darfur, complain about an increase of assaults on citizens in the past few weeks. "The attacks and robberies have not only increased, but moved from farmlands and roads to the people's homes," a listener from Ambara told Radio Dabanga. He appealed to the state authorities to "protect the citizens, deter these Janjaweed, and bring them to justice"<sup>268</sup>.

The Security Council Report noted in January 2015 that "In Central Darfur, fighting also erupted in northern Jebel Marra in early January, with community leaders estimating 50,000 were displaced as a consequence of the violence"<sup>269</sup>.

A January 2015 Radio Dabanga article noted on several incidents in the East Jebel Marra area:

12 people were killed, and many others wounded in the area north of East Jebel Marra today, during the start of a large offensive on Deribat, one of the strongholds of the Sudan Liberation Movement, commanded by Abdel Wahid El Nur. From early morning until afternoon, the villages of Katur, Dubo El Madrasa, Barara, Wadi Lei Gina, and Usajanga, were targeted by the Sudanese Air Force. The heavy bombardments were extended to the areas east of Deribat and south of Fanga, people from the area told Dabanga. They said that convoys with troops of the paramilitary Rapid Support Forces (RSF), totalling at least about 200 vehicles, moved towards Deribat, heavily shooting and shelling the areas they were passing. The sources reported the killing of at least 12 people, and dozens of livestock, as well as the ignition of several fires in the area.

Other sources said that a RSF militia detachment of about 200 Land Cruisers are in a state of readiness in the area of El Malam. They expect that this force will move towards the area south of Jebel Marra. Another large group of RSF militias, supported by local militiamen commanded by Abdelfatah Burhan, a notorious militia leader in Central Darfur, started moving towards the area west of Jebel Marra today, a listener in Nierteti locality told Dabanga.<sup>270</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in Central Darfur that:

On 9 December, SAF [Sudanese Armed Forces] commenced a four-day siege of SLA/AW [Sudan Liberation Army faction Abdel Wahid] positions near Rofata, Central Darfur. On 10 December, SLA/AW responded by attacking a SAF troop rotation convoy in Ragabe Jamal, Central Darfur. On 11 December, SLA/AW elements also attacked a SAF convoy escorting the Commissioners of East and Central Darfur in Guldo, Central Darfur, in which five people were killed and two SAF personnel injured. On 23 December, the Government of the Sudan deployed Rapid Support Forces to Nertiti, Central Darfur, and launched an attack on SLA/AW elements in the area of Rokero.

On 18 January, SAF and Rapid Support Forces launched another large-scale operation against SLA/AW in the Golo area. On 24 and 25 January, fighting between SAF, Rapid Support Forces and SLA/AW was reported in the Azra and Sarrong areas, to the north-east of Nertiti.<sup>271</sup>

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<sup>267</sup> Radio Dabanga, [Central Darfur villagers kidnapped](#), 14 December 2014

<sup>268</sup> Radio Dabanga, [Upsurge of attacks in Central Darfur, rape attempt in West Darfur](#), 26 December 2015

<sup>269</sup> Security Council Report, [February 2015 Monthly Forecast](#), 30 January 2015

<sup>270</sup> Radio Dabanga, [Start of major offensive against rebel stronghold in Darfur's east Jebel Marra](#), 22 January 2015

<sup>271</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, Paragraph 10

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in January 2015 that “In Central Darfur, the Government’s Humanitarian Aid Commission (HAC) reported that fighting took place in the eastern parts of Northern Jebel Marra locality from 1-4 January 2015. According to HAC, 21 villages in the Fanga Admin Unit of Northern Jebel Marra locality were attacked and burned by armed groups. The people from these villages reportedly fled to Wara and Niscam villages in the locality. According to community leaders, up to 50,000 people could have been displaced as a result of these clashes”.<sup>272</sup>

Sudan Tribune reported in February 2015 that “The Sudanese army (SAF) and government militias are conducting a large offensive on the rebel positions in eastern and western Jebel Marra in North and Central Darfur states. The attacks are targeting the positions controlled by the different factions of the Sudan Liberation Movement (SLM) in the mountainous area which located in the center of the troubled region. OCHA [The Office for the Coordination of Humanitarian Affairs] said the actual number of displaced people could be higher than 36,000 people as they are not authorised to reach civilians due to the ongoing fighting in Jebel Marra areas.”<sup>273</sup>

Radio Dabanga reported in February 2015 that “The Sudanese Air Force continued its bombardments on Golo locality, Jebel Marra in Central Darfur, on Sunday. People from the area reported to Dabanga that an Antonov dropped 11 bombs. No casualties were reported. “200 people who fled from Golo managed to reach Guldo,” one of them added. A coordinator at one of the Nierteti camps said that about 350 families have arrived at the camps thus far”.<sup>274</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur provides an overview of the current trends and conflict dynamics in Central Darfur that:

On 8 March, the Sudanese Armed Forces and the Rapid Support Forces attacked an SLA/AW outpost in Tiro village, Central Darfur. Reportedly, four Sudanese Armed Forces personnel and two SLA/AW combatants were killed. In response, on 11 and 13 March, SLA/AW launched two successive attacks against Government forces in Rokero, Central Darfur. The attacks reportedly resulted in a high number of Sudanese Armed Forces casualties, an unspecified number of vehicles, weapons and ammunition being seized by SLA/AW and the capture of the Sudanese Armed Forces base in the locality, forcing the Government troops to withdraw from the area. On 19 March, heavily armed Rapid Support Forces elements were observed moving from Golo to Rokero, which according to reports received by UNAMID, Government forces recaptured on 20 March. As SLA/AW elements control the surrounding areas, the situation remains volatile around Rokero. UNAMID has been unable to verify reports of fighting in Rokero owing to access denials for its patrols by the Sudanese Armed Forces.

On 1 April, UNAMID received reports of aerial bombardments taking place in Rowata village in Central Darfur in support of a Sudanese Armed Forces ground attack against SLA/AW positions. A UNAMID verification patrol dispatched to the area on 6 April was able to confirm the dropping of 10 bombs that killed 14 civilians, including 5 children, injured 18 others and destroyed 15 houses. While the verification patrol was in the village, the team witnessed another aerial bombardment on the same day, consisting of five bombs close to where they were standing, damaging a UNAMID vehicle. One civilian was killed and three others were injured during the concurrent bombardment.<sup>275</sup>

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in April 2015 that “The leaders of the Salamat and Misseriya tribes signed a peace agreement in Central Darfur’s

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<sup>272</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), [Humanitarian Bulletin; Sudan; Issue 01; 29 December 2014 - 4 January 2015](#), 4 January 2015

<sup>273</sup> Sudan Tribune, [Darfur fighting displaces 16.000 people in one week](#), 3 February 2015

<sup>274</sup> Radio Dabanga, [More bombs fall on Golo, Central Darfur](#), 2 February 2015

<sup>275</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 3 and paragraph 4

Juguma village, Um Dukhun locality, on 11 April. This potentially allows aid organisations to access an estimated 6,300 displaced people in Central Darfur's Morlanga village in Mukjar locality. Until now, local authorities have deemed the area too insecure for aid organizations to visit".<sup>276</sup>

A June 2015 Radio Dabanga article reports on heavy fighting in Central Darfur stating that:

"Government forces regained control of Rokoro in Central Darfur on Monday afternoon, from the months-long grip of the Sudan Liberation Movement led by Abdel Wahid El Nur (SLM-AW). Fighting reportedly resulted in the death of seventeen civilians. The SLM-AW has been actively engaged in fighting the Sudanese Armed Forces and allied militias over the past week in Rokoro area. This has triggered frequent aerial bombardments by the Sudanese Air Force.

In villages north-east of Rokoro, thirteen civilians were killed by shelling, and four by aerial bombardments by the Sudanese Air Force and Armed Forces on Monday. Multiple witnesses reported to Radio Dabanga that the SAF from Fanga heavily shelled towards the direction of Rokoro, starting early morning. The shelling hit the villages of Ruvata, Burgo, Dabanara and Taringa. Besides killing twelve villagers, the attack created enormous damage and burned down several houses. The witnesses disclosed the names of the deceased, adding that one woman died from suffocating by the smoke from the explosions. Meanwhile, hundreds of residents have fled the areas with their families, into the surrounding valleys and mountains. Other witnesses reported that air strikes by Sudanese Antonov airplanes north of Surung resulted in the death of 5-year-old Abdelrahman Ahmed Yahya, 12-year-old Adam Nurnur, 18-year-old Aisha Yunis and Abaker Daoud Eisa, 45 years old".<sup>277</sup>

### 3.2. North Darfur

In a report dating April 2015 the International Crisis Group gives an overview of the rebel groups active in North Darfur stating that "The Sudan Liberation Army faction led by Minni Minawi (SLA-MM) was the most active rebel group in Darfur in 2013-2014. It continued fighting in the eastern plains between Mellit, in North Darfur, and Gereida, in South Darfur state, regularly taking and briefly holding towns. The other, weaker faction of Abdelwahid Mohammed Ahmed Nur (SLA-AW) controlled much of the Jebel Marra massif in the centre of Darfur, despite determined government offensives".<sup>278</sup>

The US Department of State (USDOS) annual report of June 2015 (covering 2014) noted that: "Tensions between North Darfur governor Yousef Kibir and former Arab militia leader Sheikh Musa Hilal effectively divided the state into two warring parties. Intertribal tensions between the Rezeigat, Ma'alia, and Beni Hussein ethnic groups also contributed to North Darfur's deteriorated security situation. In September the Rezeigat signed separate peace agreements with the Beni Hussein tribe and the Zaghawa ethnic groups. Peace and reconciliation talks between the Ma'aliya and Rezeigat ethnic groups fell short of a peace agreement".<sup>279</sup>

The UK Foreign and Commonwealth Office (FCO) annual human rights report covering 2014 states that "Of particular concern were the actions of the RSF [Rapid Support Forces], but reported attacks by armed opposition groups also resulted in the displacement and deaths of civilians, such as attacks in the eastern part of North Darfur by the Sudan Liberation Army – Minni Minawi. The UN Independent Expert raised concerns on this when he visited Sudan in June, stating: "The activities of

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<sup>276</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin: Sudan; Issue 16; 13 - 19 April 2015](#), 19 April 2015

<sup>277</sup> Radio Dabanga, [Sudan regains control of Rokoro at cost of civilian lives](#), 16 June 2015

<sup>278</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, p. 3

<sup>279</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 1. g. *Use of excessive force and other abuses in internal conflict*

armed movements as well as government forces, particularly the RSF, have led to serious human rights violations, including rampaging of villages, destruction of property, as well as sexual and gender-based violence”<sup>280</sup>.

The same source further noted that “The African Union-United Nations Hybrid mission in Darfur (UNAMID) suffered numerous attacks resulting in the death of four UN peacekeepers. The Sudanese government also restricted the movement of UNAMID peacekeepers, including refusing repeat access to Tabit in North Darfur to investigate allegations of mass rape. In addition, on 23 November, the government formally asked UNAMID to close its human rights office in Khartoum”<sup>281</sup>.

A June 2015 Integrated Regional Information Network (IRIN) offers an overview of tribal fighting in North Darfur noting that: “In North Darfur state, a series of deadly attacks this year has fomented tensions between the Berti and Zayadia tribes and displaced thousands more people. Berti student leaders reportedly suspect Musa Hilal, a prominent Arab militia chief, of stirring trouble in the province. Hilal is a political rival to North Darfur’s Berti governor, Osman Mohamed Yousif Kibir, who stands accused of recruiting an ethnic militia of his own”<sup>282</sup>.

Africa Review reported in October 2014 on the imposing of state of emergency in North Darfur stating that “The acting governor of North Darfur, Mr Adam Mohamed Hamed El Nahla, declared the state of emergency in an attempt to curb the rampant insecurity. According to the governor, movement of the people will be restricted after 11pm and ethnic clashes will not be tolerated. He added that the same measures would be implemented in Central Darfur State. “It is now strictly forbidden for civilians to carry arms or to fire in the air during weddings and other festivities without a permit,” Mr El Nahla announced. “The kadamool (a turban covering most of the face) is banned in North Darfur towns, markets and public facilities. Drivers of vehicles without number plates will be fined,” he added.”<sup>283</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in North Darfur that “In September and October, the Sudan Liberation Army-Abdul Wahid (SLA-AW) managed to inflict casualties on Government forces in Rockero and Golo (Central Darfur) and in the Jebel Amer area (North Darfur). While the Sudan Liberation Army-Minni Minawi (SLA-MM) and the Justice and Equality Movement-Gibril Ibrahim (JEM-Gibril) avoided direct confrontation with Government forces, they asserted their presence by setting up checkpoints in their strongholds of South and North Darfur and extorting cash or fuel from United Nations transportation contractors”<sup>284</sup>.

Human Rights Watch reported in January 2015 that “Starting on October 31, 2014, large numbers of Sudanese forces entered the North Darfur town of Tabit, beating men and raping women and girls over a two-day period. Sudan initially refused to allow the African Union-United Nations peacekeeping mission in Darfur (UNAMID) access to the town. When the peacekeepers finally entered to investigate, Sudanese security forces accompanied them during their visit, compromising the integrity of their investigation”<sup>285</sup>.

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<sup>280</sup> UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015

<sup>281</sup> UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015

<sup>282</sup> Integrated Regional Information Network (IRIN), [Briefing: Darfur's deepening conflict](#), 02 June 2015

<sup>283</sup> Africa Review, [State of emergency in Sudan's troubled Darfur region](#), 7 October 2014

<sup>284</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 3

<sup>285</sup> Human Rights Watch (HRW), [Sudan: Conflicts, Abuses Intensify](#), 29 January 2015

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur further noted on the same incident that:

On 2 November, media sources reported that over 200 women and girls in Thabit (North Darfur) had been raped by members of the Sudanese armed forces on 30 and 31 October. An initial UNAMID military verification mission dispatched on 4 November from Shangil Tobaya to investigate the allegations was denied access to the village. Over the following days, UNAMID continued to engage with the Government, including at the highest levels, to secure access to Thabit. Finally, on 9 November, UNAMID was able to send an integrated mission to interact with the local community. The team's findings, however, were inconclusive, requiring further investigation, owing in part to the heavy presence of military and police in Thabit. UNAMID continues to request the Sudanese authorities to grant access to a small team to investigate the allegations of rape. The team is on standby and ready to deploy immediately by road or by air. The clearance has not yet been received.<sup>286</sup>

In a February 2015 article Inter Press Service (IPS) also noted on this incident that "More than 200 Darfurian women were reportedly raped by Sudanese troops in one brutal assault on a town in October 2014, with the conflict in war-torn Darfur escalating to new heights".<sup>287</sup> Human Rights Watch further elaborated in June 2015 that "In February 2015, Human Rights Watch documented the mass rape of up to 221 women and girls by Sudanese forces during a 36-hour period in late October and early November 2014 in the town of Tabit, North Darfur. The government has denied UNAMID access to Tabit to carry out a credible investigation. In May 2015, Rashida Manjoo, the UN special rapporteur on violence against women, called on the government of Sudan to establish a commission of inquiry "to look into the reports of allegations of mass rapes in different regions, including recent allegations regarding the village of Tabit."<sup>288</sup>

Radio Dabanga noted in November 2014 that "The Sudanese Air Force has carried out intensive air raids on villages in North Darfur targeting civilians, utilities, water sources, livestock and farms. Speaking to Radio Dabanga from North Darfur capital El Fasher, the Member of Parliament responsible for Karnoi and Um Baru localities, Mohamed Ahmed Minawi reported "heavy aerial bombardments on Sunday and Tuesday". The first raid, on Abu Gamra in Karnoi Locality, started at midday and lasted until 4 pm. Suleiman Hamid and Ahmed Suleiman were seriously injured, and the villages of Habila, Jeritawa, and Andom were burned. The water sources at Dwanky were also destroyed".<sup>289</sup>

Another November 2014 Radio Dabanga article reports on attacks in the Jebel Marra area stating that "A rebel movement claimed the killing of 18 Sudanese troops during an attack on a military base in East Jebel Marra today. A local resident reported that the clash resulted in the deaths of two children. The Sudan Liberation Movement for Justice, led by Taher Hajar (LJM-TH) attacked the military base of Khazan Tunjur today (Sunday), spokesman Mohamed Ahmed Yagoub told Radio Dabanga. "The rebels destroyed the base and seized control of the entire area." He added that they captured two Sudan Armed Forces (SAF) troops. Yagoub said that their attack came as a response to the violations against civilians by the Khartoum government, the mass rape of women in North Darfur's Tabit village, and the aerial bombardments on both Um Baru and Karnoi localities".<sup>290</sup>

In December 2014 Radio Dabanga reported on military activity in the Jebel Marra area stating that "The Sudanese air force resumed bombardments on areas north of East Jebel Marra over the

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<sup>286</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 57

<sup>287</sup> Inter Press Service (IPS), [Mass Rapes Reported in Darfur as Conflict Escalates](#), 11 February 2015

<sup>288</sup> Human Rights Watch (HRW), [UN: Civilians at Risk as Darfur Attacks Surge](#), 11 June 2015

<sup>289</sup> Radio Dabanga, ['Heavy air raids' in North Darfur](#), 18 November 2014

<sup>290</sup> Radio Dabanga, [Two children, soldiers die as army-Darfur rebels clash, Jebel Marra](#), 23 November 2014

weekend. Militia reinforcements arrived at Wadi Marra, south of Tabit in Tawila locality on Saturday. On the same day, a herder was detained by members of the Rapid Support Forces in Wadi Marra. On Saturday afternoon, an aircraft of the Sudanese air force dropped six bombs near the village of Dady, located in Tawila locality, North Darfur. "The blasts ignited several fires. A number of livestock were killed," witnesses told Radio Dabanga from the area. They said that on Sunday morning, at about 6 am, bombing started again. "We saw smoke rising above the area north of Mashrou Abu Zeid, but we have not heard about casualties""<sup>291</sup>.

Radio Dabanga reported in an article dating December 2014 that "Elements of the paramilitary Rapid Support Forces (RSF) ambushed a commercial convoy of three lorries in the region popularly known as East Jebel Marra, in Tawila locality, North Darfur, on Monday. They seized two of the vehicles, and took 60 passengers with them to an unknown destination. A passenger of the third vehicle expressed his concern about the fate of the kidnapped people, fearing that they may be subjected to maltreatment and torture".<sup>292</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in North Darfur that:

Despite bearing the brunt of the campaign led by the Rapid Support Forces in early 2014, in November 2014, SLA/MM [Sudan Liberation Army-Minni Minawi] announced plans to retake its former strongholds along the northern and southern sides of the central corridor: the Thabit/Abu Zerega/Shangil Tobaya triangle in North Darfur as well as Khor Abeche, Shearia, Labado and Muhajeria in South and East Darfur. On 31 December, violent clashes between Government forces and SLA/MM erupted in the vicinity of Tawilla, North Darfur, affecting the civilian population in 27 villages, including Tarabat, Massala, Tombora, Sambile, Hajura, Dorma, Khaze, Timoa, Kurukutu, Tian, Duga and Dababise. On 20 January, SLA/MM announced that 31 of its fighters, including its operations commander, had been killed in an ambush by Government forces at Orchi in the Um Baru locality, North Darfur, on 13 January. UNAMID was unable to assess the impact of the defeat at Orchi on SLA/MM's military plans or overall structure as it could not gain access to the conflict area.<sup>293</sup>

The same report further notes several attacks on internally displaced camps in North Darfur stating that "In North Darfur, on 2 January, a group of approximately 100 armed men on camels and horses attacked internally displaced persons in Biery village near Kutum, North Darfur, killing seven people. On 17 January, following a dispute over land ownership, an undetermined number of armed militia in about 10 land cruisers and 3 armoured personnel carriers attacked farmers in the Susuwa area near Zamzam Camp in North Darfur, killing one civilian and abducting three others. On 28 January, elements of the Rapid Support Forces attacked the village of Musbat near Um Baru, killing three civilians. On 30 January, Rapid Support Forces attacked the villages of Hashaba, Um Sidir, Basheen and Mellit in North Darfur. One civilian death was confirmed in the incident".<sup>294</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur noted several tribal clashes in North Darfur: "On 3 February, unknown armed men aboard eight land cruisers attacked the market in Mellit, North Darfur, and killed 10 civilians and injured 13 others in an alleged robbery incident. On 13 January, in Abu Karinka, about 200 armed Ma'alia men aboard three vehicles attacked Rizeigat herders in Beg hit village, injuring seven of them and stealing approximately 1,000 goats. On 5 February, unknown armed men in a land

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<sup>291</sup> Radio Dabanga, [Militia reinforced, bombing in East Jebel Marra, North Darfur](#), 21 December 2014

<sup>292</sup> Radio Dabanga, [Rapid Support Forces abduct 60 people in North Darfur](#), 30 December 2014

<sup>293</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 11

<sup>294</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 17

cruiser shot at Zaghawa herders and robbed them of approximately 600 goats in Disa village, North Darfur".<sup>295</sup>

A January 2015 Radio Dabanga article reports on attacks by government militias on several villages in North Darfur stating that "Government militias have pillaged all of the the villages in the Orschi water basin area in Um Baru locality, North Darfur, during the past two weeks. In Um Haraz, northeast of Orschi, even the hospital was plundered. Speaking to Dabanga, the independent Member of Parliament for Um Baru and Karnoi localities, Mohamed Ahmed Minawi, reported that since government troops and allied militias entered the area, about two weeks ago, "almost all the citizens were robbed. "The villagers were forced to flee, and take refuge near the Unamid base in Um Baru town".<sup>296</sup>

Agence France Presse (AFP) reported in January 2015 with regards to the military conflict in Darfur that:

Sudanese government forces and rebels have been battling for control of a strategic area in the war-torn Darfur region, the two sides say, giving conflicting reports on developments there.

In the latest operation to end the conflict in Darfur, the army said late Thursday its troops had driven insurgents out of the Fanga area in the Jebel Marra region, killing at least 50 rebels and destroying 50 vehicles. But the rebel Sudan Liberation Movement-Minnawi denied Friday that its forces had retreated.

Army spokesman Colonel Al-Sawarmy Khaled Saad said regular troops and the controversial Rapid Support Force counter-insurgency unit had pushed back "the remnants of the rebels from the Fanga area east of Jabal Marra," according to state news agency SUNA. "The Fanga area surrounds the road linking Nyala and El Fasher," Darfur's main towns, Saad said. But SLM-Minnawi spokesman Abdullah Mursal said fighters "destroyed a large quantity of the enemy's military vehicles and captured quantities of weapons," without giving details of casualties. The Fanga area is on the road linking El Fasher and Nyala, the capitals of North and South Darfur states.<sup>297</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to tribal conflict in North Darfur that:

The destabilizing impact of numerous paramilitary groups also continued to exacerbate tensions between local communities. In Northern Darfur, armed Arab Zeyadiyah, reportedly members of the Border Guards and the Central Reserve Police, attacked the Berti community on 27 February in two separate incidents in Makisi village near Malha, killing five and abducting eight Berti. The attacks were carried out in retaliation for the alleged murder of five Zeyadiyah by the Berti, which the latter denied. Despite the signing on 23 March of an agreement to cease hostilities mediated by local authorities, attacks by the Zeyadiyah continued until the end of March, resulting in the killing of at least 33 Berti and 14 Zeyadiyah individuals and the displacement of approximately 30,000 Berti families.<sup>298</sup>

Sudan Tribune noted in a March 2015 article that "Some 30 people were killed and injured in clashes between Berti and Al-Zayadia tribes on Friday in North Darfur state. According to Sudan Tribune correspondent, 5 people were killed and a similar number wounded in clashes between Zayadia armed men and unknown militias near Mellit on Friday afternoon".<sup>299</sup>

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<sup>295</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 25

<sup>296</sup> Radio Dabanga, ['All villages in Orschi area plundered': North Darfur MP](#), 19 January 2015

<sup>297</sup> Agence France-Presse (AFP), [Sudan troops battle Darfur rebels for strategic area](#), 2 January 2015

<sup>298</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 11

<sup>299</sup> Sudan Tribune, [Tribal tensions escalate in North Darfur state](#), 20 March 2015

Radio Dabanga reported in an article dating April 2015 that “Militias continued to pass through Kutum locality in North Darfur on Wednesday and Thursday, allegedly returning from attacks they committed in Mellit in the previous days. A source said that at least 48 people were killed and injured during these raids, northwest of El Fasher locality. Aid operations by international and local organisations in Mellit are hampered because of the insecurity in the area. Several witnesses told Radio Dabanga that pro-government militias that participated in the attacks in Mellit locality were on their way to the military bases in Kutum town. “About 60 vehicles loaded with food items, household furniture and other items drove by.”<sup>300</sup>

Radio Dabanga reported in April 2015 on tribal clashes in North Darfur stating that “The death toll among Berti in the recent attacks of the paramilitary Border Guard militias and Central Reserve Police (Abu Tira) on villages of Mellit locality amounts to 106. 48,819 people are affected by the violence, according to reports from Mellit. 7,409 families were displaced. 191 houses went up in flames. Community leaders in the locality told Radio Dabanga that the Ziyadiya militia attacks on several Berti villages in March have led to mass displacement. The newly displaced are in a dire humanitarian situation, and in need of water, food, health care, and protection”.<sup>301</sup>

A May 2015 Radio Dabanga article notes with regard to the security situation in North Darfur that:

The majority of the population in the areas of Tabit, Shangil Tobaya, and Tawila in East Jebel Marra have left their houses in fear of more attacks by Sudanese paramilitary forces.

Witnesses, who have fled themselves, confirmed the displacement to Radio Dabanga. They said that the Rapid Support Forces (RSF) carry out a ‘scorched land policy’ since they are stationed in East Jebel Marra in the beginning of May. They impoverish, and force displacement during their attacks, the witnesses said.

Seven villages in the southern part of Tawila locality, North Darfur – which is popularly known as East Jebel Marra – were pillaged on Sunday and Monday. A commander of the RSF reportedly told residents in Tawila locality that it is a military area now, and anyone present there will become a legitimate target for the troops. The witnesses explained that the RSF beat and tortured the citizens, robbed their property, possessions and livestock, and damaged or occupied water sources, which led to the displacement of “90 percent” of the population. The militias have taken up positions in the region starting from Abu Hamra, Afara, and Kandro, passing through Dobo El Omda, El Madrasa, and Karfola, until Dali and Tokomari.<sup>302</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in North Darfur that:

Fighting between forces of the Government of the Sudan and Darfur rebel groups occurred mainly in the Jebel Marra area. Control of this territory, or at least free access to it, is a key military objective for both camps. At the beginning of March, after a lull in the second phase of Operation Decisive Summer in February, Government forces launched a series of attacks against the armed movements in some strategic locations in the Jebel Marra area. On 2 March, the Rapid Support Forces ambushed a convoy of SLA/MM [Sudan Liberation Army-Minni Minawi] elements in Khormaley, Northern Darfur, one of the two entry points into Jebel Marra. The attack reportedly caused significant casualties on the SLA/MM side, with 17 elements killed. One member of the Rapid Support Forces was also killed.<sup>303</sup>

The same source further reports on clashes between SLA/MM [Sudan Liberation Army-Minni Minawi] and government forces stating that “SLA/MM announced that it had inflicted heavy losses

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<sup>300</sup> Radio Dabanga, [Militias return from North Darfur raids with food, cattle](#), 3 April 2015

<sup>301</sup> Radio Dabanga, [More than 48,000 Berti affected by militia violence in North Darfur](#), 12 April 2015

<sup>302</sup> Radio Dabanga, [Displacement follows attacks by RSF in Darfur's Jebel Marra](#), 20 May 2015

<sup>303</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 3

on Government forces during fighting in Northern Darfur on 2 May. The movement claimed that its forces had killed 60 Rapid Support Forces elements, including a unit commander, and had destroyed 9 vehicles. The fighting reportedly took place in Jumeiza, in the vicinity of Kutum, Northern Darfur”.<sup>304</sup>

### 3.3. East Darfur

In a report dating April 2015 the International Crisis Group gives an overview of the tribal conflict in East Darfur stating that “The conflict between the baggara Rizeigat, East Darfur’s majority tribe, and the Ma’aliya, is among the oldest. The Ma’aliya inhabit the border areas between West Kordofan and East Darfur, into which they migrated more than a century ago. They were initially hosted by the Rizeigat, whose well-established nazir holds authority over large swathes of land. After several conflicts and peace conferences, the Ma’aliya acquired their own nazir and land rights, but clashes continued, with the Rizeigat suspecting Ma’aliya communities, notably the Agarba Ma’aliya of Kilekil Abu Salama, of seeking additional land rights and chieftaincies”.<sup>305</sup>

The same source notes that “Fighting resumed in August-September 2014, with reportedly 300-400 dead, mostly Ma’aliya. By February 2015, a new reconciliation process outside Darfur stalled, unable to address the conflict’s root cause: land”.<sup>306</sup>

Sudan Tribune reports in August 2014 on the tribal violence that occurs in East Darfur stating that:

“The UN Office for the Coordination of Humanitarian Affairs (OCHA) said in its weekly bulletin received by Sudan Tribune that 200 Ma’aliya and 123 Rizeigat tribesmen were killed in clashes which took place in the Umm Rakubah area in East Darfur’ Abu Karinka locality. OCHA reported that a further 70 Rizeigat and an unknown number of Ma’aliya have been injured, noting that Um Rakubah “has been mostly destroyed and women and children have fled to Adila”. On 16th August, fighting erupted between the Rizeigat and Maalia tribes in East Darfur after the theft of livestock belonging to Ma’aliya in Abu Rakubah area. The Rizeigat attacked the area of Um-Rakoba inhabited by Maalia several times this month. The genesis of the recent outbreak of conflict between the two tribes was a dispute over land ownership claimed by both tribes. Battles between the two tribes intensified in recent years following oil discovery in Ma’aliya areas. Last month, more than 31 people were killed in renewed clashes between the two tribes”.

An August 2014 report of The Federal Office for Migration and Refugees (Germany) similarly reported that “In fighting between the Arab tribes of the Rizeigat and the Maaliya in Um Rakuba district in eastern Darfur at least 30 Rizeigat and at least 40 Maaliya were killed on 20 August 2014, eyewitnesses reported. The Maaliya are living in this region. The Khartoum interior ministry announced to deploy police units with heli-copters to the area to dispel any assemblies of armed tribal members”.<sup>307</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in East Darfur that “Early in October, the internally displaced in Labado camp (East Darfur) reported to UNAMID of harassment by armed Arab nomads in the area. One incident involved the killing of two internally

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<sup>304</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 7

<sup>305</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, pp. 9-10

<sup>306</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, pp. 9-10

<sup>307</sup> Federal Office for Migration and Refugees (Germany) (BAMF), [Briefing Notes vom 25.08.2014](#), 25 August 2014, p. 5

displaced persons and the subsequent theft of their livestock on 4 October. This was followed by the attempted theft of livestock belonging to internally displaced persons by Arab nomads on 7 October. The ensuing clash led to the death of two Northern Rizeigat tribesmen. UNAMID was able to verify both incidents”.<sup>308</sup>

Radio Dabanga reported in October 2014 that the state of emergency has been imposed in East Darfur:

The Sudan Armed Forces Army have admitted that a brigadier was molested by militiamen in Ed Daein, capital of East Darfur, on Thursday. Today, the State of Emergency will be imposed in the entire state of East Darfur. On Thursday, elements of the paramilitary Border guards, and the Rapid Support Forces (RSF), commanded by the security apparatus, raided a train in Ed Daein on Thursday in search of weapons.

It was rumoured that the train, en route from Nyala to Khartoum, transported large quantities of arms and ammunition for Ma'aliya militant tribesmen in East Darfur's Adila locality. Tensions between the warring Ma'aliya and Reizeigat in East Darfur are running high these days. RSF leaders said that the brigadier abused the militiamen, who then responded by molesting him. Apart from searching the train, they plundered a number of shops in the vicinity of the train station.<sup>309</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to the security developments in East Darfur that “Tensions remained high with respect to the conflict between the Ma’alia and the Southern Rizeigat in East Darfur. While no major incident occurred during the period under review, the reported theft of 320 sheep belonging to the Southern Rizeigat by the Ma’alia in Birghit on 13 January nearly triggered another round of fighting. The incident resulted in the death of one member of the Southern Rizeigat community and injury to seven others. With support from the Government of the Sudan, leaders from both tribes intervened to stem tensions and facilitated an agreement to avoid retaliatory attacks”.<sup>310</sup>

Sudan Tribune noted in February 2015 that:

“Three people were killed and four others injured in an attack by unknown gunmen in Girfa area in East Darfur’s state locality of Adila. An eyewitness told Sudan Tribune that an armed groups on Camel backs opened fire on a gathering of people during a wedding ceremony on Saturday, killing three people and seriously wounding four others. He added the attackers took the defenseless citizens by surprise and fired a hail of bullets at them before escaping, noting the injured are in serious condition and have been transferred to the hospital in the capital of North Kordofan state, El-Obeid.

The same eyewitness said the incident is more likely related to ongoing tribal clashes between the Ma’alia and Hamar tribes, describing the crime as “hideous”.

Intermittent clashes have been erupting between Hamar tribe which dwells in West Kordofan state and Ma’alia tribe which inhabits in East Darfur”.<sup>311</sup>

Sudan Tribune reported in April 2015 that “Twenty people were killed and several others injured on Wednesday in renewed clashes between Ma’alia and Rizeigat tribes in East Darfur state. Zakaria Suleiman, Ma’alia traditional administration official, told Sudan Tribune that armed tribesmen clashed in Sabah Al-Ni’ma area in the locality of Abu Karinka leading to the death of 16 Rizeigat and 4 Ma’alia. He said fighting erupted following theft of 500 cattle heads belonging to Reizeigat and

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<sup>308</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 12

<sup>309</sup> Radio Dabanga, [State of Emergency imposed in East Darfur](#), 14 October 2014

<sup>310</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 23

<sup>311</sup> Sudan Tribune, [Three killed by unknown gunmen in East Darfur](#), 24 February 2015

warned that the two tribes are mobilizing their men for further clashes. The conflict between the Rezeigat and the Ma'alia tribes in East Darfur state is considered one of the longest and most deadly in the region. Both the Rezeigat and the Ma'alia are pastoralist tribes, based in East Darfur. The centre of Rezeigat territory is in El Daein town, while the Ma'alia centre is in Adila, the second largest town after El-Daein".<sup>312</sup>

Agence France Presse (AFP) reported on the clashes between Ma'aliya and Rizegat tribes in East Darfur in a May 2015 article stating that "Fighting broke out between the Rezeigat and Maaliya groups around the Abu Karinka area of East Darfur state, the latest in a series of bloody ethnic and tribal conflicts in the region. "The Rezeigat killed 60 people in their attack on the Maaliya and when the Rezeigat departed they left behind them 36 dead bodies and a number of wounded who have not been counted yet," said Hamdan Tirab, a member of the state's parliament for Abu Karinka, said by telephone. Access to Darfur is strictly limited, so it is not possible to independently verify the toll".<sup>313</sup>

Radio Dabanga also noted in May 2015 that "According to a preliminary needs assessment by the East Darfur state Humanitarian Aid Commission (HAC), 24,000 families in Abu Karinka locality were affected by the clashes between Ma'aliya and Rizegat tribesmen last Monday. 656 houses were destroyed. "The victims are in need of water, food, shelter, and medicines," East Darfuri HAC Commissioner Abdu Abdelmahmoud told reporters in Ed Daein, capital of East Darfur, on Friday. The Sudanese Ministry of Justice has established a high-level committee to investigate the fighting on Monday, which led to the death of at least 100 tribesmen".<sup>314</sup>

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) similarly reported in May 2015 that:

"Following weeks of renewed tensions between the Southern Rezeigat and Ma'aliya tribes in East Darfur, fighting between these groups erupted on 10 May near Abu Karinka. These clashes will leave a massive impact on the civilian population, causing significant new displacement and loss of life. Hospitals in Adila and Ed Daein towns have started admitting injured parties and reports of both civilian and combatant casualties, 85 among the Ma'aliya and 16 among the Southern Rezeigat, were received by the African Union-United Nations Mission in Darfur (UNAMID) following the first day of fighting. These numbers are expected to increase as more information becomes available. The Ma'aliya and the Southern Rezeigat have had intermittent disputes over land ownership and cattle thefts for several years. The trigger for this current conflict were cattle raids conducted by both sides in April during which some 300 cows were reportedly stolen. Despite attempts by UNAMID, the Government, and community leaders to diffuse the situation and prevent further escalation, both sides began mobilizing fighters and weapons over the weekend in preparation for large-scale attacks".<sup>315</sup>

The update on the human rights situation published by the UK Foreign and Commonwealth Office (FCO) in July 2015 states that "Inter-tribal violence remains a key concern with 293 reported fatalities recorded in four separate clashes in East and North Darfur. On 10 May, the government of Sudan did not effectively intervene to stop violence that erupted between Rezeigat and Ma'aliya tribes in Abu Karinka and rejected the UN's offer of assistance to set up a buffer zone between the two sides. On 13 May, the EU issued a statement of deep concern over the "resumption of fighting which was foreseeable and further undermines the security and stability situation in Darfur".<sup>316</sup>

<sup>312</sup> Sudan Tribune, [Twenty people killed in fresh tribal clashes in East Darfur](#), 1 April 2015

<sup>313</sup> Agence France-Presse (AFP), [Dozens killed in tribal clashes in Sudan's East Darfur: MP](#), 11 May 2015

<sup>314</sup> Radio Dabanga, ['24,000 families affected by tribal fighting in East Darfur': HAC](#), 17 May 2015

<sup>315</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [UN Office for the Coordination of Humanitarian Affairs: Humanitarian Bulletin; Sudan; Issue 19; 4 - 10 May 2015](#), 10 May 2015

<sup>316</sup> UK Foreign & Commonwealth Office (FCO), [Sudan in year update](#), 15 July 2015

Sudan Tribune reported in an article dating June 2015 that:

A Sudanese government commission of inquiry on the tribal clashes in East Darfur state left Ed Daein without meeting with the traditional leaders of the Rezeigat tribe. Following the deadly clashes between Ma'alia and Rezeigat tribes last May, Sudanese minister of Justice Mohamed Bushara formed an investigation commission to inquire into the recent tribal dispute. The move took place after the government admitted the failure of traditional reconciliation conferences to end the tribal conflict which lasts since years despite the different mediations meetings. The fact finding committee composed of legal and security officials met only members of the native administration and tribal leaders from the Ma'alia tribe. The Rezeigat refused to cooperate or to meet with the investigation body.<sup>317</sup>

A Sudan Tribune article dating July 2015 mentions measures taken by the Sudanese government to counter tribal violence in East Darfur: "Sudanese government will deploy during the upcoming days a joint force from the army and police elements in the East Darfur state to curb tribal violence and restore security, the governor said. Speaking to Sudan Tribune on Sunday, the new governor, Anas Omer, said the 1800-strong security force will be equipped with sophisticated weapons and will not include local elements in order to give it a neutral character. The government deployed troops in the conflict areas in August 2014 and May 2015; but the regular forces failed to contain violence and end the recurrent clashes between Ma'alia and Rezeigat".<sup>318</sup>

A Sudan Tribune article dating July 2015 reports on the conflict between Birgat and Khazam tribes in East Darfur stating that "Five people were killed, including a policeman, Wednesday, when clashes erupted between Birgat and Khazam tribes in East Darfur state after a dispute over the ownership of agricultural land. The fighting took place in Saleah area, Yassin county, north-west of Ed Daein, when Birgat farmers started cleaning the farms, in preparation for planting season but they were intercepted by Khazam gunmen who killed an elder of the Birgat tribe. East Darfur state is the theatre of tribal fighting between the Ma'alia and Rezeigat tribes but this is the first time that a conflict erupts between the two small tribes of Birgat and Khazam".<sup>319</sup>

### 3.4. South Darfur

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in South Darfur that:

On 14 August, 45 Arab men dressed in uniforms of the Rapid Support Forces, the Sudanese armed forces and the Border Guard surrounded and threatened to attack the Hamada and Mosku camps of internally displaced persons (South Darfur) over allegations that camp residents had killed two members of the Rapid Support Forces on 9 August. Two days later, 100 Arab men on camels armed with machine guns and assault rifles reportedly fired indiscriminately in the vicinity of Hamada camp for three hours. The Sudanese armed forces intervened and a Government-led mediation resulted in the internally displaced persons paying blood money for the death of the two men. In a separate incident, on 22 September, a group of internally displaced persons were harassed, beaten and robbed of personal belongings and livestock by suspected members of the Rapid Support Forces near Kobi village (South Darfur).<sup>320</sup>

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<sup>317</sup> Sudan Tribune, [Investigation body leaves East Darfur without meeting Rezeigats leaders](#), 2 June 2015

<sup>318</sup> Sudan Tribune, [Sudanese government to deploy joint force in East Darfur soon](#), 5 July 2015

<sup>319</sup> Sudan Tribune, [Five killed in tribal clashes in East Darfur](#), 1 July 2015

<sup>320</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 11

The same report further mentions that “Elements of SLA-AW [Sudan Liberation Army faction Abdel Wahid] were also involved in an attack on an Arab Rizeigat nomadic settlement in the Al Wehda area, near Menawashi (South Darfur) on 11 September in which a sheikh and his son were killed along with 10 camels belonging to the community. A pursuit operation by the Rizeigat resulted in an exchange of gunfire at the Dobo Madrasa area and the death of 10 SLA-AW members and injury of two Rizeigat tribesmen”.<sup>321</sup>

The UK Foreign and Commonwealth Office (FCO) reported in January 2015 that “Inter-tribal violence remains a serious concern. On 27 November, the media reported that at least 15 people were killed and 10 others injured when gunmen ambushed a vehicle carrying religious students and Imams in South Darfur state”.<sup>322</sup>

The US Department of State (USDOS) annual report of June 2015 (covering 2014) notes with regard to the security situation in South Darfur that “Reports claimed ethnic militias affiliated with government security forces, including the Border Guards and Central Reserve Police, supported their ethnic kin in intercommunal conflicts, further increasing the number of deaths. Sources documented attacks by progovernment militia on civilians in areas controlled by both rebels and the government including east Jebel Marra and Giraida, South Darfur”.<sup>323</sup>

Agence France Presse reported in November 2014 that “Gunmen on camels have killed 15 civilians and wounded 10 others in an attack in Sudan's South Darfur, the region's government said in a statement. The attack took place in the Hammadeh area 80 kilometres (50 miles) north of the state capital Nyala, the statement carried by official new agency SUNA said Wednesday. “We have formed a commission of inquiry into the killing of the citizens in the Hammadeh area,” state governor Adam Jar al-Nabi told SUNA. One of those wounded who talked to SUNA from the hospital in Nyala said the group had been visiting family in Hammadeh and were returning on Tuesday when the attack took place”.<sup>324</sup>

In a December 2014 article Radio Dabanga noted that “On Saturday, militiamen besieged Donki Hadoub, north of Gireida in South Darfur. “They are still there, threatening to attack the village,” a listener told Radio Dabanga from Donki Hadoub on Tuesday. “We have been suffering from their ongoing assaults for a long time”, he explained. “When the nearby village of Abu Jabra was pillaged and torched on Saturday, and nine villagers were killed, we prepared ourselves to flee. The attackers surrounded the village in response.” Though a government force arrived in the area on Tuesday afternoon to break the siege, the villager requested from the local authorities to help them to “leave the area safely, either to Gireida, or to Nyala”.<sup>325</sup>

Radio Dabanga reported in December 2014 with regard to the security situation in South Darfur that “Groups of militiamen assaulted and injured a number of residents of El Salam camp in South Darfur on Monday. The security situation at the camp is worsening since more than a week. Sheikh Mahjoub Adam Tabaldiya told Radio Dabanga that a group of seven militiamen in a Land Cruiser raided the south-eastern part of El Salam camp (Centre 10) on Monday at about 10 am. They threatened to burn the camp, if the displaced would go out to collect firewood and straw. Another

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<sup>321</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 14

<sup>322</sup> UK Foreign and Commonwealth Office, [Sudan - Country of Concern: latest update 31 December 2014](#), 21 January 2015

<sup>323</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 1. g. *Use of excessive force and other abuses in internal conflict*

<sup>324</sup> Agence France-Presse (AFP), [Gunmen on camels kill 15 in Darfur: local govt](#), 27 November 2014

<sup>325</sup> Radio Dabanga, [Militiamen besiege village in Gireida, South Darfur](#), 17 December 2014

group of gunmen attacked displaced collecting firewood in the area of Ghireiga, 7 km south of the camp. They severely beat them with their whips. "Abkora Eisa Adam and El Zein Adam Ali sustained serious injuries."<sup>326</sup>

In December 2014 the African Centre for Justice and Peace Studies (ACJPS) reported on attacks against civilians in South Darfur stating that:

At 6.50pm on 25 November 2014 a group of four armed men, two dressed in military uniform and two in plain clothes, ambushed a bus carrying 26 civilians travelling from Hamada village to Manawashi village in South Darfur. The armed group opened fire on the bus around 5km east of Manawashi village, killing 15 people and injuring 11 others. The victims, who are residents of Manawashi, were returning to their homes after attending the opening ceremony of a new market in Hamada. All those killed and injured were originally residents of Hamada who had been forcibly displaced to Manawashi in January 2005, when Hamada was attacked by Sudanese Air Forces and Janjawid militias.

The identities and motivations of the attackers on 25 November are not clear. General insecurity and looting is an increasing problem in South Darfur, obstructing the movement of persons and access for humanitarian agencies, and frustrating IDP returns. Some local leaders have reportedly alleged that the attack may have been an attempt by local militias to stop voluntary returns of IDPs to Hamada.<sup>327</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in South Darfur that:

On 23 November, four unidentified men abducted four female internally displaced persons in the vicinity of Labado, South Darfur, raped two of them and physically assaulted and severely injured the two others. Upon their release, on the same day, the victims received medical treatment at the UNAMID team site in Labado. On 4 December, two female internally displaced persons were physically attacked and one raped by two unidentified armed men in the Um Kudus area near the internally displaced persons' camp in Kalma in South Darfur. On 5 December, two unidentified armed men fired on a group of internally displaced persons from the Al Salam camp in the outskirts of Nyala, South Darfur. One internally displaced person was killed in the incident.<sup>328</sup>

A January 2015 Radio Dabanga article reports on incidents involving Rapid Support Forces (RSF) in South Darfur stating that

13 people were seriously wounded in Nyala, capital of South Darfur, today, during a mass protest against attacks and killings of the paramilitary Rapid Support Forces (RSF).

After a member of the RSF shot a young man dead in El Shaabi market in Nyala on Monday, angry citizens took to the streets to protest. Police forces dispersed the crowd.

This morning, another, much larger demonstration started at El Shaabi market in the southern Teksas district. The protesters moved towards the offices of the South Darfur state government, chanting "Hit us with your bullets", "To be humiliated or to be shot", "Down, down with the Rapid Support Forces", and "No place anymore for the Rapid Support militia in Darfur after today".

One of the demonstrators reported to Dabanga that police and security forces in vehicles mounted with Dushka machineguns attempted to prevent the protesters to reach the government premises.<sup>329</sup>

A February 2015 Radio Dabanga article notes that "Fierce clashes erupted between Fellata and Salamat tribesmen in Buram locality, South Darfur, on Sunday. More than nine people were killed,

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<sup>326</sup> Radio Dabanga, ['Security situation deteriorating at South Darfur's El Salam camp': sheikh](#), 23 December 2014

<sup>327</sup> African Centre for Justice and Peace Studies (ACJPS), [15 killed and 11 injured in armed attack on bus in South Darfur following opening of Hamada market](#), 5 December 2014

<sup>328</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 18

<sup>329</sup> Radio Dabanga, [Wounded at demonstration in South Darfur capital](#), 20 January 2015

and many others wounded. Speaking to Dabanga from the area of El Nadeef, a listener reported on Sunday afternoon that the hospital of Buram was overcrowded with injured tribesmen from both sides. Witnesses told Dabanga that the clashes broke out after two Salamat abducted a Fellata woman. "Her husband followed the kidnappers, and he shot one of them dead. When relatives of the slain gunman arrived, the incident escalated into full-scale fighting."<sup>330</sup>

Sudan Tribune reported in March 2015 on the clashes between the Falata and Salamat tribes in South Darfur stating that "The number of victims from last Sunday's deadly tribal clashes between the Falata and Salamat tribes in South Darfur has risen to 37, with dozens of others wounded. The clashes erupted in several areas of the restive region, leaving 21 people dead and 45 others injured from the Falata, while 16 Salamat tribesmen were killed and 25 others wounded after fighting broke out amid accusations of cattle theft"<sup>331</sup>.

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in South Darfur that:

Fighting resumed following the conclusion of the electoral process, when, on 26 April, the Rapid Support Forces reportedly ambushed a large Sudan Revolutionary Front (SRF) convoy of approximately 300 vehicles coming from South Sudan, comprising JEM/Gibril [Justice and Equality Movement-Gibril Ibrahim] and SLA/MM [Sudan Liberation Army-Minni Minawi] forces, in the Nihara area near Tulus, Southern Darfur. UNAMID received reports of Government aerial bombardment in support of that Rapid Support Forces attack. The bombing reportedly resulted in the killing of 15 civilians and the wounding of 17 others in the nearby village of El Tomat.

Following the Nihara battle, the Government announced that its forces had defeated SRF, killing "thousands" of their elements, including field commanders, and seizing a number of vehicles and weapons. Government officials also announced the beginning of what they described as the "cleansing of Darfur" from the remnants of armed movements. On 27 April, President Bashir travelled to Tulus to congratulate his troops. On 29 April, JEM/Gibril issued a statement in which it admitted its troops had suffered heavy casualties in the Nihara battle, but refuted that the war in Darfur was over.<sup>332</sup>

An April 2015 report by the Federal Office for Migration and Refugees (Germany) similarly stated with regard to the conflict in South Sudan that:

On 26 April 2015, the Sudanese army and the rebel militia JEM (Justice and Equality Movement) and SLM-MM (Sudan Liberation Movement – Minni Minnawi) fought near the city of Tulus (South Darfur). The Sudanese army reported that the rebels suffered major losses and lost more than 100 vehicles. Spokespersons of the rebel organizations denied the army's success. JEM claimed to have gained control of the government army positions in Tulus and to have captured hundreds of government soldiers. According to SLM-MM, fighters of the two rebel groups also control the city of Buram, about 80 km from the capital Nyala.

Against the background of the military clashes, spokespersons of the Sudanese army and the governor of South Darfur accused neighbouring South Sudan of granting the rebels shelter and support.<sup>333</sup>

An April 2015 Sudan Social Development Organization (SUDO) report mentions attacks by militia groups on the UNAMID compound in South Darfur:

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<sup>330</sup> Radio Dabanga, [Dead and injured in South Darfur tribal strife](#), 2 February 2015

<sup>331</sup> Sudan Tribune, [Death toll from South Darfur tribal clashes continues to rise](#), 26 March 2015

<sup>332</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 6

<sup>333</sup> Federal Office for Migration and Refugees (Germany) - BAMF, [Briefing Notes vom 27.04.2015](#), 27 April 2015, p. 4

When the UNAMID Solders went out for their daily patrol around Kass Locality on the 23rd April, the UNAMID compound was attacked by four (4) members of a Pro-government militia group. Two (2) of them waited outside the camp and two (2) entered the camp, shot the guard and looted one vehicle. On hearing the news of the attack, the UNAMID patrol returned immediately and followed the perpetrators. When the patrol reached the perpetrators, they opened fire and the patrol replied with fire killing six of the militiamen. They returned the looted vehicle, and reported the incident to the police and the Governor of Kass. On the following day 24th April around 8.30am, a group of the pro-government militiamen attacked the UNAMID compound and opened fire on UNAMID solders. The UNAMID forces returned fire killing five (5), injuring one(1) and capturing two (2) militiamen. The situation remain very tense.<sup>334</sup>

The May2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in South Darfur that “The incidence of cattle rustling was particularly high in Southern Darfur during the reporting period, with armed elements taking advantage of the ongoing migration season to carry out raids against neighbouring communities. The relative absence of security forces in most of the areas where the rustling occurred created the conditions for violent retaliatory raids by community self-defence groups and a vicious cycle of attacks and reprisals”.<sup>335</sup>

A UN Office for the Coordination of Humanitarian Affairs(UN OCHA) report dating May 2015 notes that “A tense and unpredictable security situation in South Darfur continued to limit humanitarian access throughout much of the state in the past week. Reports of fighting between Government forces and the Justice and Equality Movement (JEM) in the southern parts of the state and tribal tensions between the Gimir and Bani Halba tribes in Haraza village led to the Government’s Humanitarian Aid Commission (HAC) imposing restrictions on humanitarian movement into field locations and IDP camps”.<sup>336</sup>

A July 2015 article by Radio Dabanga reported on the clashes between Rizeigat and Habaniya tribesmen in South Darfur stating that:

At least 176 people were killed and dozens wounded in clashes that broke out between Rizeigat and Habaniya tribesmen in Sunta locality, South Darfur, on Tuesday. Multiple witnesses reported to Radio Dabanga that the fighting erupted after a gunfight between cattle rustlers and a “rescue team” earlier that day. A group of Rizeigat had stolen 39 head of cattle from the Habaniya village of Abyad Tabaldiya, whereupon the rescue team set up an ambush to retrieve their cattle. In the ensuing fire fight, five Rizeigat and one Habaniya tribesman were shot dead. The rest of the rescue team then took the stolen cows, as well as a number of sheep and goats belonging to the Rizeigat, and returned to their village. In response, a large group of angry Rizeigat riding in Land Cruisers and others on horses attacked the Habaniya, and shelled Abyad Tabaldiya with RPGs (rocket-propelled grenades) and other missiles. More than 130 Rizeigat and 40 Habaniya were killed, the sources reported. The village entirely burned to the ground. The wounded were transferred to the hospital of Buram.<sup>337</sup>

### 3.5. West Darfur

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<sup>334</sup> Sudan Social Development Organization (SUDO), [Attack on UNAMID compound by pro-government militia men Kass locality 23<sup>rd</sup> and 24<sup>th</sup> April 2015](#), 28 April 2015

<sup>335</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, *paragraph 9*

<sup>336</sup> UN Office for the Coordination of Humanitarian Affairs(UN OCHA), [Humanitarian Bulletin; Sudan; Issue 18; 27 April - 3 May 2015](#), 3 May 2015, *p. 1*

<sup>337</sup> Radio Dabanga, [Rizeiqat, Habaniya clashes in South Darfur leave more than 170 dead](#), 15 July 2015

An August 2014 article by Radio Dabanga reported on attacks by pro-government militia on villages in West Darfur:

A pro-government militia attacked and robbed 21 people in several villages in Sirba locality, West Darfur, on Wednesday. Speaking to Radio Dabanga, the coordinator of the Sirba camps said that the militia elements, riding on the backs of camels and horses, assaulted El Sawany, El Garbiya, Munzula, and Hillet Ateem at 10 pm. "They beat the villagers with rifle butts, crutches, and lashed them with whips. They wounded 21 people, who have been taken to the hospital for treatment." He said that the militiamen robbed the villagers' money and properties, even cups, shoes, and baby clothes. A rescue team of villagers traced the perpetrators, who entered a stronghold of the pro-government militias east of El Geneina, in Erbako, according to the coordinator. Last week, he told Radio Dabanga that camp residents were not able to enjoy the Eid El Fitr of the holy month, as the security situation has deteriorated significantly in the locality. "Insecurity increased in the region, [...] in particular in the areas between Saraf Jidad, Tendelti, Armankul, and the capital El Geneina," the coordinator said.<sup>338</sup>

Another Radio Dabanga article dating August 2014 noted that:

Four children died in two separate incidents in Sirba and Jebel Moon locality in West Darfur on Tuesday and Wednesday, when grenades they discovered detonated. The coordinator of the Sirba camps for displaced people told Radio Dabanga from Manjura in Jebel Moon that Adam Nimeiri Haj (13 years), Abdo Mohamed (12 years), and Haitham Ishag Adam (11 years) were herding goats in the area on Wednesday. They found an unexploded ordnance (UXO), which detonated as they started playing with it, the coordinator explained. They were killed on the spot. An explosion of a remnant of war on Tuesday killed one child and seriously wounded another in Drankola in Sirba locality. The camp coordinator explained that the incident occurred when the two children were letting their camels graze in the area. "The injured child was transferred to El Geneina hospital for treatment".<sup>339</sup>

A September 2014 Radio Dabanga article mentions several incidents in West Darfur:

Gunmen killed a resident of Ardamata New Site camp for the displaced in Sirba locality, West Darfur, on Friday. On the same day, a woman of Kondobe camp was gang-raped for nine hours. "Abdallah Zurga Khater, imam of the Ardamata camp' mosque, was shot dead by seven Janjaweed on horseback inside his courtyard on Friday," a neighbour told Radio Dabanga. "The murderers then stole the horse of Khater's visiting brother, as well as seven cows from his neighbours." Also on Friday, four militiamen kidnapped a woman (35) from her home in Kondobe camp, Sirba locality. "They took her to Bigadu forest, about 2 km west of the camp, where another group of gunmen was waiting. Together they gang raped the woman for about nine hours," a Kondobe camp sheik reported to Radio Dabanga. "We reported the crime to the police, who refused to file the case, and persecute the perpetrators".<sup>340</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in West Darfur that "Internally displaced persons continued to express concerns about the deteriorating security situation, particularly in Mournei, Hujaj, Abuzar and Al Riyah camps (West Darfur), and Nifasha and Shadad camps (North Darfur)".<sup>341</sup>

Radio Dabanga reported in December 2014 several incidents in Sirba camp, West Darfur noting "that the security situation in the area has deteriorated, "especially [on the roads] between Armankul-Tendelti, and Tendelti-Saraf Jidad". Civilians were beaten and robbed by militiamen here, he pointed out. The most recent incidents happened on Sunday and Tuesday, as militiamen attacked a number

<sup>338</sup> Radio Dabanga, [Militiamen attack, rob West Darfur villagers](#), 8 August 2014

<sup>339</sup> Radio Dabanga, [Four children die in explosions, West Darfur](#), 29 August 2014

<sup>340</sup> Radio Dabanga, [Murder, gang-rape in West Darfur's Sirba locality](#), 15 September 2014

<sup>341</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 12

of people, and stole their money and other properties. The camp leader demanded that the authorities in West Darfur protect the residents and their properties”.<sup>342</sup>

Radio Dabanga reported in December 2014 that:

West Darfur state has welcomed the integration of 2,800 ex-combatants of the Liberation and Justice Movement from South and East Darfur into the regular armed forces. “With the realisation of the security arrangements, we have removed the Devil’s eyes,” Governor Haidar Jalokuma commented at the graduation ceremony of the Batch 42 recruits at the Domaya military camp on Monday. He stressed the importance of coordination between the five states of Darfur for the establishment of security and stability in the region. The Liberation and Justice Movement, formed in 2010 under command of El Tijani Sese, currently head of the Darfur Regional Authority (DRA), signed the Doha Document for Peace in Darfur (DDPD) with the Sudanese government in 2011. The DDPD’s security arrangements include a disarmament, demobilisation, and reintegration programme. In 2013, a break-away faction of the Justice and Equality Movement, JEM-Sudan, signed the DDPD too. The DRA Acting Commissioner of the security arrangements, Gen. Mahmoud Koreina (ret), lauded the realisation of the security arrangements for the 2,800 ex-rebels “despite the challenges”.<sup>343</sup>

Radio Dabanga reported in December 2014 that “Militiamen raped two young women who were returning from farmlands in Kereinik locality, West Darfur, on Thursday evening. The coordinator of Murnei camp reported to Radio Dabanga that six militia members attacked the women, 20 and 25 years old, in Wadi Krokola at 6 pm. The valley lies 2 km south of the camp. The victims were on their way back from the farmlands to Murnei at the time of the incident. “They were beaten and then raped for four continuous hours, until 10 pm,” the coordinator explained”.<sup>344</sup>

In a December 2014 Sudan Tribune article reported that:

Militiamen launched new attacks on several villages in West Darfur state on Friday following a dispute erupted this week between herders and farmers over grazing land. The conflict erupted on Wednesday when four people were killed in clashes between settled farmers and nomadic herders in the village of E’esirni in Kereinek locality in West Darfur after herders deliberately made their cattle pass through residents’ farms at gunpoint. The mayor of E’esirni village, Isaac Abdel –Bannat told Sudan Tribune on Saturday that herder militia riding vehicles and motorcycles attacked several villages including Knicok Erdmta, Hajar and E’esirni forcing civilians to take refuge at the army garrison while others fled towards the state capital, El Geneina. He said the assailants looted 750 head of cattle, and 250 sheep and goats as well as the looting of villagers’ belongings. He added they also completely burned 65 houses, pointing out that the inventory of the damage is still going on.<sup>345</sup>

A UN Office for the Coordination of Humanitarian Affairs (UN OCHA) report dating January 2015 notes that “In West Darfur State, FEWS NET [Famine Early Warning Systems Network] reports that better security conditions, reduced food aid rations and high staple food prices this year have encouraged displaced people to cultivate. Nearly 40 per cent of displaced people cultivated small plots near camps”.<sup>346</sup>

A January 2015 Radio Dabanga article states that “A number of displaced were wounded in an armed robbery in Kereinik locality, West Darfur, on Thursday. The police refused to act, saying they do not have the power to persecute “government militia troops”. A group of government-backed militiamen attacked the displaced on Thursday night, while they were sleeping at their farmlands in

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<sup>342</sup> Radio Dabanga, [Woman killed by fire in West Darfur camp, 'security deteriorates'](#), 25 December 2014

<sup>343</sup> Radio Dabanga, [West Darfur: 2,800 ex-rebels integrate into Sudan's regular forces](#), 23 December 2014

<sup>344</sup> Radio Dabanga, [Two raped near displaced camp in West Darfur](#), 19 December 2014

<sup>345</sup> Sudan Tribune, [Herder militia launch fresh attacks on farmers in West Darfur](#), 7 December 2014

<sup>346</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin, Sudan; Issue 01; 29 December 2014 - 4 January 2015](#), 4 January 2015, p. 4

Momo, 5 km east of Murnei. They beat them with their whips and riffles, four of them seriously, after which they robbed them of their belongings. One of the victims told Radio Dabanga that they reported the attack to the police of Momo. "They, however, refused to act, saying that they do not have the competence to persecute elements of government militias"<sup>347</sup>.

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to current trends and conflict dynamics in West Darfur that:

The strategically important settlement of Fanga Suk, West Darfur, which connects the state capitals of Central and North Darfur and which was long held by SLA/AW [Sudan Liberation Army faction Abdel Wahid], fell to a joint SAF/Rapid Support Forces operation on 1 January following heavy fighting. On 8 January, the Minister of Defence and the Director-General of the National Intelligence and Security Service visited Fanga Suk and praised their troops for the liberation of the area after 13 years.

[...]

Internally displaced persons were the victims of continuing attacks during the reporting period. They expressed their concerns to the mission regarding the deteriorating security situation, the presence of armed men, random shooting, harassment and the destruction of farms, particularly in the Ardamata camp near El Geneina in West Darfur and the Kalma and Al Salaam Camps in South Darfur.<sup>348</sup>

The same report noted several incidents regarding land use in West Darfur:

Disputes over cattle grazing or land use, in some cases involving internally displaced persons, occurred in East and West Darfur. In West Darfur, on 3 December, Abbala nomads attacked Massalit farmers in the vicinity of Azernivillage near El Geneina as a result of a dispute over land use, resulting in the death of four farmers and burning of 14 houses.

[...]

In West Darfur, crop destruction and cattle grazing on cultivated land resulted in an attack on 2 December on the Karya returnee village near Masteri by a group of approximately 60 armed Arabs. The incident resulted in the killing of one villager, looting of property and partial burning of the village. A similar pattern of attacks was reported in Kadadol returnee village on 3 and 5 December, when armed Arabs, mainly from the Awlad Ziad and Najaa subtribes, attacked Deliba following disputes between farmers and nomads.<sup>349</sup>

A June 2015 Radio Dabanga article noted that "A number of soldiers and rebels were killed in battle at the military garrison in Sileia, West Darfur. In the West Darfur capital Sileia, the Sudanese military base came under attack by the SLM-AW in the early hours of Tuesday. The fighting resulted in at least a dozen casualties. A witness told Radio Dabanga that the rebel movement came in a convoy, under the command of Abas Asil, and attacked the garrison at about 3 am. He said that they killed and wounded a number of soldiers, and seized vehicles and weapons. There were no casualties among civilians, he confirmed"<sup>350</sup>.

A June 2015 UN News Centre article quotes the Assistant Secretary-General for UN peacekeeping operations stating that "The security situation in Darfur is a very serious one, marked by a "deeply concerning" increase in violent attacks by armed assailants against United Nations peacekeepers and humanitarian personnel" adding that a formulation of an exit strategy for UN forces, "is also based on the gradual and phased withdrawal of UNAMID's force from West Darfur, where there have not

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<sup>347</sup> Radio Dabanga, ['Government militiamen' attack displaced in West Darfur](#), 4 January 2015

<sup>348</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 16

<sup>349</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 20 & 22

<sup>350</sup> Radio Dabanga, [Sudan regains control of Rokoro at cost of civilian lives](#), 16 June 2015

been any major fighting in two years, complemented by a progressive handover of its tasks to the Government and the UN Country Team”.<sup>351</sup>

#### 4. Main political developments / Peace process (since July/August 2014)

##### 4.1. Darfur's peace process

On 2 September 2014, the Human Security Baseline Assessment for Sudan and South Sudan (HSBA) stated that “After more than a decade of turmoil, resolution of the Darfur conflict remains a distant prospect. Successive mediation efforts—in Abuja (2006), Tripoli (2007), and Doha (2009–present), among other initiatives—have not bridged the gaps between Khartoum and the many armed opposition groups of Darfur”.<sup>352</sup> HSBA went on to provide the following summary:

Current hopes remain mainly invested in the Doha Document for Peace in Darfur (DDPD), signed by the Liberation and Justice Movement (LJM) and the Government of Sudan (GoS) in July 2011, in talks hosted by Qatar. Like the 2006 Darfur Peace Agreement (DPA) before it, the DDPD has only a minority of the rebel movements as signatories—the LJM and a splinter group from the Justice and Equality Movement (JEM), JEM-Bashar (or ‘JEM-Sudan’), which signed on to the DDPD in April 2013. The faction’s founder, Mohammed Bashar, was assassinated on his return to Sudan, only six weeks after he signed. In a tacit recognition that the DDPD is increasingly irrelevant, the LJM and the GoS signed a security agreement entirely outside of the DDPD in late 2013.

The parties aligned in the Sudan Revolutionary Front (SRF) continue to refuse to enter into the Doha process and the DDPD. The SRF seeks, among other things, the removal and replacement of the current National Congress Party (NCP)-led regime. Along with the Sudan People’s Liberation Movement-North (SPLM-N), the Darfur movements in the SRF include the Sudan Liberation Army-Minni Minawi (SLA-MM), which signed the 2006 DPA, the Sudan Liberation Army-Abdul Wahid SLA-AW), as well as mainstream JEM. Despite their rejection of a Darfur-only peace track, SLA-MM and JEM have agreed to participate in principle in formal consultation and workshop meetings with the UN-AU mediator. SLA-AW has consistently refused to take part in any talks that do not address all of the SRF’s national demands. All three movements advocate a “holistic and comprehensive resolution to all the crises in the Sudan” as an alternative to the DDPD. The NCP seeks to negotiate an agreement on Darfur alone, to the exclusion of the SPLM-N and the conflicts in South Kordofan and Blue Nile.

The DDPD is also beset by weak implementation, a lack of inclusivity, and limited technical capacity. Promised GoS and donor funds have been very slow to arrive, which has further delayed the activities of the Darfur Regional Authority (DRA), established in December 2011 as the lead implementing agency for the agreement. The UN Secretary-General’s most recent report on the United Nations-African Union Hybrid operation in Darfur (UNAMID) issued on 15 April 2014 reiterated the lack of engagement from both the signatories and the international community on the agreement’s implementation.<sup>353</sup>

A November 2014 policy briefing published by Sudan Democracy First Group and Saferworld, recorded that “since the formal launch of the national dialogue process in April, the government has done everything in its power to undermine its own commitments to respect constitutionally guaranteed freedoms of expression, association and assembly. The imprisonment of opposition politicians, and detention and torture of activists, high levels of press censorship, and constraints on the operating space for political parties, suggest the Government, or at least key elements within it, are not committed to genuine change. Continued violence in Darfur, South Kordofan and Blue Nile in

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<sup>351</sup> UN News Centre, [Ongoing violence in Darfur having ‘devastating’ impact on civilians, Security Council told](#), 10 June 2015

<sup>352</sup> HSBA, [Darfur Peace Process and Chronology](#), 2 September 2014.

<sup>353</sup> HSBA, [Darfur Peace Process and Chronology](#), 2 September 2014.

the form of the deliberate targeting of civilians by aerial bombardments and government forces, as well as the denial of humanitarian access to war victims in these areas also dent the government's credibility in leading a genuine national dialogue process. The current national dialogue instead appears to be a means to position the NCP and its allies for the 2015 elections, and to improve its image among international actors to lift sanctions, obtain debt relief and, gain access to new concessionary loans".<sup>354</sup>

The briefing continued, stating that "In parallel, opposition groups have been working to build alliances and coalitions to counter the government's flawed national dialogue process. The Sudan Revolutionary Front (SRF) signed the "Paris Declaration" with the National Umma Party on 8 August 2014, uniting, at least on paper, the armed opposition from the peripheries with the traditionally most significant opposition party from the centre, around a shared vision for a genuine national dialogue. Their agreement created a new block spanning religious, secular and ethnic divides. Efforts by the Paris Declaration signatories to define an alternative national dialogue process were further strengthened by the endorsement of the African Union High-Level Implementation Panel (AUHIP) of the 4 September "Addis Ababa Agreement on National Dialogue and Constitutional Process". This document was signed by both the "Paris Group" and the AUHIP on one side, and the NCP-led "7+7" national dialogue steering committee and the AUHIP on the other. The African Union Peace and Security Council subsequently endorsed the Addis Ababa agreements, thus giving an international recognition of the shared general principles on the way forward for the SRF, NUP and the 7+7 committee. The government of Sudan has not, however, since shown any willingness to abide by the Addis Ababa Agreement".<sup>355</sup>

On 26 November 2014, the UN Secretary-General, in the quarterly report on the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to the Security Council, reported that "There has been limited progress on the implementation of the Doha Document for Peace in Darfur during the reporting period. On 25 August, the Darfur Security Arrangements Implementation Commission commenced the integration of 1,350 JEM-Sudan combatants into the Sudanese armed forces, with an initial focus on inspecting, registering and collecting long-range and crew-assisted weapons. UNAMID, the United Nations Development Programme and the World Food Programme (WFP) are currently working with the Sudan Disarmament, Demobilization and Reintegration Commission on planning for the demobilization of 724 ex-combatants who failed to meet the integration criteria [...] JEM-Sudan and the Government of the Sudan have continued to make progress in implementing the power-sharing provisions of the Doha Document for Peace in Darfur. On 4 September, President Bashir appointed the Movement's Vice-President, El Tom Suleiman, to the position of Federal Minister of Human Resources and Sabri Bakhit as State Minister for Agriculture".<sup>356</sup>

In December 2014, Enough Project published a report on 'setting the table for national dialogue in Sudan', stating that "The dialogue is being shepherded by a governing body composed of 14 individuals based on a "7+7" representation formula. Half of the seats are officially reserved for regime supporters. Further, many point out that the other half of the participants, who are labelled as the "opposition" representation, are actually regime allies as well. The formula excludes significant forces for change in Sudan, such as youth groups, civil society, the unarmed political opposition National Consensus Forces (NCF) and the armed opposition SRF. As opposition politician

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<sup>354</sup> Sudan Democracy First Group/Saferworld, [Sudan: The Elusive Road to Genuine National Dialogue and Lasting Peace](#), November 2014, p.3 *Towards a Comprehensive Approach*.

<sup>355</sup> Sudan Democracy First Group/Saferworld, [Sudan: The Elusive Road to Genuine National Dialogue and Lasting Peace](#), November 2014, p.3 *Towards a Comprehensive Approach*.

<sup>356</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 9-10/18 [Para. 40-41], *Achievements and Impact of the Mission*.

Farouk Abu Issa explains, “Without the NCF and the SRF, the dialogue [won’t] lead to real outcome[s]”<sup>357</sup>.

Regarding a ‘comprehensive approach’ to peace talks, the report cited the following:

[...] many welcomed President Bashir’s January 2014 offer to initiate a wide-ranging dialogue for Sudan. Indeed, his call for a national dialogue represented a rare admission that the country is facing serious governance challenges. In the wake of President Bashir’s announcement, both former South African President and lead AU mediator Thabo Mbeki and senior diplomats from the United States, the United Kingdom and Norway, a group known as the Troika, made a push to end support to the Doha-based process for Darfur. All sides, including Sudan’s government, have now agreed on the need for a strategy to link up the country’s previously fragmented peace processes. In late October, the European Union Foreign Affairs Council, consisting of foreign ministers of all member states, described the national dialogue as the “best opportunity to make progress” towards the goal of comprehensively tackling “the political, economic and social causes of persisting conflict.” The Council went on to declare support for “current efforts to create a comprehensive platform for the facilitation of the National Dialogue that will integrate the different peace and dialogue processes for Sudan’s regional conflicts.” For its part, in September, the AU Peace and Security Council asked “all international actors with a mediation mandate to pool their resources together, as well as harmonize their interventions, in a manner that optimizes the window of opportunity presented by the National Dialogue, with a view to finding a comprehensive and lasting solution to the conflicts in Sudan.” In accord with this recommendation, at the end of November 2014, the AU mediator, President Mbeki, convened back-to-back talks on both the Two Areas and Darfur. Not all parties were in the same room at the same time, but much more coordination was evident. As a result, when the government of Sudan offered to engage in comprehensive negotiation with the Nuba rebels but demanded only local-level talks with the Darfuris, the process broke down. Previously successful “divide and rule” tactics are less effective in light of the newly coordinated mediation. Now, both the Darfur and the Two Areas tracks of talks are suspended due to the Sudanese government’s refusal to discuss a comprehensive agenda with the Darfur movements.<sup>358</sup>

Despite a “fraught”<sup>359</sup> history, the report goes on to describe the formation of the Paris Declaration, whereby “in early 2014, Sudan’s unarmed and armed opposition groups began quiet back-channel outreach to one another [...] After three days of meetings between the two sides in Paris, al-Mahdi, Sudan People’s Liberation Movement-North (SPLM-N) and SRF leader Malik Agar, and other rebel leaders signed a declaration that unifies Sudan’s opposition under a single platform. The Paris Declaration group commits their alliance to focus on bringing a comprehensive and just peace to the country. Both sides promise to work together to “achieve full democratic transformation in Sudan... through political and diplomatic means.” As the Paris Declaration group sought to expand its membership, a flurry of meetings followed in London, Berlin, Cairo, Addis Ababa, Doha, and Khartoum. While still in its early days, the alliance appears to be gaining ground and influence. Despite President Bashir’s open threat to prosecute those who collaborate with the armed opposition, a number of representatives from the NCF, including the Popular Congress Party, travelled to Addis Ababa for an unprecedented meeting with Sudanese civil society groups, the NUP, and the SRF. After days of negotiation, the Sudanese opposition coalesced around a two-page “Call for Sudan” Declaration, which commits them to cooperating with the emerging dialogue process”.<sup>360</sup>

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<sup>357</sup>Enough Project, [Starving War, Feeding Peace: Setting the Table for National Dialogue in Sudan](#), December 2014, p. 4, *The NCP Is Its Own Worst Enemy*.

<sup>358</sup>Enough Project, [Starving War, Feeding Peace: Setting the Table for National Dialogue in Sudan](#), December 2014, p. 5, *Towards a Comprehensive Approach to Peace in Sudan*.

<sup>359</sup>Enough Project, [Starving War, Feeding Peace: Setting the Table for National Dialogue in Sudan](#), December 2014, p. 6, *Unprecedented Opposition Unity*.

<sup>360</sup>Enough Project, [Starving War, Feeding Peace: Setting the Table for National Dialogue in Sudan](#), December 2014, p. 6, *Unprecedented Opposition Unity*.

Finally, the Enough Project report highlights that “Two positive trends are clear. First, opposition groups have finally found some common ground. They are now attempting to collectively articulate alternatives. This is worth watching. Second, both the African Union mediation and Troika diplomats are actively pushing for the unification of the previously stove-piped peace processes for Sudan. President Mbeki, who had previously refused even to meet with the SRF, signed a document that recognizes their legitimate right to participate in the process. The government of Sudan, which previously refused to engage with Darfuri rebel leaders outside the context of the Doha Document for Peace in Darfur (DDPD), finally sat down with group for formal negotiations. Unfortunately, this progress on negotiations towards a cessation of hostilities agreement has occurred without any forward momentum on amending the dialogue process itself”.<sup>361</sup>

In a 17 December 2014 blog post on the development of the ‘Sudan Call’, Sudan Democracy First Group stated the following:

With the recent signature of the Sudan Call, hailed by some as an unprecedented political declaration, Sudan seems to have reached a milestone in its contemporary history. Signed by the National Consensus Forces (NCF), the Sudan Revolutionary Front (SRF), the National Umma Party (NUP) and the newly-formed Civil Society Initiative (CSI) led by renowned human rights lawyer and activist, Dr. Amin Mekki Medani, the Call demands the dissolution of the National Congress Party’s one-party rule, now in its 25th year, and the establishment of a transitional government mandated to lead a constitutional process and prepare for national elections. The Call proposes a roadmap for a political settlement for Sudan’s multiple crises, in favor of the African Union-mediated solution as endorsed by the AU Peace and Security Council (AUPSC) Communiqué at its 456th meeting held on 12 September 2014.

The Call generated enthusiasm both domestically and internationally among organizations and states invested in mediating among Sudan’s warring parties and steering the country to a path of lasting peace and stability. For the well wishers, the Call makes it abundantly clear that there are now only two proposals on the table for the African Union High level Implementation Panel (AUHIP) to negotiate. The Call has also sharpened the domestic debate around approaches to peace, highlighting the divide between a comprehensive solution for the peaceful resolution of Sudan’s many civil wars, as advocated by the Call, and the piecemeal approach favored by the government that has locked the negotiations into two separate tracks governed by different mandates for the conflicts raging in Darfur and in Blue Nile and South Kordofan. However, as Sudan has seen with previous such declarations, most notably the New Dawn Charter, the optimism generated by the Call may be short-lived, giving way to the skepticism of those who have seen the scenario of seeming opposition unity repeat itself time and time again to no lasting effect.

While the significance of the Call remains to be felt, it does come at a time when Sudanese and non-Sudanese actors have increasingly realized that a comprehensive approach to solving Sudan’s security and governance crises is the only way forward. While Sudanese civil society has for almost a decade made this comprehensive approach the central piece of its strategy and outreach efforts, it is only in September this year that the AU High-Level Implementation Panel (AUHIP), led by President Mbeki, endorsed a holistic approach for the various stakeholders to reach such a comprehensive solution. It is perhaps in the acceptance of civil society’s long-standing position, and in fact in the recognition of civil society’s role in facilitating such a process—as evidenced by the inclusion of Dr. Medani and the CSI—that the Call registers its most significant aspects. The leading role that the civil society actors present in Addis Ababa took in the process that led to the signing of the Call will make civil society’s convening power and intellectual contributions into national political processes difficult to ignore in future.<sup>362</sup>

On 26 February 2015, the UN Secretary-General in a quarterly report to the Security Council on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), stated the following:

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<sup>361</sup>Enough Project, *Starving War, Feeding Peace: Setting the Table for National Dialogue in Sudan*, December 2014, p. 8-9, *Cultivating Leverage and Shifting Calculations*.

<sup>362</sup>Sudan Democracy First Group, *The Sudan Call: A Light at the End of the Tunnel?*, 17 December 2014.

Direct talks between the Government of the Sudan and the Sudan Liberation Army/Minni Minawi (SLA/MM) and the Justice and Equality Movement-Gibril Ibrahim (JEM/Gibril), two of the Darfur armed movements that are not signatories to the Doha Document for Peace in Darfur, commenced under the auspices of the African Union High-level Implementation Panel in Addis Ababa on 23 November. Despite concerted efforts, the Sudan Liberation Army/Abdul Wahid (SLA/AW), also a non-signatory to the Doha Document, decided not to take part in this round of negotiations. During the talks, the Government reiterated its position that it would not reopen the Doha Document for negotiations, while the armed movements insisted that they were not bound by an agreement they had never signed. On 26 November 2015, the Implementation Panel proposed to the parties that security arrangements, political issues, humanitarian issues, relations between the negotiations and the national dialogue and method of work would be included as agenda items for the talks. The Government rejected the proposal to include humanitarian issues as a separate agenda item in the talks, which they argued could be discussed within the context of security arrangements or political issues. The armed movements, however, insisted on retaining humanitarian issues on the agenda and also proposed the addition of items on reconstruction and development; refugees and internally displaced persons; land, borders and nomad issues; justice, accountability and reconciliation; and comprehensive compensation. Unable to agree, the Implementation Panel adjourned the talks on 30 November to provide the parties with an opportunity to consult with their constituencies on options to break the impasse.

[...] Following this adjournment, on 3 December, in Addis Ababa, the political and armed opposition in the Sudan, including the Darfur armed movements, adopted a joint declaration entitled the “Sudan Call” pledging to end the wars and to create a comprehensive solution, beginning with a cessation of hostilities, to the conflicts in Darfur and in Southern Kordofan and Blue Nile States and to establish mechanisms and committees aimed at achieving a popular uprising or a comprehensive political solution leading to the dismantling of the one-party-regime in Khartoum. The declaration further outlined the basic prerequisites for the holding of the national dialogue, a comprehensive political solution, including a cessation of hostilities, the release of all political detainees, the revocation of laws restricting freedoms and human rights, the formation of a transitional government and the establishment of an agreed administration to manage a dialogue process for a comprehensive peace and democratic transformation. The signatories also pledged to boycott the presidential and legislative election scheduled to take place in April 2015, calling it a facade to legitimize the current regime. The stalemate in both the Darfur and Two Areas mediation tracks and the adoption of the “Sudan Call” have contributed to a significant rise in political tensions in the Sudan.

[...] Following these events, and upon their return to Khartoum from Addis Ababa, on 6 December, the Government arrested the head of the opposition National Consensus Forces, Farouk Abu Issa, and the civil society activist, Amin Maki Mali Madani. The Government also confiscated copies of several editions of the newspapers *Akhir Lahza* and *Al-Midan* and filed a request with the registrar of political parties for the dissolution of Sudan’s largest opposition party, the National Umma Party, on 14 January. On 20 January, 18 of the 21 political parties registered in the Sudan announced the suspension of their participation in the national dialogue based on the Government’s insistence on proceeding with elections. The opposition political parties argued that the timing of elections should be an outcome of the national dialogue, as agreed in the road map for the national dialogue.<sup>363</sup>

In March 2015, International Crisis Group (ICG) opened their briefing on Sudan’s prospects for “National Dialogue” by stating that “Prospects for an inclusive national dialogue President Omar al-Bashir promised in January 2014 are fading, making a soft-landing end to Sudan’s crises more doubtful. Sceptics who warned that the ruling party was unwilling and unable to make needed concessions have been vindicated. Peacemaking in Darfur and the Two Areas (Blue Nile and South Kordofan) and potential merging of these negotiations with the national dialogue were dealt a blow with suspension of African Union High-Level Implementation Panel (AUHIP)-mediated “parallel” talks in Addis Ababa in December. A separate German-backed initiative has elicited a more unified and constructive approach from the armed and unarmed opposition, but no breakthrough yet. The

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<sup>363</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 2-3/19 [Para. 4-6], *Overview and Analysis of the Conflict Dynamics, and Operating Environment in Darfur*.

government still holds many cards – including formidable means of coercion – and has little sympathy for the increasingly unified demand of the armed and political opposition for a really inclusive process and true power sharing. Unless both sides give ground, a continuation of intense war and humanitarian crises is inevitable”.<sup>364</sup>

The ICG brief also cited that “While formally supporting preparations for national dialogue, the government reacted aggressively throughout 2014 to official opposition and civil society rapprochement with the SRF. On 27 September, Bashir warned that al-Mahdi (exiled in Cairo for fear of re-imprisonment) would need to renounce the Paris Declaration before returning to Sudan; in November he vowed to try him. Despite the threat, the SRF and NUP, along with other opposition parties grouped in the National Consensus Forces (NCF) and the Civil Society Initiative, signed in Addis Ababa on 3 December another joint declaration, the “Sudan Call”. On 6 December, two signatories, the NCF Chairman Farouk Abu Issa and Civil Society Initiative leader Amin Makki Medani, were arrested after returning to Khartoum. By early December, government negotiators had pulled back from concessions regarding the AUHIP plan to synchronise local peace negotiations and possibly engage the SRF as whole. This, as well as significant distance between the government and armed opposition positions on other questions, led to the collapse of Darfur talks and an inconclusive result on the Two Areas negotiations”.<sup>365</sup>

In January 2015, states International Crisis Group, “They [parliament] also incorporated the 2011 Doha Document for Peace in Darfur (DDPD) into the constitution, institutionalising the key government condition that the DDPD (not signed by the SRF’s Darfur factions) serve as the framework for talks with Darfur rebels; and gave the president powers to appoint state governors (previously chosen by election)”.<sup>366</sup>

The brief also highlighted the role of the African Union High Level Implementation Panel (AUHIP), which “helped broker the September 2014 national dialogue agreement between the SRF and NDC and in November continued attempts to mediate new talks on the Two Areas between the government and SPLM-N. Both sides endorsed an AU-drafted framework agreement, including a roadmap for rebel participation in the future dialogue. But the AU has not achieved its goal of “parallel/synchronised” talks between the government and the SPLM-N (Two Areas) on the one hand and the government and Darfur rebels on the other. On 4 December, facing a deadlock over the scope of the Darfur talks and the risk it might cause a collapse of the Two Areas negotiations, the AUHIP decided to adjourn the Darfur discussions indefinitely. Some feared this might open the door to another piecemeal deal and divisions within the SRF (as with past Darfur processes). The AUHIP tried unsuccessfully to save the Two Areas talks by suggesting a cessation of hostilities (CoH) be agreed in South Kordofan and Blue Nile as soon as possible, due to the humanitarian emergencies there, even if fighting continued in Darfur. Despite the Paris Declaration, Sudan Call, and the Berlin Declaration, the government is clearly banking on the fragility of the opposition consensus and SRF divisions, though the military breakthroughs it expected have not materialised. In January 2015, the AUHIP wrote the chief negotiators of both sides, requesting clarity on CoH positions. The responses did not move the process forward; the next moves on national dialogue and ongoing fighting on the ground will determine the prospects for the Addis talks”.<sup>367</sup>

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<sup>364</sup>International Crisis Group, [Sudan: The Prospects for “National Dialogue”](#), 11 March 2015, p. 1, *Overview*.

<sup>365</sup>International Crisis Group, [Sudan: The Prospects for “National Dialogue”](#), 11 March 2015, p. 5-6, *The Leap Falls Short*.

<sup>366</sup>International Crisis Group, [Sudan: The Prospects for “National Dialogue”](#), 11 March 2015, p. 6, *NCP Consolidating Control*.

<sup>367</sup>International Crisis Group, [Sudan: The Prospects for “National Dialogue”](#), 11 March 2015, p. 11, *Limited International Leverage*.

On 6 March 2015, in a special report on UNAMID to the UN Security Council, the Secretary-General reported the following:

[...] from 30 August to 3 September 2014 the High-level Implementation Panel, the Joint Special Representative and Joint Chief Mediator and the special envoys of the United Nations and the Intergovernmental Authority for Development held a series of meetings with the leaders of the Justice and Equality Movement-Gibril Ibrahim (JEM-Gibril), the Sudan Liberation Army/Abdul Wahid (SLA/AW), the Sudan Liberation Army/Minni Minawi (SLA/MM), the Eastern Front and the Sudan People's Liberation Movement-North, as well as representatives of the National Umma Party and the Democratic Unionist Party, to discuss modalities for their participation in the national dialogue. On 4 September 2014, talks facilitated by the Panel between representatives of the preparatory committee for the dialogue, composed of representatives of the National Congress Party, the political opposition and the Paris Declaration Group, resulted in an agreement on initial talks, facilitated by the Panel, on the cessation of hostilities between the Government and armed groups in Darfur and the Two Areas on separate mediation tracks (referred to as "one process, two tracks"). It was also agreed that the Panel would facilitate preparatory talks on procedural issues pertaining to the dialogue.

[...] Since then, tangible progress has been slow. After some delay, the African Union High-level Implementation Panel convened direct talks between the Government and SLA/MM and JEM-Gibril in Addis Ababa on 23 November 2014. The concerted efforts to include all non-signatory rebel groups notwithstanding, SLA/AW decided not to participate in that round of negotiations. During the talks, the Government reiterated that it would not reopen the Doha Document for Peace in Darfur for negotiation, while the armed movements insisted that they were not bound by its provisions. On 26 November 2014, the Panel proposed the inclusion of security arrangements, political issues, humanitarian issues, the relationship between the talks and the dialogue and the overall method of work as agenda items. The Government rejected the inclusion of humanitarian issues as a separate agenda item, while the armed movements insisted on that point and proposed the addition of other issues such as development, land and reconciliation. In the light of the lack of agreement, the Panel adjourned the talks on 30 November 2014 for the parties to consult their constituencies on the draft framework agreement.

[...] The political and armed opposition in the Sudan, including the Darfur armed movements, adopted a joint declaration known as the "Sudan Call" on 3 December 2014 in Addis Ababa. They pledged to create a comprehensive solution, beginning with a cessation of hostilities, for the resolution of the conflicts in Darfur and the Two Areas and to establish mechanisms with the aim of achieving a popular uprising or a comprehensive political solution that would lead to the dismantling of the one party-regime in Khartoum.

[...] In January 2015, as the stalemate continued, the African Union High-level Implementation Panel, the Acting Joint Special Representative and Joint Chief Mediator and my Special Envoy visited Khartoum to engage with the Government and opposition stakeholders on ways of reviving the negotiations. They also visited Doha, N'Djamena and Addis Ababa to brief regional leaders on the process and seek their support on the way forward.<sup>368</sup>

The report continued, stating that "The announcement by the President of the Sudan of a national dialogue on 27 January 2014 was followed by significant work towards a comprehensive and inclusive process in which national grievances could be addressed. In November 2014, with the breakdown of the talks on accessation of hostilities on Darfur and the Two Areas, which would have allowed the armed groups to participate in the dialogue, and the implementation by the Government of measures curtailing political freedom, the likelihood of holding the dialogue before the elections in April 2015 is in doubt. The Government has suggested, however, that talks can continue before and after the elections [...] While the Government is now focused on preparations for the elections, opposition parties, especially the major parties, have decided to boycott the

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<sup>368</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 2-3/18 [Para. 8-11], *Main Achievements in Relation to the Three Strategic Priorities*.

elections and suspend their participation in the national dialogue, arguing that elections should be an outcome of a genuine national dialogue”.<sup>369</sup>

Also in March 2015, the UN Security Council stated that “On support for mediation, [in his quarterly briefing to the Security Council] Mr. Ladsous said the African Union-United Nations Joint Mediator, throughout the year, had called on rebels who had not signed the Doha Document to do so without preconditions, while it pressed the Sudanese Government to offer a peaceful settlement to conflicts around country. Talks among the Government, the Sudan Liberation Army — Minni Minnawi, and the Justice and Equality Movement (JEM-Jibril) were held from 22 to 30 November 2014 in Addis Ababa, under the auspices of the Union’s High-Level Implementation Panel for Sudan [...] Those talks, however, were suspended, due to differing views on modalities, he said, specifically, the Government’s rejection of rebel proposals for reconciliation, humanitarian, development and property issues to be addressed in separate negotiations. Sudan maintained that the Doha Document was the exclusive framework, whereas rebels said it did not represent a commitment for them”.<sup>370</sup>

On 24 March 2015, the ‘Troika’—respective governments of the United Kingdom, United States of America and Norway—issued a joint statement, reaffirming the need for a “comprehensive and inclusive National Dialogue”, stating that “We again encourage the political leadership to ensure the time to create an environment necessary to deliver on their promise of a genuine, holistic, and truly inclusive dialogue. We will continue to follow the process closely, and stand ready to work with those who seek to advance meaningful reforms that can bring about peace and stability for all the people of Sudan”.<sup>371</sup>

On 2 April 2015, Amnesty International, in a report on Sudan’s ‘entrenched repression’, stated that The “National Dialogue” to address the country’s crises initiated by the government in January 2014, has been deemed fruitless by many observers. According to International Crisis Group, the ruling political party was “unwilling and unable to make needed concessions” for the “National Dialogue” to succeed. Leading political opposition figures such as Farah Agar, Amin Mekki Medani and Farouk Abbu Issa were arrested on 6 December 2014. Amin Mekki Medani and Farouk Abbu Issa are currently on trial facing charges related to their signature of ‘Sudan Call,’ which was signed by civil society, armed groups and political opposition parties to take a united front in calling for democratic transformation, the dismantlement of the de facto one-party state, and an end to conflict in Sudan”.<sup>372</sup>

In an article dated 5 April 2015, Agence Presse-France cited “Representatives for Sudan Call had been due to meet members of Sudan's ruling National Congress Party (NCP) in Addis Ababa at the end of March to discuss a national dialogue promised by Bashir last January. The dialogue was supposed to address Sudan's problems and end the insurgencies in Blue Nile, South Kordofan and the western region of Darfur. The NCP did not attend and said the pre-dialogue meeting would take place after voting. UN Secretary-General Ban Ki-moon voiced his "disappointment" at the meeting's failure”.<sup>373</sup>

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<sup>369</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 16/18 [Para. 67-68], *Significant Developments in the Political and Security Situation*.

<sup>370</sup> UN Security Council, [Citing Worsening Security Situation in Darfur, Peacekeeping Chief Urges Security Council to Further Press Sudan's Warring Parties Toward Direct Peace Talks](#), 17 March 2015.

<sup>371</sup> Government of the United Kingdom, Government of the United States of America, Government of Norway, [Joint Statement on the National Dialogue in Sudan \(24 March 2015\)](#), 24 March 2015.

<sup>372</sup> Amnesty International, [Sudan: Entrenched Repression – Freedom of Expression and Association Under Unprecedented Attack](#), 2 April 2015, p. 2.

<sup>373</sup> Agence Presse-France, [Sudan Rebels Seize Election Materials Days Before Vote: Spokesman](#), 5 April 2015.

In a blogpost, dated 12 April 2015, the International Federation for Human Rights (FIDH) wrote that “The elections have been boycotted by all mainstream political opposition parties, except for the Democratic Unionist Party. In February the Sudan Call forces set out their position on a preparatory meeting for the Government of Sudan’s National Dialogue process to be organized by the AU African Union High Level Implementation Panel (AUHIP). The preparatory meeting was indefinitely suspended in early April by the AU after the Government of Sudan refused to send a delegation to Addis”.<sup>374</sup>

On 10 May 2015, Sudan Tribune wrote that “Following the government refusal to participate in a pre-dialogue meeting last March, the Sudan Call forces including rebel groups, political opposition parties and civil society groups questioned the viability of the national dialogue process and called for a new African Union process involving the UN Security Council, and EU. However, the ruling National Congress Party (NCP) reiterated its commitment to the dialogue process adding it should maintain its national character without further interference. The leading figure at the opposition Reform Now Movement (RNM), Hassan Rizq, ruled out that the government-led dialogue could resolve the country’s issues, noting the NCP is currently engaged in a monologue following withdrawal of the major parties from the dialogue process [...] Initially the 7+7 was comprised of the NCP and allied political forces including the DUP, former Darfur rebels from one side and the opposition National Umma Party (NUP), PCP, RNM and JPF. However, three opposition forces – NUP, RNM and JPF - suspended their participation in the national dialogue mechanism to protest the refusal of the NCP to implement a number of measures related to the creation of a conducive environment for the process. Rizq demanded the NCP-led government to implement the roadmap and Addis Ababa agreement signed with the opposition forces and rebel groups in order to breathe new life into the national dialogue. He stressed the need to offer guarantees and allow freedom of expression and press freedoms besides releasing political detainees before the start of the dialogue, adding they only demand the government to implement the signed agreements. The RNM official expected that the delegates of the 7+7 committee would fail to convince the opposition forces and rebel groups abroad to join the dialogue, saying they wouldn’t even be able meet with the rebel leaders”.<sup>375</sup>

On 26 May 2015, in the quarterly report on UNAMID to the UN Security Council, the Secretary-General reported the following:

During the reporting period, a breakaway faction from SLA/MM signed a peace agreement with the Government of the Sudan in N’Djamena on 26 March. The faction, known as the Sudan Liberation Movement/Army-Reformist Group, is led by a former SLA/MM commander and consists of approximately 400 combatants. The agreement, which was mediated by the Government of Chad, made no mention of the Doha Document for Peace in Darfur. It provides for a general amnesty for the members of the group, the integration of a limited number of its combatants into the Sudanese Armed Forces and the disarmament, demobilization and reintegration of the remainder of its members. These parallel initiatives, which are outside the Doha Document for Peace framework or the ongoing efforts of the African Union High-Level Implementation Panel, aim at the fragmentation of the rebel movements by weakening the movements individually and the SRF alliance more generally.

[...] No tangible progress has been made with regard to the direct negotiations between the Government of the Sudan and the non-signatories armed movements of the Doha Document for Peace in Darfur, despite efforts by the African Union High-Level Implementation Panel, the Joint Chief Mediator and the Special Envoy for the Sudan and South Sudan. The direct talks have been suspended since late November 2014. Preparations for the Sudanese national dialogue between the Government and the political opposition, armed movements and civil society representatives also reached a

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<sup>374</sup>FIDH, [Detentions, Civil Society Closures, Media Restrictions on Eve of Sudan Elections](#), 12 April 2015.

<sup>375</sup>Sudan Tribune, [Sudan’s Dialogue Body to Meet Rebel Groups Abroad](#), 10 Mat 2015.

deadlock, with the failure to hold a pre-dialogue procedural meeting scheduled to take place in Addis Ababa on 29 and 30 March.

[...] In an effort to reinvigorate the national dialogue process ahead of the elections, the Ministry of Foreign Affairs of Germany, in cooperation with the Berghof Foundation and the German Institute for International and Security Affairs, invited the representatives of the Sudan Call (National Umma Party, Sudan Revolutionary Front, National Consensus Forces and Civil Society Initiative) to a meeting in Berlin from 24 to 28 February 2015. The meeting resulted in the signing of the Berlin Declaration, in which the participants expressed their readiness to engage in a national dialogue preparatory meeting to be convened by the African Union High-Level Implementation Panel. They further reiterated their call on the Government to take measures to create an environment conducive to a successful outcome of the dialogue, including the formation of a transitional government, the postponement of the elections, the release of all political prisoners and the abolition of the constitutional amendments adopted by the National Assembly in January 2015.

[...] Further to the outcome of the Berlin meeting, the African Union High-Level Implementation Panel invited the Government and allied political parties, opposition political parties, armed movements and civil society to a meeting to discuss the mechanisms, structures, decision-making processes and implementation modalities and guarantees necessary for an inclusive and credible national dialogue. While this pre-dialogue procedural meeting was initially scheduled for 29 and 30 March in Addis Ababa, on 29 March, NCP issued a statement announcing its decision not to attend the meeting because invitations had been extended to all opposition forces instead of to the national dialogue Preparatory Committee only. Following the cancellation of the meeting, all opposition stakeholders condemned the decision of the Government to move forward with the elections and called for the creation of a conducive environment to enable an inclusive and credible national dialogue.

[...] The armed movements from Darfur further called for a cessation of hostilities and humanitarian access as a basis for their future participation in the national dialogue. On 4 April, the Sudan Call signatories issued a statement calling for a new approach, which envisages a stronger mandate for the African Union High-Level Implementation Panel to lead a comprehensive process focusing on ending the persisting violent conflicts in the Sudan, protecting human rights and facilitating democratic transformation. They also demanded the establishment of a national government that would oversee the management and implementation of that dialogue.<sup>376</sup>

In an article published 2 June 2015, in specific reference to resolution in Darfur, IRIN writes “The prospects for an end to the conflict appear bleak. While President Bashir, who was elected to another five-year term in April, has said he will launch a national dialogue after his inauguration, it remains unclear which members of the opposition and rebel movements will take part. Analysts and opponents say Bashir’s apparent divide-and-rule policies in Darfur, which have seen the region divided into five provinces, are unlikely to change”.<sup>377</sup>

In an article dated 29 June 2015, Radio Dabanga cited “Amin Hassan Omar, the head of the governmental Darfur Peace Follow-up Office told the press in Khartoum on Sunday that he will brief the sponsors of the 2011 Doha Document for Peace in Darfur (DDPD) and the International Committee for the Follow-Up of the Implementation of the DDPD about the extension”.<sup>378</sup> According to the article, Omar explained that the Republican Decree issued by President Al Bashir, extending the Darfur Regional Authority’s (DRA) term for a further year, “was issued after consultation with the DDPD signatories to complete the processes stipulated in the agreement. It was agreed that the government will also sign protocols with breakaway rebel factions that joined the Doha Document later [...] Omar stressed that there will be no other negotiation track with the main Darfuri rebel movements rejecting the DDPD. “Any negotiations round with them will take place in the Qatari capital and nowhere else.”<sup>379</sup>

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<sup>376</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, p. 9-10/23 [para. 33-36], *Mandate Implementation*.

<sup>377</sup> IRIN, [Briefing: Darfur’s Deepening Conflict](#), 2 June 2015.

<sup>378</sup> Radio Dabanga, [Al Bashir Extends Darfur Regional Authority Mandate for One Year](#), 29 June 2015.

<sup>379</sup> Radio Dabanga, [Al Bashir Extends Darfur Regional Authority Mandate for One Year](#), 29 June 2015.

In an article dated 16 July 2015, Sudan Tribune cited the following:

[...] A member of the 7+7 national dialogue mechanism disclosed that one of the armed rebel movements has agreed to engage in the dialogue process that is set to re-start after the Eid al-Fitr religious holiday.

The Sudanese president Omer Hassan al-Bashir launched the national dialogue initiative a year and a half ago in which he urged opposition parties and rebels alike to join the dialogue table to discuss all the pressing issues.

But the initiative faced serious setbacks in wake of the government's refusal to create suitable atmosphere in the country leading several major participants to pull out.

The National Parties Council held talks with the holdout forces seeking to bring them to the dialogue table.

Its Secretary General Abboud Jabir, who is also a member of the 7+7 mechanism, said he received the approval of an unnamed rebel group to join the dialogue, and pointed out that they formed six committees to contact non-participants.

Jabir also noted that 23 armed movements that signed peace deals with the government are members of the council.

The chairman of the Just Peace Forum (JPF) al-Tayeb Mustafa who heads the dialogue committee tasked with contacting political parties refusing to join the dialogue met on Wednesday with presidential assistant Mahmoud to discuss with him the return of the opposition National Umma Party's (NUP) leader, al-Sadiq al-Mahdi, from his voluntary exile.<sup>380</sup>

In an article dated 1 August 2015, Sudan Tribune reported that "On 5 September 2014 in Addis Ababa, the mediation team signed separately an agreement "on the national dialogue and constitutional process" with 7+7 liaison committee from one side, and the Sudanese Revolutionary Forces (SRF) and the National Umma Party from the other side. Since the end of general elections, the government expressed readiness to engage in the ongoing efforts aiming to end war in South Kordofan and Blue Nile states and to hold the national dialogue process. Sudanese officials also renewed their confidence in the chief mediators and said they prefer African solutions to African problems. However, the opposition forces said the government by refusing the pre-dialogue meeting last March had demonstrated its lack of seriousness and called for a new process brokered by the African Union and involving international community. Earlier this week, the SPLM-N called on the chief mediator to ensure that Khartoum government is "ready to start a genuine process that will immediately stop the wars from Blue Nile to the Nuba Mountains/South Kordofan and Darfur".<sup>381</sup>

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

For information on developments with regards to Darfur's peace process see [4.1. Darfur's peace process](#).

The African Union/United Nations Hybrid Operation in Darfur (UNAMID) was established on 31 July 2007, with the adoption of Security Council Resolution 1769, and lists its mandate as foremost, the protection of civilians, "but is also tasked with contributing to security for humanitarian assistance, monitoring and verifying implementation of agreements, assisting an inclusive political process, contributing to the promotion of human rights and the rule of law, and monitoring and reporting on the situation along the borders with Chad and the Central African Republic (CAR)".<sup>382</sup> The UN

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<sup>380</sup>Sudan Tribune, [Sudan Says New Rebel Group Agrees to Join National Dialogue](#), 16 July 2015.

<sup>381</sup>Sudan Tribune, [AU Mediator in Khartoum on Sunday for Talks on Peace and Dialogue in Sudan](#), 1 August 2015.

<sup>382</sup>UNAMID, [Facts and Figures](#), 30 June 2015.

Secretary-General reports quarterly on the developments of UNAMID—an overview of the relevant reports is provided in the sub-section [below](#).

Reporting on the events of 2014, the U.S. Department of State cited, in relation to access issues faced by UNAMID, that “The government initially denied access to UNAMID to investigate allegations of a mass rape by the SAF [Sudan Armed Forces] in the Darfur village of Tabit on October 31 [2014]. The government granted access on November 9, but only under close observation of security officials. The government then denied a subsequent visit by UNAMID on November 16. On December 4, UNAMID reported that its inquiry into mass rape allegations was inconclusive, owing in part to the heavy presence of military and police, and required additional investigation. The government did not grant UNAMID additional access to Tabit to continue its investigation”.<sup>383</sup>

On 24 November 2014, in light of the events at Tabit, Radio Dabanga reported the following:

Sudan has shut the human rights office of the Unamid peacekeeping mission, the foreign ministry said, amid tension over allegations of mass rape by Sudanese troops in Tabit.

On Tuesday, Unamid confirmed that it had received a formal closure request from the Sudanese government on Sunday, but said it was working with authorities to “clarify the role” of its Khartoum-based human rights and liaison offices, according to reporting by Reuters.

Sudan announced on Friday it had asked Unamid to prepare an exit plan, days after denying it permission to make a second visit to the site of the alleged assaults in Darfur.

Sudan initially refused to let Unamid visit the village of Tabit at all but later granted it access. Unamid found no evidence of allegations that Sudanese troops had raped about 200 women and girls. But Unamid said on 10 November that it was concerned about the heavy military presence during interviews with alleged victims.

The foreign ministry said Sudanese authorities had closed Unamid's human rights office in Khartoum, accusing the mission of violating its mandate by opening the bureau outside Darfur.<sup>384</sup>

Notably, a February 2015 report by Human Rights Watch, investigating the allegations of mass rape in the village of Tabit, determined the following in relation to UNAMID’s ability to assess the incident:

The news release failed to convey the environment of fear and intimidation created by the presence of government security forces. According to three UNAMID internal reports about the investigation, the Sudanese army and military intelligence presence was ubiquitous; soldiers even videotaped UNAMID investigators conducting interviews. One UNAMID staff member present on the mission told Human Rights Watch: “People were afraid... [UNAMID] was not allowed to speak to people in private. Military and intelligence officers followed us everywhere.”

[...]The Tabit atrocities show the continuing and urgent need for a professional and independent force that can help protect civilian populations in Darfur from attack. It also underscores the reality that the current UNAMID force, for many reasons, has been hamstrung in its core mandate and performance.<sup>385</sup>

According to an article by IRIN on 2 June 2015, after violence at Abu Karinka which left “650 homes burned and an estimated 24,000 families displaced”,<sup>386</sup> authorities denied UNAMID “access to the town to carry out an assessment”.<sup>387</sup> As such, “the UNAMID peacekeeping mission has faced

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<sup>383</sup> U.S. Department of State, [Country Report on Human Rights Practices in 2014: Sudan](#), 25 June 2015, *Section I: Use of Excessive Force and Other Abuses in Internal Conflicts*.

<sup>384</sup> Radio Dabanga, [Sudan Shuts Down UNAMID's Human Rights Office in Khartoum](#), 25 November 2014.

<sup>385</sup> Human Rights Watch, [Mass Rape in Darfur](#), February 2015, *International Response*, p. 36

<sup>386</sup> IRIN, [Briefing: Darfur's Deepening Conflict](#), 2 June 2015.

<sup>387</sup> IRIN, [Briefing: Darfur's Deepening Conflict](#), 2 June 2015.

accusations of timidity and of covering up abuses by Sudanese government forces and is under pressure from Khartoum to scale back its mission or withdraw completely”.<sup>388</sup>

In an article in the Huffington Post dated 3 June 2015, Sudanese expert Eric Reeves wrote that “Criticism of UNAMID is longstanding; indeed it preceded official deployment of the civilian-protection mission in January 2008. For the mission was set up to fail, largely because Khartoum was given excessive control over the deployment of personnel and equipment. This led to poor troop quality, with the regime rejecting many highly qualified peacekeeping contributions (such as a Swedish-Norwegian engineering battalion). Essential weaponry and aircraft were also denied. Despite a status-of-forces agreement that was supposed to give UNAMID unrestricted access, Khartoum has systematically obstructed, delayed or compromised countless protection and monitoring missions”.<sup>389</sup>

On 11 June 2015, Human Rights Watch published a statement, asserting that “Sudan is pressing for a drawdown in UNAMID”, citing the following:

The Security Council is scheduled to vote on the future of UNAMID on June 24; the mission’s mandate expires on June 30. Council members will continue to debate UNAMID’s downsizing this month. The debate comes after Sudan demanded that the mission withdraw, shut down its human rights liaison office in Sudan’s capital, Khartoum, and expelled top UN staff in December 2014.

UNAMID was established in 2007 to protect civilians from violence in Darfur, but has experienced serious problems, in large part because of the Sudan government’s restrictions on its movement, as well as attacks on its personnel. Peacekeepers have not been allowed meaningful access to the embattled Jebel Mara area in Central Darfur for five years. The mission also has a mandate to report on human rights abuses but has continually failed to produce sufficient public reporting.<sup>390</sup>

An article on 29 June 2015 by the UN News Service reported that

Expressing deep concern at the “serious deterioration” in the security situation in Darfur, the Security Council has decided today to extend for one year, until 30 June 2016, the mandate of the African Union-United Nations Hybrid Operation in the Western region of Sudan [...] “In the context of the lack of progress on the benchmarks,” the Security Council, by the resolution, reiterates its endorsement of UNAMID’s revised strategic priorities: civilian protection, facilitating delivery of humanitarian assistance and safety and security of humanitarian personnel; as well as mediation between the Sudanese Government and non-signatory armed movements on the basis of Doha Document for Peace in Darfur, and support to the mediation of community conflict [...] The Council says the Mission must also continue to focus on the use of available capacity and resources to the protection of civilians across Darfur, by “continuing to move to a more preventive and pre-emptive posture.” Enhanced early warning, proactive military deployment and active and effective patrolling in areas at high risk of conflict and high concentration of internally displaced persons, are guidelines provided by the Council, as well as “more prompt and effective responses to threats of violence against civilians.”<sup>391</sup>

❖ Overview of ‘Reports by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (UNAMID)’

On 27 August 2014, the UN Security Council unanimously adopted resolution 2173, stipulating that “UNAMID continue to redirect its resources towards the strategic priorities laid out in resolution 2148 (2014), including improved protection of civilians and humanitarian workers, along

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<sup>388</sup>IRIN, [Briefing: Darfur’s Deepening Conflict](#), 2 June 2015.

<sup>389</sup> Eric Reeves (Huffington Post), [Abandoning the Victims of Genocide in Darfur](#), 3 June 2015.

<sup>390</sup> Human Rights Watch, [UN: Civilians At Risk as Darfur Attacks Surge](#), 11 June 2015.

<sup>391</sup> UN News Service, [Security Council Extends UN-African Union Operation in Darfur for Another Year](#), 29 June 2015.

with facilitation of aid and mediation activities... [stressing] the need to discontinue activities not listed as priority in that resolution”.<sup>392</sup> The resolution further underlined that “UNAMID should continue to move to a more “preventive and pre-emptive posture” in pursuit of its priorities, including enhanced early warning, proactive military deployment and effective patrolling in areas at high risk of conflict, with more prompt and effective responses to threats of violence against civilians. Recalling that the mission was authorized to take all necessary action to fulfil its mandate, it urged it to deter any threats against itself and against its objective of protecting civilians”.<sup>393</sup>

In a 26 November 2014 report on UNAMID, the UN Secretary-General, in relation to the organisation’s operating environment, stated that “UNAMID leadership engaged the military authorities at local and national levels to address access denials, emphasizing the need for UNAMID to have unhindered access to all areas of Darfur. While access to communities generally improved over the rainy season, UNAMID has again started to experience difficulties in obtaining access to conflict areas, as the examples of Thabit, Kutum and Korma in North Darfur, and Abu Karinka in East Darfur demonstrate. The resulting restrictions of movement have been imposed by both the Government and the armed movements, allegedly on the basis of security concerns”.<sup>394</sup> The report also listed incidents carried out against UNAMID personnel, the most notable being:

- 30 August, a UNAMID guard at El Geneina was shot and killed by a government police officer.<sup>395</sup>
- 16 October 2014, unidentified militiamen attacked a UNAMID patrol guarding a water borehole in North Darfur. Two Ethiopian peacekeepers were killed at the scene and a third died later from injuries.<sup>396</sup>
- 29 October 2014, a group of unidentified men aboard two gun-mounted vehicles attacked a UNAMID patrol at a water point in Kutum, North Darfur, injuring three South African peacekeepers, one seriously.<sup>397</sup>

The report also stated that, in accordance with its objectives, UNAMID continued to focus on three strategic priorities. Firstly, an ‘inclusive peace process’, to which the report cited that UNAMID’s Joint Chief Mediator for Darfur “continued his consultations with the parties to the conflict in an effort to arrive at direct talks between the armed movements and the Government”<sup>398</sup> and that “There has been limited progress on the implementation of the Doha Document for Peace in Darfur during the reporting period [...] UNAMID, the United Nations Development Programme and the World Food Programme (WFP) are currently working with the Sudan Disarmament, Demobilization and Reintegration Commission on planning for the demobilization of 724 ex-combatants who failed to meet the integration criteria”.<sup>399</sup> Second, ‘protection of civilians’, to which the report stated

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<sup>392</sup> UN Security Council (Meetings Coverage), [Security Council, Unanimously Adopting Resolution 2173 \(2014\), Renews Mandate of African Union-United Nations Hybrid Operation in Darfur](#), 27 August 2014.

<sup>393</sup> UN Security Council (Meetings Coverage), [Security Council, Unanimously Adopting Resolution 2173 \(2014\), Renews Mandate of African Union-United Nations Hybrid Operation in Darfur](#), 27 August 2014.

<sup>394</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 6/18 [para. 25].

<sup>395</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 6/18 [para. 26].

<sup>396</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 6/18 [para. 26].

<sup>397</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 6/18 [para. 26].

<sup>398</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 8/18 [para. 35].

<sup>399</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 9/18 [para. 40].

“UNAMID military personnel conducted 16,803 patrols, including 9,145 routine patrols, 3,355 night patrols, 1,796 administrative escorts, 1,038 humanitarian escorts, 1,123 short-range patrols, and 346 long-range patrols. UNAMID police conducted a total of 7,628 patrols, including 4,237 inside camps of internally displaced persons, 3,125 in villages, towns and markets, 223 in firewood areas, and 43 in return areas. Of these, 833 were medium-range patrols, 284 long-range patrols and 6,511 short-range patrols”.<sup>400</sup> And third, in relation to ‘prevention and mitigation of community conflict’, UNAMID reportedly continued to “engage with local stakeholders”, such as local pastoralists and farmers to “promote peaceful coexistence”,<sup>401</sup> held meetings with tribal leaders to “encourage dialogue”,<sup>402</sup> as well as engaging with federal and state authorities to relaunch the “stalled reconciliation process”<sup>403</sup>.

A further report by the UN Secretary-General on 26 February 2015 highlighted, that UNAMID’s operating environment in Darfur “continued to present significant challenges for the implementation of the mission’s mandate and for programme delivery by humanitarian actors. The main challenges included attacks and threats against personnel, the carjacking and theft of vehicles and movement restrictions imposed by the Government of the Sudan and the armed movements”.<sup>404</sup>

The report listed incidents carried out against UNAMID personnel, which included:

- 12 December 2014, a group of approximately 20 unidentified armed men attacked a UNAMID patrol near Khor Abeche in South Darfur, resulting in three injured peacekeepers and two stolen vehicles.<sup>405</sup>
- 19 December 2014, a group of unidentified men attacked a UNAMID patrol, resulting in two injured personnel.<sup>406</sup>
- 6 January 2015, 11 unidentified armed men attacked a UNAMID patrol near Khor Abeche. Two attackers were killed and three more reportedly died later from injuries.<sup>407</sup>
- 6 January 2015, 15 unidentified armed men attacked a UNAMID patrol while collecting water from a borehole at Habilla, stealing two vehicles and weapons.<sup>408</sup>

The report also stated that UNAMID “continued to face restrictions of movement by the Government of the Sudan and the armed movements. During this period, UNAMID land movements were restricted on 63 occasions, compared with 72 restrictions during the previous reporting period. The Government imposed a total of 59 restrictions, while SLA/AW imposed three and LJM one. Restrictions were highest in North Darfur, including the Thabit area, as well as South and East Darfur.

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<sup>400</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 10/18 [para. 45].

<sup>401</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 15/18 [para. 67].

<sup>402</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 15/18 [para. 66].

<sup>403</sup> UN Security Council, [Report of the Secretary-General on the African Union/United Nations Hybrid Operation in Darfur](#), 26 November 2014, *Operating Environment*, p. 14/18 [para. 63].

<sup>404</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Operating Environment*, p. 8/19 [para. 29].

<sup>405</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Operating Environment*, p. 8/19 [para. 30].

<sup>406</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Operating Environment*, p. 8/19 [para. 30].

<sup>407</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Operating Environment*, p. 8/19 [para. 30].

<sup>408</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Operating Environment*, p. 8/19 [para. 30].

The most common reasons given for the restrictions were alleged security concerns in the particular area”.<sup>409</sup>

In terms of UNAMID’s involvement in the peace process, the report stated that in “collaboration with the African Union High-level Implementation Panel, UNAMID continued to engage the Government of the Sudan, the Darfur armed movements and other relevant stakeholders on how to ensure the success of the direct talks between the parties and thereby achieve a cessation of hostilities as a basis for a credible and inclusive national dialogue”.<sup>410</sup>

Regarding implementation of the Doha Agreement, the report stated that “While noting delays in the implementation of the Doha Document, particularly with respect to the final security arrangements, the participants reiterated their full commitment to it”.<sup>411</sup>

Regarding protection of civilians, the report stated that the mission “continued to maintain a visible security presence in support of humanitarian activities and in building confidence among civilians to engage in socioeconomic activities. Protection activities continued to be conducted for displaced populations in camps and in the vicinity of team sites, villages, towns, markets and areas of return”.<sup>412</sup>

The reporting period also saw a number of examples of “interventions by the authorities and traditional community mediators, with the mission’s facilitation, to prevent or resolve violent intercommunal conflict”,<sup>413</sup> as well as UNAMID’s implementation of the Darfur Capacity and Peacebuilding project, entailing “The excavation and rehabilitation of 100 natural water sources, nine of which have been completed. The project will increase access to and availability of water for pastoral communities and potentially reduce conflict between farmers and nomads resulting from a lack thereof”.<sup>414</sup>

In a special report, dated 6 March 2015, the Secretary-General reaffirmed the three key priorities for UNAMID as set out in the preceding Special Report, dated 25 February 2014. They are as follows:

- (a) Mediation between the Government of the Sudan and non-signatory armed movements on the basis of the Doha Document for Peace in Darfur, while taking into account ongoing transformation at the national level;
- (b) The protection of civilians, the facilitation of the delivery of humanitarian assistance and the safety and security of humanitarian personnel;
- (c) The provision of support, in conjunction with the United Nations country team, to the mediation of community conflict, including through measures to address its root causes.<sup>415</sup>

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<sup>409</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Operating Environment*, p. 9/19 [para. 32].

<sup>410</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Achievements and Impact of the Mission*, p. 10/19 [para. 37].

<sup>411</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Achievements and Impact of the Mission*, p. 11/19 [para. 44].

<sup>412</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Achievements and Impact of the Mission*, p. 12/19 [para. 46].

<sup>413</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Local Conflict Mediation*, p. 15/19 [para. 61].

<sup>414</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, *Local Conflict Mediation*, p. 16/19 [para. 68].

<sup>415</sup> UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Introduction*, p. 1/18 [para. 1].

The report noted that “Very gradual and limited progress was made in the further implementation of the Doha Document for Peace in Darfur in 2014”.<sup>416</sup> In terms of protection, the report stated that in 2014 UNAMID’s most notable achievements were related to “the establishment of protective areas within, or in the vicinity of, the UNAMID team sites at Saraf Omra and Korma, North Darfur, and Khor Abeche, South Darfur, and instances in which peacekeepers repelled or prevented attacks against civilians at Kalma, Labado and Kabkabiya in South Darfur, East Darfur and North Darfur, respectively”.<sup>417</sup> Regarding access and matters of cooperation with the government of Sudan, the report found that while “measures were taken to address denials of access”, “The overall situation, however, remains a cause for concern”<sup>418</sup>:

UNAMID developed standard operating procedures whereby patrol teams were instructed to negotiate access and not turn back until they had received orders to do so by their higher command. The military component also created an operational readiness assessment and support team, which visits team sites to ensure the proper implementation of standard operating procedures, directives and instructions. Moreover, the Department of Peacekeeping Operations launched a process of reporting regularly to the Security Council on denials of access.<sup>419</sup>

[...] Nevertheless, access restrictions, especially in the early stages of conflict, continued to impede the discharge of the mission’s mandate to protect civilians. With the beginning of the dry season and the outbreak of hostilities between the Government and the non-signatory armed movements in January 2015, access restrictions on routine and verification patrols and humanitarian escorts increased significantly.

In October 2014, following allegations of mass rape in Thabit, North Darfur, restrictions on access to the area increased considerably. In a press statement on 16 November 2014, the Ministry of Foreign Affairs of the Sudan stated that UNAMID would not be allowed to visit Thabit owing to the security situation.<sup>420</sup>

The special report also cited that “Over the course of the year, UNAMID recalibrated its activities towards the three strategic priorities, discontinued other tasks and conducted a comprehensive assessment of and adjusted its structures, personnel and material capacity”<sup>421</sup> and that “In light of evolving concerns with regard to the protection of civilians and to promote a more coordinated response, together with the United Nations country team, to the challenges facing UNAMID in implementing its mandate, a joint UNAMID-country team task force was also established to revise the mission’s strategy for the protection of civilians, the finalization of which is continuing”<sup>422</sup>.

On 26 May 2015, the Secretary-General provided the most recent report to date on the developments of UNAMID, stating that the reporting period was marked by “an escalation of hostilities between Government forces and rebel factions [...] The Government intensified its

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<sup>416</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Inclusive Peace Process*, p. 3/18 [para. 12].

<sup>417</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Protection of Civilians*, p. 4/18 [para. 16].

<sup>418</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Cooperation and Partnership of the Government of the Sudan in Mandate Implementation*, p. 9/18 [para. 35].

<sup>419</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Cooperation and Partnership of the Government of the Sudan in Mandate Implementation*, p. 9/18 [para. 38].

<sup>420</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Cooperation and Partnership of the Government of the Sudan in Mandate Implementation*, p. 10/18 [para. 39-40].

<sup>421</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Internal Restructuring*, p. 12/18 [para. 52].

<sup>422</sup>UN Security Council, [Special Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, *Internal Restructuring*, p. 14/18 [para. 59].

counter-insurgency operations with the launch of the second phase of Operation Decisive Summer, led by the Rapid Support Forces, leading to additional displacements of the civilian population”.<sup>423</sup> In terms of violence carried out against UNAMID personnel, the report found that “During the reporting period, 60 incidents and hostile acts against UNAMID and its personnel were recorded throughout Darfur, compared to 46 in the previous period. These included armed attacks and carjacking (9 incidents), robbery/road banditry (18 incidents) and office break-in/burglary/theft (33 incidents). At least 12 out of the 18 incidents of armed robbery targeting UNAMID staff were recorded in El Fasher. All of these incidents occurred in the special security zone established by UNAMID with the support of the Government Diplomatic Police, creating an environment of insecurity and forcing UNAMID to redeploy additional resources to ensure the security of its personnel”.<sup>424</sup> The report included the following incidents:

- 23 April 2015, approximately 40 unidentified armed men attacked UNAMID troops protecting a water point in Kass. Two peacekeepers sustained injuries and two UNAMID vehicles were taken.<sup>425</sup>
- 24 April 2015, 150 unidentified armed men on horseback were observed advancing toward the UNAMID Kass team site. Four peacekeepers were injured in the ensuing attack. After attempting to engage the Sudanese government in conducting a “swift” investigation, the government accused UNAMID of “killing defenceless Sudanese citizens”.<sup>426</sup>
- 7 May 2015, armed members of the Government Diplomatic Police personnel aboard three gun-mounted vehicles arrived at the UNAMID compound at El Fasher, forcing their way in and demanding payment of their monthly allowance. The second such incident relating to violation of UNAMID premises by government forces in the reporting period.<sup>427</sup>
- 13 May 2015, Sudanese military intelligence personnel fired a warning shot at a UNAMID helicopter that reportedly flew over their camp in East Darfur.<sup>428</sup>

Regarding the operating environment, the Secretary-General states that “UNAMID continued to experience restrictions of movement, access denials and denial of security clearances for its patrols and other activities. During the reporting period, UNAMID encountered 24 restrictions compared to 39 in the previous period. Restrictions were most often imposed by local officials in areas of ongoing or recently concluded hostilities between Government forces and rebel factions. In this regard, since the last inter-agency assessment mission to Jebel Marra in June 2014, the authorities have denied UNAMID permission to escort humanitarian actors to Jebel Marra and insist that Government police should provide armed escorts to aid agencies”.<sup>429</sup>

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<sup>423</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Conflict Dynamics and Security Situation*, p. 1 [para. 2].

<sup>424</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Operating Environment*, p. 5-6/23 [para. 17].

<sup>425</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Operating Environment*, p. 6/23 [para. 18].

<sup>426</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Operating Environment*, p. 6/23 [para. 19].

<sup>427</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Operating Environment*, p. 6/23 [para. 20].

<sup>428</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Operating Environment*, p. 6/23 [para. 21].

<sup>429</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Operating Environment*, p. 7/23 [para. 25].

Reporting on implementation of the Doha Document, the Secretary-General stated that “no tangible progress has been made”.<sup>430</sup> Regarding protection of civilians, the report went on to cite “The total number of patrols conducted by the UNAMID military force during the period under review decreased compared to the previous period, owing to the access denials imposed by Government forces. UNAMID conducted a total of 10,376 patrols, comprising 5,567 routine patrols, 682 short-range patrols, 204 long-range patrols, 2,007 night patrols, 178 humanitarian armed escorts and 1,738 logistics and administrative armed escorts. A total of 5,008 villages were covered during these patrols”.<sup>431</sup>

Regarding UNAMID’s implementation of mandated tasks transferred to the UN country team as part of the Mission’s exit strategy, the report stated the follows:

Further to paragraph 7 of Security Council resolution 2173 (2014), UNAMID and the United Nations country team in the Sudan have identified relevant tasks that could be transferred to the latter following the revision of the Mission’s strategic priorities. As part of the process, an analysis was undertaken regarding which of these mandated tasks could only be carried out by UNAMID and which tasks should be implemented jointly with the country team and in which the latter would have a comparative advantage.

[...] The country team will continue, in close collaboration with the Mission, to support the reintegration aspect of the Doha Document planning and security arrangements. Core-mandated tasks related to the physical protection of civilians and the provision of security and logistical support for the delivery of humanitarian assistance are inextricably linked to the Mission’s logistical and military assets, as well as the extent of its presence on the ground, and therefore cannot be transferred to the country team

[...]Based on its extensive presence across Darfur and good offices role, the Mission remains ideally placed to provide logistical support for local mediation efforts and to promote dialogue. UNAMID will expand its partnership with the country team in community stabilization...

[...] In line with the strategic review of UNAMID in 2014 and the revised strategic priorities, the Mission has gradually discontinued tasks related to the monitoring of and advocacy with the location population and capacity-building on HIV/AIDS and gender mainstreaming issues.<sup>432</sup>

The UN Secretary-General went on to assert that “My special report of 6 March 2015 (S/2015/163) provided an analysis of the situation and concludes that given the lack of progress on the benchmarks and the significant deterioration of the situation, the three strategic priorities of UNAMID as defined in 2014 remain valid”, following that “The first element would be the gradual and phased withdrawal of the UNAMID force from Western Darfur and a progressive handover of its tasks to the Government and the United Nations country team, as the conditions for the consolidation of security in the State are created by the national authorities [...]The gradual reduction of the UNAMID presence in Western Darfur, with a handover to the Government and a transfer of tasks to the United Nations country team, would reflect the overall efforts of UNAMID to concentrate on its three strategic priorities, while further demonstrating flexibility and efficiency by reducing its size [...]The withdrawal from the other areas/States will be based on progress towards the achievement of the UNAMID benchmarks. The premise of this second part of the exit strategy is that a political solution to the conflict must be found and direct talks between the parties initiated, starting with a cessation of hostilities”.<sup>433</sup>

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<sup>430</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Support for an Inclusive Peace Process*, p. 9/23 [para. 34].

<sup>431</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Protection of Civilians*, p. 11/23 [para. 44].

<sup>432</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Transfer of Mandated Tasks to the United Nations Country Team*, p. 18/23 [para. 74-76].

<sup>433</sup>UN Security Council, [Report by the UN Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, *Exit Strategy*, p. 19-20/23 [para. 80-84].

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

In its report on the events in Sudan in 2014, the U.S. Department of State recorded that the government “failed to comply with the ICC arrest warrants for President Bashir; Ahmad Muhammad Haroun, former minister for humanitarian affairs and current governor of Northern Kordofan; Ali Muhammad Abd al-Rahman Hussein, former senior Jingaweit commander who supported the government against Darfur rebel groups; and Defense Minister Abd al-Rahim Hussein on charges of war crimes and crimes against humanity for his actions while serving as the president’s special representative in Darfur. On September 11, the ICC issued an arrest warrant for Abdallah Banda Abakar Nourain, a commander in chief of the Justice and Equality Movement Collective Leadership, who was charged with war crimes committed during an attack on AU peacekeepers in Darfur in 2007. In December the ICC announced it would suspend its investigation into crimes committed in Darfur due to insufficient information for the investigation”.<sup>434</sup>

In its ‘World Report 2015’, covering events in 2014, Human Rights Watch stated that “The International Criminal Court (ICC) has charges pending against five individuals, including Sudan’s President Omar al-Bashir, for war crimes, crimes against humanity, and genocide in connection with atrocities in Darfur. Khartoum refuses to cooperate with the ICC and has obstructed its work. In September, the ICC issued an arrest warrant and vacated the November trial start for Abdallah Banda, a Darfur rebel commander accused of attacking a UN base in 2007”.<sup>435</sup>

#### ❖ President Omar Hassan Ahmad Al Bashir

An article by Agence France-Presse, dated 14 December 2014, reported that “Bashir, who has ruled Sudan for 25 years, became the first sitting head of state to be indicted by the ICC in 2009, but he has since continued to travel to countries that have been unwilling to take him into custody. Over the past months, he travelled to Qatar, Saudi Arabia, Egypt and Ethiopia, which were asked by the court to arrest him”.<sup>436</sup>

On 9 March 2015, the International Criminal Court (ICC), regarding the case of *The Prosecutor v. Omar Hassan Ahmad Al Bashir*, published a report stating the following:

[...] Pre-Trial Chamber II of the International Criminal Court (ICC) decided that the Republic of Sudan failed to cooperate with the Court by not arresting and surrendering Omar Al Bashir to the Court over the last years. The Chamber decided to inform the United Nations Security Council (UNSC) to take the necessary measures it deem appropriate. The Chamber stressed that if there is no follow up action on the part of the UNSC, any referral by the Council to the ICC under Chapter VII of the UN Charter would never achieve its ultimate goal, namely, to put an end to impunity.

The Chamber highlighted that, although Sudan is not a State party to the ICC Rome Statute, it has an obligation to cooperate with the ICC; this obligation stems directly from the United Nations' Charter as Sudan is a UN member since 12 November 1956 and the UNSC has adopted, under Chapter VII of the UN Charter, a resolution 1593 (2005) in which it was decided that the "Government of Sudan [...] shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution".

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<sup>434</sup>U.S. Department of State, [Country Report on Human Rights Practices in 2014: Sudan](#), 25 June 2015, Section V: Governmental Attitude Regarding International and Non-Governmental Investigation of Alleged Violation of Human Rights.

<sup>435</sup>Human Rights Watch, [World Report 2015: Sudan](#), 29 January 2015, Key International Actors.

<sup>436</sup>Agence France-Presse, [Sudan's Bashir Hails ICC Decision to Halt Darfur Probe](#), 14 December 2014.

The Chamber found that Sudan has failed to cooperate with the Court by constantly refusing to engage in any sort of dialogue with the responsible organs of the Court over the past six years and to execute the pending requests for the arrest and surrender of Omar Hassan Ahmad Al Bashir. The Chamber also found that Sudan did not discharge its obligations to consult or notify the Court of any impediment to execute the pending requests.

On 4 March 2009, Pre-Trial Chamber I issued a first warrant of arrest for Mr Al Bashir, considering that there are reasonable grounds to believe that the suspect is criminally responsible for five counts of crimes against humanity and two counts of war crimes. The same Chamber, albeit with a different composition, issued a second warrant of arrest for Mr Al Bashir on 12 July 2010, for three counts of genocide.<sup>437</sup>

An article by Agence France-Presse, dated 14 June 2015, reported the following in relation to President Bashir's intended visit to South Africa:

Sudan insisted President Omar al-Bashir's visit to Johannesburg for a summit was proceeding normally and he would return after its main meeting, despite a court order Sunday banning him from leaving South Africa.

The South African court issued the temporary ban after the International Criminal Court called for the arrest of Bashir, who is wanted over alleged war crimes, crimes against humanity and genocide in the Darfur conflict.

"It is difficult to give details of President Bashir's timetable, but he will return when the main session is over. This could be today or tomorrow. I will not go into the details," said Sudan's State Minister for Foreign Affairs Kamal Ismail.

"Until now, things are normal and there is no risk to his excellency the president," Ismail said at a news conference.

Bashir, who in March 2009 became the first sitting head of state to be indicted by the ICC, travelled to Johannesburg for the summit on Saturday at the head of Sudan's delegation in defiance of his indictments.

But the Southern African Litigation Centre, a legal rights group, launched an urgent court application to force the authorities to arrest Bashir.

There will be a hearing in Pretoria High Court later.

But Ismail dismissed the order.

"What is happening in the media has nothing to do with what is happening in South Africa," he said.

Bashir had travelled after receiving an invitation from the AU and Sudan had contacted South Africa "at the level of the South African embassy in Khartoum and our embassy in South Africa" prior to the visit, Ismail said.

The ICC does not have its own police force, but relies on signatories to its foundation document, the Rome Statute, to arrest indictees.

"It is an internal issue and South Africa should deal with it in its own way, whether it respects its judiciary or not," Ismail said.

The ICC issued arrest warrants for Bashir in March 2009 and July 2010 and he now faces 10 counts of war crimes, crimes against humanity and genocide in the decade-old Darfur conflict.

ICC signatories have a duty to arrest Bashir.<sup>438</sup>

On 18 June 2015, the Institute for Security Studies published a report, which stated the following in relation to President Bashir's arrival and subsequent departure from South Africa:

"The South African government was legally obliged to arrest Sudanese President Omar al-Bashir, who arrived in South Africa on 13 June to attend the African Union (AU) summit in Johannesburg, and is reported to have already left the country.

Bashir is wanted by the International Criminal Court (ICC) for various counts of war crimes, crimes against humanity and genocide committed from 2003 in Darfur, Sudan. Despite several obligations under both international and domestic law, South African authorities did not arrest Bashir.

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<sup>437</sup>ICC, [Pre-Trial Chamber II Informs the United Nations Security Council About Sudan's Non-Cooperation in the Arrest and Surrender of Omar Al-Bashir](#), 9 March 2015.

<sup>438</sup>Agence France-Presse, [Sudan Says All 'Normal', Bashir to Return after AU Summit](#), 14 June 2015.

'This is a sad day for South Africa and a blow to the rule of law,' says Anton du Plessis, ISS managing director. 'Until now, the country has been a champion of international justice and has done more than most in Africa to make sure victims get justice.'

ICC Judge Cuno Tarfusser clarified in an urgent public decision on 13 June that '... there exists no ambiguity or uncertainty with respect to the obligation of the Republic of South Africa to immediately arrest and surrender Omar Al Bashir to the Court, and that the competent authorities Republic of South Africa are already aware of this obligation.'

The ICC prosecutor had requested the clarification after South Africa's ambassador to the Netherlands, Bruce Koloane, informed the court of his government's position that Bashir has immunity as a head of state on official business at the AU Summit.

'The immunity argument doesn't hold up,' says du Plessis. 'The UN Security Council decision in this case bars immunity to Bashir under international law and in relation to his position as head of state. Plus, South Africa's own ICC implementation law removes immunity for individuals wanted by the ICC.'

[...] 'The ICC prosecutor was right to reject South Africa's argument outright,' says du Plessis. 'This or any other argument about diplomatic immunity does not override South Africa's national and international legal obligations in relation to Bashir's arrest.'

On Monday UN Secretary-General Ban Ki-moon added his voice to local and international condemnation of the South African government's failure to act, saying that signatories to the ICC's Rome Statute must carry out the warrant for Bashir's arrest.

[...] On 14 June the Southern African Litigation Centre brought an urgent application in the high court to compel the South African government to arrest Bashir. An interim order was granted preventing Bashir from leaving the country while the court decided on the matter.

Bashir's reported departure earlier today directly contravenes the court's interim order, and is another indication of the South African authorities' apparent lack of regard for the rule of law.

'It is likely that the National Prosecuting Authority sought to have a red notice issued to the police before Bashir arrived,' says ISS researcher, Allan Ngari. 'Political pressure prevented his arrest then, and will likely do the same now, even if a court orders that he be arrested.'

Ngari says this is tragic for victims of Bashir's alleged crimes. The ICC does not have its own police and relies on states to arrest those it indicts. 'Bashir has evaded arrest for six years; this was South Africa's chance to help bring justice to a region of Africa that has been decimated by violence.'

[...] 'South Africa's refusal to arrest Bashir is a major setback for the ICC, but the court is not about one country. And as events in South Africa show, the ICC may need to rely more on civil society in the absence of cooperation from governments.'<sup>439</sup>

#### ❖ Ahmad Muhammad Haroun

In the matter of *The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, Former Minister of State for the Interior of the Government of Sudan; Minister of State for Humanitarian Affairs of Sudan, the ICC Pre-Trial Chamber I issued a warrant of arrest on 27 February 2007.<sup>440</sup> According to the ICC, Mr Harun, who remains at large, is allegedly criminally responsible for 42 counts on the basis of his individual criminal responsibility under articles 25(3)(b) and 25(3)(d) of the Rome Statute, including:

- Twenty counts of crimes against humanity: murder (article 7(1)(a)); persecution (article 7(1)(h)); forcible transfer of population (article 7(1)(d)); rape (article 7(1)(g)); inhumane acts (article 7(1)(k)); imprisonment or severe deprivation of liberty (article 7(1)(e)); and torture (article 7(1)(f)); and
- Twenty-two counts of war crimes: murder (article 8(2)(c)(i)); attacks against the civilian population (article 8(2)(e)(i)); destruction of property (article 8(2)(e)(xii)); rape (article 8(2)(e)(vi)); pillaging (article 8(2)(e)(v)); and outrage upon personal dignity (article 8(2)(c)(ii)).<sup>441</sup>

<sup>439</sup>Institute of Security Studies, [As Government Backtracks on Bashir, Civil Society Takes Action](#), 18 June 2015.

<sup>440</sup>ICC, [Situations and Cases – ICC-02/05-01/07 - The Prosecutor v. Ahmad Muhammad Harun \("Ahmad Harun"\) and Ali Muhammad Ali Abd-Al-Rahman \("Ali Kushayb"\)](#), undated [accessed 9 September 2015].

<sup>441</sup>ICC, [Situations and Cases – ICC-02/05-01/07 - The Prosecutor v. Ahmad Muhammad Harun \("Ahmad Harun"\) and Ali Muhammad Ali Abd-Al-Rahman \("Ali Kushayb"\)](#), undated [accessed 9 September 2015].

❖ Ali Muhammad Abd al-Rahman Hussein

A warrant for the arrest of alleged leader of the militia/Janjaweed, Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb"), who remains at large, was issued by Pre-Trial Chamber I of the ICC on 27 April 2007.<sup>442</sup> According to the ICC, "Mr Kushayb is allegedly criminally responsible for 50 counts on the basis of his individual criminal responsibility under articles 25(3)(a) and 25(3)(d) of the Rome Statute, including:

- Twenty-two counts of crimes against humanity: murder (article 7(1)(a)); deportation or forcible transfer of population (article 7(1)(d)); imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law (article 7(1)(e)); torture (article 7(1)(f)); persecution (article 7(1)(h)); and inhumane acts of inflicting serious bodily injury and suffering (article 7(1)(k)).
- Twenty-eight counts of war crimes: violence to life and person (article 8(2)(c)(i)); outrage upon personal dignity in particular humiliating and degrading treatment (article 8(2)(c)(ii)); intentionally directing an attack against a civilian population (article 8(2)(e)(i)); pillaging (article 8(2)(e)(v)); rape (article 8(2)(e)(vi)); and destroying or seizing the property (article 8(2)(e)(xii)).<sup>443</sup>

❖ Abd al-Rahim Hussein

On 26 June 2015, the International Criminal Court (ICC) published a report, stating the following:

[...] the Pre-Trial Chamber II of the International Criminal Court (ICC) found that the State of Sudan has failed to arrest Abdel Raheem Muhammad Hussein against whom the ICC has issued an arrest warrant on 1 March 2012 and to surrender him to the Court. The Chamber also found that Sudan failed to consult with the Court and to liaise with its relevant organs to execute the pending arrest warrant. The Chamber decided to refer the finding of Sudan's non-cooperation to the United Nations Security Council, which might decide to take the measures they deem appropriate. The Chamber noted that Sudan has consistently refused to surrender any of his nationals to the ICC's jurisdiction and that Mr Hussein continues to hold public office in Sudan. The Chamber considered that Sudan's non-cooperation constitutes a failure to comply with resolution 1593 of the United Nations Security Council which created for Sudan, UN member since 1956, an obligation to cooperate fully with the ICC. The Chamber also stressed that the ICC relies mainly on the States' cooperation to fulfil its mandate, and that, when the Security Council refers the situation in Darfur to the Court as constituting a threat to the international peace and security, it might be expected that the Council might also consider deciding on a follow-up.<sup>444</sup>

Regarding the background of the issued warrant, the report stated that:

On 1 March 2012, ICC Pre-Trial Chamber I issued a warrant of arrest against Mr Abdel Raheem Muhammad Hussein for charges of crimes against humanity and war crimes allegedly committed in the context of the situation in Darfur (Sudan). Mr Hussein was, until becoming governor of Khartoum early June 2015, Minister of National Defence of the Sudanese Government and former Minister of the Interior and former Sudanese President's Special Representative in Darfur.

The Pre-Trial Chamber I considered that there are reasonable grounds to believe that Mr Hussein is criminally responsible for crimes against humanity (persecution, murder, forcible transfer, rape, inhumane acts, imprisonment or severe deprivation of liberty and torture) and war crimes (murder, attacks against civilian population, destruction of property, rape, pillaging and outrage upon personal

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<sup>442</sup>ICC, [Situations and Cases – ICC-02/05-01/07 - The Prosecutor v. Ahmad Muhammad Harun \("Ahmad Harun"\) and Ali Muhammad Ali Abd-Al-Rahman \("Ali Kushayb"\)](#), undated [accessed 9 September 2015].

<sup>443</sup>ICC, [Situations and Cases – ICC-02/05-01/07 - The Prosecutor v. Ahmad Muhammad Harun \("Ahmad Harun"\) and Ali Muhammad Ali Abd-Al-Rahman \("Ali Kushayb"\)](#), undated [accessed 9 September 2015].

<sup>444</sup>International Criminal Court, [ICC Pre-Trial Chamber II Refers to the UNSC Sudan's Non-Cooperation and Failure to Arrest Mr Abdel Raheem Hussein](#), 26 June 2015.

dignity). These crimes were allegedly committed against the primarily Fur populations of the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas by the Sudanese armed forces and the Militia/Janjaweed in the context of a counter-insurgency campaign against the Sudanese Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM) and other groups opposing the Government. The plan of the counter-insurgency campaign was allegedly formulated at the highest levels of the Government of the Republic of the Sudan and had allegedly as a core component an unlawful attack on that part of the civilian population perceived by the Government as being close to the rebel groups.<sup>445</sup>

❖ Abdallah Banda Abakar Nourain

Regarding the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, on 11 September 2014, the ICC reported the following:

Trial Chamber IV of the International Criminal Court (ICC) issued, by majority, an arrest warrant against Abdallah Banda Abakaer Nourain. Three charges of war crimes allegedly committed in Darfur (Sudan) were confirmed against him on 7 March 2011. The Chamber vacated the trial date previously scheduled to open on 18 November 2014 and directed the ICC Registry to transmit the new requests for arrest and surrender to any State, including the Sudan, on whose territory Mr Banda may be found.

Trial Chamber IV had requested the Government of Sudan's cooperation to facilitate the accused's presence at trial. This cooperation, according to the information provided by the Registry, is not forthcoming. By way of consequence, the Chamber considered that there are no guarantees that, in the current circumstances, he will be in an objective position to appear voluntarily, regardless of whether he wishes to be present at trial or not. The Chamber concluded that an arrest warrant is now necessary to ensure the accused's presence. The Chamber stressed that should Mr Banda nonetheless appear voluntarily before the Court, the Chamber will take the voluntary appearance into consideration and revisit accordingly the conditions of his stay in The Netherlands during the trial.

The Chamber will determine in due course the appropriate course of action in order to ensure Sudan's compliance with the request of the Court. The situation in Darfur was referred to the ICC by United Nations Security Council resolution 1593 on 31 March 2005, under article 13(b) of the Rome Statute.<sup>446</sup>

In terms of background to the case, the ICC provided the following:

Abdallah Banda was summoned, on 27 August 2009, to appear before the Court. He appeared on 17 June 2010. He faces three charges of war crimes (violence to life in the form of murder, whether committed or attempted; intentionally directing attacks against personnel, installations, material, units or vehicles involved in a peacekeeping mission; and pillaging). These crimes were allegedly committed in an attack carried out on 29 September 2007, against African Union Peacekeeping Mission in Sudan, at the Haskanita Military Group Site, in the Umm Kadada locality of North Darfur, Sudan.<sup>447</sup>

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<sup>445</sup>International Criminal Court, [ICC Pre-Trial Chamber II Refers to the UNSC Sudan's Non-Cooperation and Failure to Arrest Mr Abdel Raheem Hussein](#), 26 June 2015.

<sup>446</sup>ICC, [ICC Trial Chamber IV Issues Arrest Warrant Against Abdallah Banda Abakaer Nourain](#), 11 September 2014.

<sup>447</sup>ICC, [ICC Trial Chamber IV Issues Arrest Warrant Against Abdallah Banda Abakaer Nourain](#), 11 September 2014.

## 5. Rule of Law and the Administration of Justice<sup>448</sup>

### 5.1. Special court for Darfur

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

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

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

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

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

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

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

328. The GoS, with the support of the international community, shall establish a fund for legal aid and other related activities of the Special Court during investigations and trials.<sup>449</sup>

The US Department of State annual report covering 2014 addresses the development of the activity of the Special Court for Darfur:

The government took few actions to implement provisions of the chapter on justice and reconciliation of the DDPD. Inadequate funding for the Darfur Regional Authority’s (DRA’s) Commission on Justice, Truth, and Reconciliation hindered the commission’s work. On May 25, the DRA created the Justice Committee and the Truth and Reconciliation Committee. The committees are charged with determining compensation for Darfur’s victims and formulating recommendations for resolving Darfur’s conflict. As of October the committees had limited engagement in peace negotiations for Darfur.

The general prosecutor for crimes in Darfur informed UNAMID that in February and March, an estimated 1,000 complaints had been registered in North and South Darfur, six of which had been referred to the Special Court for Serious Crimes in Darfur. According to UNAMID the majority of cases brought forward to the court largely involved public crimes, such as theft rather than substantive war crimes or crimes against humanity, which is the court’s mandate.

As of August the African Union (AU) and the United Nations had not named observers for the Special Court for Crimes in Darfur. The seven JEM members sentenced to death in El Fasher in March 2013 remained in detention.<sup>450</sup>

The same report goes on to state that “On September 18, the Special Court for Darfur prosecuted three individuals in North Darfur responsible for an attack on UN peacekeepers. One of the accused

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<sup>448</sup>COI in this subsection reproduced with permission from ACCORD as cited in:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 5.1 Special court for Darfur

<sup>449</sup>[Doha Document for Peace in Darfur \(DDPD\)](#), 2011, Article 59: Special Court for Darfur

<sup>450</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1. g

was acquitted; three others were found guilty of armed robbery, sentenced to three years' imprisonment, and ordered to compensate the victims. One of those found guilty was also convicted of rape and sentenced to an additional five years' imprisonment and 100 lashes. This case marked the first time the government prosecuted perpetrators in a UNAMID attack. [...] In December the government submitted to the UN Security Council a report by the special prosecutor for crimes in Darfur documenting the government's investigation into the case. The report stated the special prosecutor's team interviewed 88 individuals, including 54 women, in a four-hour period and concluded no rapes had occurred. Local observers believed the heavy presence of security forces during interviews might have intimidated possible victims from speaking openly. Humanitarian and human rights groups reported cases of sexual abuse; however, they were unable to determine the scale or nature of the attacks".<sup>451</sup>

The March 2015 UN Secretary-General report of the on the African Union-United Nations Hybrid Operation in Darfur noted that "The Truth, Justice and Reconciliation Commission and the Special Court for Darfur also remained non-functional owing to a lack of necessary funds".<sup>452</sup>

The United Nations Independent Expert on the situation of human rights in Sudan – Mr. Aristide Nononsi, mentioned the Special Court for Darfur in his statement from 21 May 2015:

Nevertheless, I am encouraged by the establishment of a number of mechanisms that are in need of capacity building. I can mention the Darfur Regional Authority and the Special Court for Darfur crimes whose capacity need to be strengthened. I am aware of the fact that some work has started, particularly on transitional justice with UNDP and UNAMID and will continue. In my discussion with the General Prosecutor for Special Court of Darfur Crimes, we agreed on the need for serious commitment to the effective end of impunity for crimes committed in the region. I promised that I will be visiting him again to discuss and advise on aspects of the important work of the Special Court for Darfur Crimes.<sup>453</sup>

## 5.2. Local dispute resolution mechanisms

The 2014 U.S. Department of State report notes that "Due to long distances between court facilities and police stations, local mediation was often the first resort to try to resolve disputes. In some instances tribal courts operating outside the official legal system decided cases. Such courts did not provide the same protections as regular courts".<sup>454</sup>

The UN Secretary-General noted in his report from 26 November 2014 with regards to local reconciliation efforts and peace campaigns with traditional leaders:

In view of the ongoing tribal fighting, UNAMID continued to engage with tribal leaders and the authorities to encourage peaceful coexistence. [...]

In support of local agricultural protection committees, during September and October, UNAMID collaborated with the Food and Agriculture Organization of the United Nations to conduct peace

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<sup>451</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1. g

<sup>452</sup>UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 13

<sup>453</sup>OHCHR - UN Office of the High Commissioner for Human Rights, [Statement by the United Nations Independent Expert on the situation of human rights in the Sudan, Mr. Aristide Nononsi, at the end of his first mission to the Sudan](#), 21 May 2015

<sup>454</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1. e. *Denial of Fair Public Trial*

campaigns in North and West Darfur targeting farmers and pastoral communities. The campaigns were conducted through joint workshops with traditional leaders and the Darfur Land Commission, which discussed land tenure versus traditional land ownership and raised awareness about natural resource sharing to secure livelihood opportunities and promote peaceful coexistence.<sup>455</sup>

Human Rights Watch, detailing the mass rape that took place in Tabit in October 2014, in a report from February 2015 noted with regards to the role of traditional leaders in accessing justice that:

Since the attacks, Sudanese government officials, military commanders, and traditional leaders responsible for Tabit have taken drastic measures to prevent information about the rapes and other abuses from becoming public. They have threatened, intimidated, beaten, detained, and tortured residents of Tabit to prevent them from speaking out about what took place. The authorities have also repeatedly denied UNAMID and other investigators access to the town.[...]

On November 4, at a meeting in El Fasher, the local commissioner Al-Hadi Mohammed Abdallah Abdelrahman, who is also a traditional leader responsible for Tabit, told other traditional leaders that no crimes were committed. On the same day, several residents of Tabit were brought to El Fasher to meet with traditional leaders and other officials. These residents told one of the traditional leaders that they were brought to confirm that nothing happened in Tabit, in an apparent attempt to contain the spread of information. Later that day, according to several witnesses, the commissioner and other traditional leaders in Tabit instructed the population not to speak about the incident and threatened to kill anyone who did. Civilians were specifically warned not to speak with Radio Dabanga or UNAMID. Commissioner Al-Hadi told Human Rights Watch that he was not present in Tabit during the period in question and referred researchers to two other traditional leaders. These two traditional leaders told Human Rights Watch that “nothing happened” in Tabit. One of them also said that Radio Dabanga should be held accountable for “spreading lies.”[...]

Khamis, in his fifties, said he was on his farm at the time of the attack but returned to Tabit on the Sunday after the incident. He was arrested about a week later and detained for a week in Al-Manhal. He believes he was detained because he registered a complaint with his traditional leader after learning that soldiers had raped his daughter. Adam, in his thirties, was in El Fasher at the time of the attack. He said he returned to Tabit two days after the attacks and learned his sister had been raped. After he told a traditional leader about the incident on November 4, soldiers beat him in public. The authorities then detained him for four days in Al-Manhal during which time he was severely beaten.

[...]Most of the women interviewed by Human Rights Watch said that they were afraid to visit a doctor or a hospital because they believed that if they admitted to being raped, then they risked arrest and further abuse. Several female victims said traditional leaders arrived after the incident with medicine, which they interpreted as a government attempt to prevent victims from accessing health clinics in Tabit. Human Rights Watch was unable to verify cases of reprisals against survivors, but did receive accounts of local authorities refusing to help victims access medical doctors, intimidating healthcare professionals, and punishing family members for attempting to bring rape victims to see a doctor. In one case, the authorities arrested and detained a man for arguing that his family member, a rape victim, should refuse medicine brought by the traditional leader and instead should receive treatment from a doctor.[...]

Available information indicates that the investigation was compromised. One internal report stated that civilians in the town told investigators that a military commander had gathered residents the day before the investigation and told them not to talk to UNAMID. Numerous victims and witnesses also told Human Rights Watch that they had been warned by local government officials and traditional leaders not to speak to UNAMID, and several said they were afraid to speak.<sup>456</sup>

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<sup>455</sup> UN Security Council, [Report by the UN Secretary-General on the situation in Darfur from 22 July to 15 November 2014](#), 26 November 2014, paragraphs 61 and 68

<sup>456</sup> Human Rights Watch, [Darfur: Report on mass rape of more than 200 women and girls, arbitrary arrests, beatings and other forms of violence in army attack on town of Tabit in October 2014, February 2015](#), pages 29-36

In his February 2015 report the UN Secretary-General reported that “The population is also affected by widespread criminality owing to the severe disruption of traditional livelihoods and weakened dispute-resolution and rule-of-law mechanisms”.<sup>457</sup> The same source further noted that:

The reporting period saw a number of examples of interventions by the authorities and traditional community mediators, with the mission’s facilitation, to prevent or resolve violent intercommunal conflict. Two of the most significant interventions related to the conflict between the Ma’alia and the Southern Rizeigat in East Darfur and the resolution of the situation between the Hamidiya internally displaced persons’ camp and the Bargo in Central Darfur. [...]

UNAMID continued to engage with government authorities at the federal and state levels, the Truth, Justice and Reconciliation Commission of the Darfur Regional Authority in North and East Darfur, as well as in Khartoum, to energize the reconciliation process between the Southern Rizeigat and the Ma’alia. [...]

The mission maintained engagement with local stakeholders to encourage peaceful coexistence between farming and pastoral communities during the agricultural season and strengthened joint committees to promote intercommunal dialogue on practical ways to share access to natural resources and avoid clashes.<sup>458</sup>

In February 2015 Radio Dabanga reported that “The leaders of the Ma’aliya and Rizeigat tribes have demanded the Sudanese Presidency of the Republic to form a mechanism that will bring together the two warring tribes and fully implements the decisions of their reconciliation. There is a need for a body that deals with the outcomes of the tribal reconciliation conference in Merowe, in the country’s North state, that started on 17 February. A member of the Shura Council of the Rizeigat tribe, Mohamed Eisa Aliou, confirmed to Dabanga Sudan that the conference currently continues its work through committees. They are to discuss issues such as compensations for the fighting and killing(blood money), the dead, the wounded, the stolen items, and the root causes of the problem”.<sup>459</sup>

In his report on conflict-related sexual violence and counter-measures from March 2015 the UN Secretary-General noted:

Of 63 incidents reported to the Sudanese police, representing 53 per cent of the cases documented, UNAMID has seen investigations initiated in 20 cases to date, with 14 arrests made and, in 2 cases, trials resulting in convictions completed. In terms of legal redress, underreporting of cases, owing to the limited reach of law enforcement and justice institutions, is the first hurdle in the fight against impunity. Of the documented cases, apart from the 63 cases that were reported, 44 cases (38 per cent) were not reported and 3 cases (5 per cent) were settled in a traditional manner. Even when cases are reported, the authorities generally fail to take action to bring perpetrators to justice. In 12 cases (10 per cent), victims pointed to the absence of police as a reason for non-reporting; in 16 cases (14 per cent), victims cited a lack of trust and confidence in the authorities; and in 6 cases (5 per cent) victims said that they did not report the incident because of the social stigma associated with sexual violence and for fear of reprisal attacks by the alleged perpetrator. For example, on 2 March, in El Geneina, West Darfur, UNAMID monitored the trial of a man accused of stabbing a woman to death on 25 September 2013 for having filed a case of attempted rape against him. Moreover, where cases concern members of the national security forces, immunity from prosecution for acts committed in the course of operational duties has provided a basis for delaying and denying justice. On 18 September, a Sudanese court in El Fasher convicted a man for raping a UNAMID police officer on 10 April 2014.<sup>460</sup>

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<sup>457</sup> UN Security Council, [Report by the UN Secretary-General on developments from 26 November 2014 to 12 February 2015](#), 26 February 2015, paragraph 3

<sup>458</sup> UN Security Council, [Report by the UN Secretary-General on developments from 26 November 2014 to 12 February 2015](#), 26 February 2015, paragraph 61, 62, 67

<sup>459</sup> Radio Dabanga, [Sudanese tribesmen request reconciliation mechanism](#), 27 February 2015

<sup>460</sup> UN Security Council, [Report by the UN Secretary-General on conflict-related sexual violence and counter-measures](#), 23 March 2015, paragraph 56

The same source noted in his Special report on the African Union-United Nations Hybrid Operation in Darfur from 13 March 2015 that “Intercommunal fighting also led to heavy casualties and some displacements in 2014. Given that the root causes remain largely unaddressed, mediation efforts leading to peace agreements relieve the underlying problems and grievances of the communities only temporarily”.<sup>461</sup> The same report further noted:

In February 2014, the Salamat and Misseriya tribes clashed in the village of Salih, near Um Dukhun, Central Darfur, after the killing of a Misseriya. The violence left 28 people, mostly Salamat, dead. The deterioration in security in Um Dukhun following the incident led to the displacement of some 5,000 civilians who fled to Chad and 10,000 who fled to camps for internally displaced persons in South Darfur. UNAMID supported mediation efforts undertaken by traditional leaders, which helped to quell tensions and prevent further escalation, and provided technical and logistical support to the Darfur Regional Authority for the establishment of a reconciliation follow-up mechanism in Central Darfur.<sup>462</sup>

The May 2015 report from the UN Secretary-General on UN activities in Darfur addresses the limitations of reconciliation mechanisms for tribal conflicts:

Beyond cattle rustling, the weaknesses and limitations of local authorities supporting reconciliation processes aimed at addressing previous tribal violence led to the resumption of some conflicts. [...] While UNAMID, in collaboration with Government authorities and other stakeholders, has continued to support the mediation of intercommunal conflicts, relapses in existing conflicts and fresh outbreaks have continued, leading to increased protection needs for the vulnerable population. In this context, the emphasis continues to be on early warning, preventive measures, capacity-building and efforts to address the root causes

The Mission facilitated mediation through engaging ajaweed (traditional mediators), aged and hakamat (women traditional war singers), native administration and community leaders. Following the resurgence of conflict S/2015/378 16/23 15-07909 between the Berti and Zayadiya tribes in Northern Darfur, the Mission effectively used this approach to engage both tribes and the mediation committee to find a peaceful solution to the conflict. Seven meetings were held in March with key stakeholders both in Northern Darfur and Khartoum as part of efforts to reach a peaceful and speedy resolution of the conflict. Similarly, on 6 April, UNAMID facilitated a meeting between the Darfur Regional Authority’s Truth, Justice and Reconciliation Commission and 13 community leaders from the Zayadiya tribe on the issue. The Mission also engaged with Darfuri civil society organizations and influential personalities in Khartoum to consolidate efforts for dialogue and reconciliation.<sup>463</sup>

### 5.3. Amnesty

Freedom House reports that “In April 2013 and 2014, al-Bashir announced the release of all political prisoners. On both occasions, their cells were soon filled by other regime opponent”.<sup>464</sup>

The UN Secretary General stated in his report on the African Union United Nations Hybrid Operation in Darfur from May 2015:

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<sup>461</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 64

<sup>462</sup> UN, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 33

<sup>463</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 10, 65 and 66

<sup>464</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

During the reporting period, a breakaway faction from SLA/MM signed a peace agreement with the Government of the Sudan in N'Djamena on 26 March. The faction, known as the Sudan Liberation Movement/Army-Reformist Group, is led by a former SLA/MM commander and consists of approximately 400 combatants. The agreement, which was mediated by the Government of Chad, made no mention of the Doha Document for Peace in Darfur. It provides for a general amnesty for the members of the group, the integration of a limited number of its combatants into the Sudanese Armed Forces and the disarmament, demobilization and reintegration of the remainder of its members. These parallel initiatives, which are outside the Doha Document for Peace framework or the ongoing efforts of the African Union High-Level Implementation Panel, aim at the fragmentation of the rebel movements by weakening the movements individually and the SRF alliance more generally.<sup>465</sup>

Hands off Cain mentions in a report from 16 March 2015 that “the Sudanese president Omer Hassan al-Bashir issued a decree pardoning five convicts from the Justice and Equality Movement (JEM) who belong to the faction which signed a peace agreement with Khartoum led by Bakheit Abdul-Karim Dabago. The JEM prisoners were sentenced to death for participating in an attack on Sudan twin capital of Omdurman in 2008 before the split in the movement. JEM- Dabago political affairs secretary Nahar Osman Nahar welcomed the move but noted that it is belated by more than a year. [...] Nahar told Sudan Tribune on Monday (March 16) that the five pardoned convicts are Hamid Hussein Hamid, Ahmed Mohamed Osman Hassan Abu, al-Sadiq Adam Abdullah, Mohammed Jibril Abdel-Mawla. He noted that the movement’s detainees are around 90 with 13 of them released later. He attributed the delay in releasing them to a vetting process by the government and ensuring that these individuals have no claims against them by ordinary citizens”.<sup>466</sup>

On 13 April 2015, the International Federation for Human Rights noted:

On 9 April 2015, the Sudanese Minister of Justice announced the suspension of the case brought against Dr. Medani, President of Sudan’s Confederation of Civil Society Organisations, Vice President of Civil Society Initiative, and former President of the Sudan Human Rights Monitor (SHRM) and he was released, along with Mr. Faruq Abu Eissa, chairman of the opposition group, the National Consensus Forces and Mr. Farah Ibrahim Alagar, political activist. The three men were released the same day. They were arrested on 6 and 7 December 2014, following their signing of the “Sudan Call”. The “Sudan Call” is a Declaration on the “Establishment of a State of Citizenship and Democracy”, under which the co-signatories - representatives from political and armed opposition parties - committed to work to end the raging conflict and towards legal, institutional and economic reforms. Dr. Medani co-signed the call on behalf of civil society organisations. FIDH, along with its member organisations, the African Center for Justice and Peace Studies (ACJPS) and the Sudan Human Rights Monitor (SHRM), mobilized and advocated for their release through its Observatory and before regional and international human rights mechanisms and institutions, including through the filing of a communication before the African Commission on Human and Peoples’ Rights (ACHPR), on behalf of Dr Medani and Mr. Abu Eissa. FIDH will continue, together with its members, to urge the Sudanese authorities to put an end to all acts of harassment and intimidation against human rights defenders and comply their regional and international human rights instruments obligations.<sup>467</sup>

#### 5.4. Arbitrary arrest and detention

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<sup>465</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur \[S/2015/378\]](#), 26 May 2015, paragraph 33

<sup>466</sup> Hands off Cain, [Sudan: Bashir pardons five Darfur Rebel figures sentenced to death](#), 16 March 2015

<sup>467</sup> International Federation for Human Rights, [Sudan: Release of human rights defender Dr. Amin Mekki Medani and political activists Faruq Aby Eissa and Farah Ibrahim Alagar](#), 13 April 2015

For information on the arbitrary arrests of perceived political opponents in Darfur and throughout Sudan see [7.1.1. Political opposition parties and activists](#).

According to Freedom House's 2015 'Freedom in the World' report, "the 2010 National Security Act gives the NISS sweeping authority to seize property, conduct surveillance, search premises, and detain suspects for up to four and a half months without judicial review. The police and security forces routinely exceed these broad powers, carrying out arbitrary arrests and holding people at secret locations without access to lawyers or their relatives. Human rights groups accuse the NISS of systematically detaining and torturing government opponents, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now".<sup>468</sup> The 2014 U.S. Department of State report noted that "The interim national constitution prohibits arbitrary arrest and detention and requires that individuals be notified of the charges against them when they are arrested. Arbitrary arrests and detentions, however, remained common under the law, which allows for arrest without warrants and detention up to four and one-half months. Authorities often released detainees when their initial detention periods expired and again took them into custody the next day for an additional period. Authorities, especially the NISS, arbitrarily detained political opponents and those believed to sympathize with the opposition".<sup>469</sup>

Amnesty International reports in March 2015 with regards to arbitrary arrests being carried out in Sudan in general:

Though the NISS has for the last decade perpetrated human rights violations with impunity, its current human rights violations have reached unprecedented levels. The NISS has used excessive and sometimes lethal force in breaking up demonstrations, protests and rallies as well as office raids and confiscations of newspapers, perpetrated arbitrary arrests and deliberately targeted ethnic and religious minorities.

Between 2012 and 2014, the NISS arrested human rights defenders, students, activists, political opponents and journalists en masse. Most of those arrested were subsequently released without trial, but a few have been kept incommunicado, outside the protection of the law and vulnerable to torture and other forms of ill-treatment. Human rights violations committed by NISS agents are seldom investigated by the Sudanese authorities.<sup>470</sup>

Also reporting with regards to the practice of arbitrary arrests and detentions being committed in Sudan in general the Independent Expert of the UN Human Rights Council noted "The fear of arbitrary arrests and detentions by the National Intelligence and Security Service continues to be a major cause of intimidation of political opponents and other civil activists in the Sudan".<sup>471</sup>

Reporting with regards to the situation in Darfur, the 2014 U.S. Department of State report considers that "although the government in 2011 named a special prosecutor from the Ministry of Justice to monitor NISS detentions, the independent expert remained concerned about weak judicial oversight of NISS arrests and detention. In numerous press statements, the independent expert expressed concern over the NISS' failure to adhere to human rights principles, including respect for the rule of law in Khartoum, Darfur, and the Two Areas. The judiciary was inefficient and subject to corruption. In Darfur judges were often absent from their posts, thus delaying trials. Access to functioning courts was also a problem for residents in other remote areas. A state of emergency in Darfur, Blue Nile,

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<sup>468</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>469</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1. d. Arbitrary Arrest or Detention*

<sup>470</sup> Amnesty International, [Sudanese National Intelligence Service empowered to violate human rights](#), 19 March 2015

<sup>471</sup> UN Human Rights Council, [Report of the Independent Expert on the situation of human rights in the Sudan](#), 4 September 2014, *paragraph 48*

and Southern Kordofan allowed for arrest and detention without trial. [...]The government severely restricted international humanitarian organizations' access to political detainees. The government allowed UNAMID extremely limited access to Darfuri political detainees in Khartoum and Darfur. The NISS refused the request of the UN independent expert on the human rights situation in Sudan in June to visit detained student activist Mohammed Salah to ascertain his health".<sup>472</sup>

According to the November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur, that "During the reporting period, UNAMID recorded 210 incidents involving 406 victims of human rights violations and abuses across Darfur. Arbitrary arrests and detentions accounted for 10 cases (36 victims)".<sup>473</sup>

Radio Dabanga documented the arrest of residents of IDP camps in Darfur in the second part of 2014:

Agents of the Military Intelligence Service detained a resident of the Northern Nierteti camp for the displaced in Central Darfur on Monday.

"Six Military Intelligence officers in a vehicle stormed the repair shop of Ishag Idris in Nierteti on Monday afternoon," a colleague of him told Radio Dabanga. "They beat him, and took him to the nearby military garrison."

The source expressed his fear that Idris will be subjected to torture, and called on the local authorities, Unamid, and human rights organisations to intervene, "rescue Idris", and put an end to the arbitrary detention of citizens and displaced by the Military Intelligence.

Earlier this month, Military Intelligence officers detained Haroun Abdallah Yousef, a petrol dealer of Northern Nierteti camp. A farmer of Northern Nierteti camp, Ishag Yagoub Adam, was accused of being affiliated with a rebel movement, and tortured.<sup>474</sup>

The actions of the government forces led to a high number of arrests in Darfur in August 2014, as reported by Radio Dabanga on 19 August 2014 (original emphasis):

Photos taken during the military raid in El Salam camp for the displaced in South Darfur last Tuesday show that elements of the army, Rapid Support Forces, and police forces ('Abu Tira') searched the camp and vehicles, and forced a number of camp residents to lay on the ground. The United Nations has commented on the raid, stating that the use of weapons is not allowed in camps for the displaced. The Association of Displaced People and Refugees of Darfur condemned the state of South Darfur on Sunday for searching El Salam and Dereig camps and arresting a number of camp residents, under the pretext of the illegal presence of weapons. The association decided to suspend or temporarily close the school classes in the camps, fearing more attacks and inspections by military forces, during a seminar held in Kalma camp, near Nyala city. It was attended by leaders of the camps and communities. They demanded from Unamid and humanitarian organisations to immediately stop the attacks by the government and its militias in Darfur's camps.

**'Unamid not responsible': Chambas**

The displaced of Darfur hold the UN Security Council and Unamid responsible for the military raid on El Salam, Abu Sharati, spokesman for the Association of Displaced people, told Radio Dabanga. He stressed that Unamid is responsible for protecting the displaced.

The head of the peacekeeping mission, Mohamed Ibn Chambas, said that that the Sudanese government carries the responsibility for providing security in Darfur. "The UN is only here to ensure that law, order, and justice are maintained according to due process of law," Ibn Chambas commented on the military raid during a press conference in Khartoum on Monday.

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<sup>472</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section E. *Denial of Fair Public Trial*

<sup>473</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 51

<sup>474</sup>Radio Dabanga, [Another Central Darfur displaced held by Military Intelligence](#), 22 October 2014

He expressed hope that camp residents can understand that possessing and carrying weapons is not allowed in the camps under international humanitarian law. "It's a responsibility of the camp leaders to ensure that no one is using these camps to keep weapons or to hide weapons."

Ibn Chambas added that the mission will continue to engage with the Sudanese government, in accordance with its own protection of civilian mandate. Unamid will also "continue to educate camp leaders what is permissible in these camps and what is not".

#### **75 displaced arrested**

El Salam camp leader, Sheikh Mahjoub Adam Tabaldiya, confirmed last week to Radio Dabanga that more than 75 displaced people were arrested and taken to the military court, and 23 people sustained various injuries as a result of beating and whipping. He claimed that the joint military forces stormed the camp with more than 150 vehicles in search of vehicles belonging to the armed movements, and families of rebels. "They did not find anything in the camp." Last Thursday, a military force stormed Dereig camp, searching "offenders of the new security measures". They detained a number of residents, a listener said. According to spokesman Abu Sharati, the search for criminals, motorcycles, vehicles without number plates, and weapons in camps in Bielel locality, was done "under the pretext of the new emergency measures issued by the Governor of South Darfur state". "But in fact the main objectives of this attack is terrorising the camp population, and the dismantling of the camp".<sup>475</sup>

Human Rights Watch documented cases when arbitrary detention was used to silence people who witnessed the attack of Government forces on Tabit in North Darfur October 2014:

Human Rights Watch interviewed four men who were detained at different times for speaking about the attacks. They all said soldiers beat and threatened them, told them that rebels had carried out the attacks, made them sign a document swearing not to speak, and then paid a sum of money for their silence. The men were detained at the SAF barracks in Tabit, and three were then held at a military intelligence base called Al-Manhal in El Fasher. Khamis, in his fifties, said he was on his farm at the time of the attack but returned to Tabit on the Sunday after the incident. He was arrested about a week later and detained for a week in Al-Manhal. He believes he was detained because he registered a complaint with his traditional leader after learning that soldiers had raped his daughter.

Khamis, in his fifties, said he was on his farm at the time of the attack but returned to Tabit on the Sunday after the incident. He was arrested about a week later and detained for a week in Al-Manhal. He believes he was detained because he registered a complaint with his traditional leader after learning that soldiers had raped his daughter.

Adam, in his thirties, was in El Fasher at the time of the attack. He said he returned to Tabit two days after the attacks and learned his sister had been raped. After he told a traditional leader about the incident on November 4, soldiers beat him in public. The authorities then detained him for four days in Al-Manhal during which time he was severely beaten.

Khalil, in his twenties, said he was at his farm but returned to Tabit on the morning of October 31 and learned that his sister had been raped. Security officers detained him that evening at the base in Tabit for informing his brother by telephone about the incident.<sup>476</sup>

In November 2014 Radio Dabanga reported that "The number of displaced people from the Kass camps in South Darfur detained by Sudanese security agents has risen to 27 displaced, including 12 prisoners and 13 missing persons".<sup>477</sup> According to the coordinator of the Kass camps, "a campaign of raids and random arrests is still ongoing" and that dozens were being detained "on the pretext of affiliation with the armed movements".<sup>478</sup>

Several other cases of arbitrary arrests were reported by Radio Dabanga on 30 January 2015 in Darfur:

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<sup>475</sup> Radio Dabanga, [South Darfur displaced decry camp raids](#), 12 August 2014

<sup>476</sup> Human Rights Watch, [Mass Rape in Darfur](#), February 2015, *Arbitrary Detention and Ill-Treatment*

<sup>477</sup> Radio Dabanga, ['Random arrests' continue in South Darfur](#), 5 November 2014

<sup>478</sup> Radio Dabanga, ['Random arrests' continue in South Darfur](#), 5 November 2014

Authorities in Central Darfur are carrying out a series of detentions in Zalingei and Nierteti. Two men were held in Zalingei on Wednesday, two others in Nierteti, on Friday. Security agents detained a teacher of a secondary school in Golo, Central Darfur, on Wednesday. Another man was tortured for several hours.

A witness said that teacher Mekki Mohamed Rajab came to Zalingei, the capital of Central Darfur, about a week ago, to do a M.A. related course at the University of Zalingei. "Security agents held him near the Zalingei Hospital, and took him to an unknown destination."

He added that another man was taken by men he believed to be security members, on Wednesday morning. "Abdelaziz Haroun Abdelrahman was on his way from Hamidiya camp to Zalingei market, when four armed men in a double cab vehicle took him to an unknown destination. There they robbed him of SDG4,600 (\$760.45) and released him at 3 pm that day.

Members of the military intelligence and policemen detained Adam Wad Tarjam at the market of Nierteti early Friday morning. They took him to the Nierteti military garrison. Tarjam is the owner of a shisha bar.

An eyewitness told Dabanga that the military intelligence forces returned to the market, where a crowd had gathered. They searched for the father of Gazafi Adam Siddig, who works for a transport company. "The men asked Gazafi where his father was, and he replied that he was in Zalingei." The forces detained Gazafi Sidig instead, and took him also to the military garrison.

The detentions in Central Darfur may be part of a hunt on people affiliated with the rebel movements. The Sudan Liberation Movement led by Abdel Wahid (SLM-AW) has strongholds in Sur Reng and Deribat.<sup>479</sup>

The May 2015 Report of the UN Secretary-General notes that in the reporting period, UNAMID documented 4 cases of arbitrary arrest and detention involving 29 victims.<sup>480</sup>

In May 2015 Radio Dabanga reported that "The Governor of East Darfur has announced granting full authorisation to the forces that are deployed to arrest "outlaws and agitators" who were involved in the tribal clashes between Rizeigat and Ma'aliya in Abu Karinka on 11 May. Sudan's ruling party has planned the voluntarily disarmament of the two tribes".<sup>481</sup>

The June 2015 Concluding Observations of the Committee on the Elimination of Racial Discrimination noted that "The conflict in Darfur is marked by serious violations of human rights, including killings, torture, sexual violence, arbitrary detention and ill-treatment of civilians, particularly those belonging to the Fur, Zaghawa and Massaleit ethnic groups".<sup>482</sup>

## 5.5. Unlawful or disproportionate punishment for crimes

The US Department of State annual report covering 2014 describes the punishments which can be dictated according to Islamic law:

In accordance with sharia (Islamic law), the penal code provides for physical punishments, including flogging, amputation, stoning, and the public display of a body after execution, despite the constitution's prohibitions. Traditional customary law was commonly applied to convicted defendants. With the exception of flogging, however, such physical punishment was not frequently

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<sup>479</sup> Radio Dabanga, [Security detains more people in Central Darfur](#), 30 January 2015

<sup>480</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015 paragraph 55

<sup>481</sup> Radio Dabanga, [East Darfur authorises arrests of 'tribal clash agitators'](#), 20 May 2015

<sup>482</sup> UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined twelfth to sixteenth periodic reports of the Sudan](#), 12 June 2015, paragraph 7

used. Courts routinely imposed flogging, especially as punishment for the production or consumption of alcohol.<sup>483</sup>

In an October 2014 report REDRESS and African Centre for Justice and Peace Studies noted with regards to corporal punishment that:

Sudanese law recognises several forms of corporal punishment - stoning, amputation, cross-amputation and whipping. Sudanese courts imposed the sentence of stoning in two recent judgments, which were subsequently not carried out. However, the penalty of cross-amputation (amputation of the right hand and left foot) for armed robbery was carried out against 30-year old Adam al-Muthna by Government doctors in Khartoum on 14 February 2013.

Whipping is provided for as hudud punishment for adultery, wrongful accusation of adultery and drinking of alcohol, and for 18 other offences in the 1991 Criminal Act. Public order laws, which are enacted by the localities, also provide for whipping as one of the punishments. The sentence of whipping is common and routinely imposed, primarily following summary trials, and often used against vulnerable members of society, particularly women.<sup>484</sup>

In a May 2015 report the African Centre for Peace and Justice Studies noted several other flawed procedures and unfair punishments in Darfur:

Three men in Sudan are at risk of court-ordered amputation of the right hand from the wrist after being convicted of capital theft in an unfair trial before a Darfur court. The three convicted men, Mohamed Hassan Abdallah Mohamed, 19 years of age, Daoud Yousif Mohamed Hassan and Mohamed Omar Abdallah Ismael, both 20 years of age, are residents of the Abu Zar camp for internally displaced persons (IDPs) in El Geneina, West Darfur. The three secondary school students from the Masalit ethnic group in Darfur were found guilty of stealing 56,000 Sudanese Pounds (approximately \$9,400) at El Geneina Criminal Court on 12 April. They were convicted under articles 21 (joint acts of criminal conspiracy), and article 171 (Penalty of Capital Theft) of the 1991 Sudanese Penal Code which provides for the penalty of amputation of the right hand from the wrist. The men were convicted and sentenced to the amputations without legal representation, in breach of Sudanese and international fair trial and human rights standards. Article 135(3) of the 1991 Sudanese Criminal Procedure Act requires the Sudanese Ministry of Justice to appoint a defence lawyer for any person accused of an offence that carries a punishment of 10 years or more imprisonment, amputation or death.<sup>485</sup>

## 5.6. Death penalty

The UK Foreign and Commonwealth Office, in its report covering 2014 notes the following with regards to the situation in Sudan in general:

Sudan maintains the death penalty for a number of offences, including murder, adultery, sodomy, and alleged political crimes. International attention focused on the case of Meriam Ibrahim, who was sentenced to death for apostasy and her refusal to renounce Christianity. But there were many other cases where the death sentence was enacted for a range of crimes. It is difficult to quantify how often

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<sup>483</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section C. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

<sup>484</sup> REDRESS and African Centre for Justice and Peace Studies, [56th Session of the Committee on Economic, Social and Cultural Rights - Pre-Sessional Working Group on Sudan](#), 1 October 2014

<sup>485</sup> African Centre for Peace and Justice Studies, [Three Darfuri men at risk of court-ordered amputation of right hand](#), 25 May 2015

the death penalty was used due to a lack of consistent reporting and the informal justice mechanisms operating in parts of Sudan.<sup>486</sup>

In its report on 'Death sentences and executions in 2014' Amnesty International reports that "At least 23 executions were recorded in Sudan and at least 14 death sentences were imposed. At least 215 people were on death row at the end of the year, and at least four people were exonerated in 2014".<sup>487</sup>

The UK Foreign and Commonwealth Office also notes that "The death penalty continues to be applied in Sudan. A teacher was executed on 10 December for raping a female student. On 3 December, the Darfur Crimes Court sentenced seven people to death by hanging. They were found guilty of attacking Sudanese regular forces and for stealing a government vehicle. A police officer was sentenced to death by hanging on 28 October for murder. These are only some of the more prominent cases that were reported by the media".<sup>488</sup>

### 5.7. Detention conditions

Please note that due to limited specific reporting on this issue in relation to Darfur excerpts have been included reporting on general prison conditions in Sudan.

The September 2014 report of the Independent Expert on the situation of human rights in the Sudan notes with regards to detention conditions in Darfur that:

In Central Darfur the Independent Expert met the Governor of the State and members of his Cabinet, the Chief Prosecutor and the Speaker of the House of Assembly of the State. He also visited the Zalingei prison to inspect the facilities and conditions of the inmates. The situation in the male section of the prison was deplorable. The inmates complained about lack of water and poor sanitary conditions. There were a few apparently under-aged inmates in the prison and an inmate who had been awaiting trial for 33 months. There was also a young inmate who was held in shackles inside a cell. The female section of the prison had, however, been well refurbished to a reasonable standard with the assistance of international aid agencies. The Independent Expert raised concerns about the deplorable condition of the male section of the Zalingei prison and urged the Government to improve the conditions there. Central Darfur State further suffers from the problem of armed conflicts, which continues to affect the human rights of civilians.<sup>489</sup>

The US Department of State noted in its annual report covering 2014:

Prison conditions throughout the country remained harsh, overcrowded, and life threatening. The Prisons and Reform Directorate, a branch of the national police that reports to the Ministry of Interior, oversees prisons, but according to human rights activists and released detainees, military intelligence officials detained and held civilians in military installations, especially in conflict areas. The incidence of this practice reportedly increased during the year with the passing of amendments to the Armed Forces Act. [...]

Health care was often inadequate. Some prisoners did not have access to medications or physical examinations. Authorities generally provided food, water, and sanitation to prisoners, although the

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<sup>486</sup> UK Foreign and Commonwealth Office, [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015, *Death Penalty*

<sup>487</sup> Amnesty International, [Death sentences and executions in 2014](#), 31 March 2015, p.61

<sup>488</sup> UK Foreign and Commonwealth Office, [Sudan – Country of Concern: latest update 31 December 2014](#), 21 January 2015

<sup>489</sup> UN, [Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin\\*](#), 4 September 2014, *paragraph 11*

quality of all three was basic. Prisoners sometimes relied on family or friends for food. Most prisoners did not have access to beds. Ventilation and lighting conditions differed among prisons, and overcrowding was a major problem. There were reports of deaths due to negligence in prisons and pretrial detention centers, but comprehensive figures were not available. Local press reported deaths resulting from suspected torture by police. Human rights advocates reported suspicious circumstances surrounding the death of prisoners in Port Sudan. Human rights advocates reported additional deaths resulting from harsh conditions at military intelligence detention facilities such as extreme heat and lack of water. [...]

Human rights advocates reported that between April and May, three detainees died in the custody of military intelligence units in Nyala, South Darfur, and Fazugli, Blue Nile state. A fourth detainee from Nyala died in the hospital shortly after being transported from the military intelligence detention center. [...]

Rebel groups in Darfur and the Two Areas periodically detained persons in isolated locations and held them in prison-like detention centers.[...]

The Ministry of Justice occasionally granted UNAMID access to government prisons in Darfur. In February the government granted the UN independent expert for the human rights situation in Sudan access to Alhuda Prison, Omdurman Women's Prison, and Zalingi Prison in Western Darfur. The government refused requests for access to South Darfur.

In November the government requested that UNAMID suspend the activities of its human rights personnel based in Darfur who travelled to the mission's liaison office in Khartoum, asserting they were working outside the scope of their formal authorization. At year's end UNAMID remained in discussions with the government on the status of its operations in Khartoum.<sup>490</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that:

On 14 April, in Central Darfur, inmates in the Zalingei prison staged a violent break and seized a machine gun-mounted police vehicle from the prison. In an exchange of fire, one police officer and one prisoner were killed, while five other police officers and two prisoners were injured. Thirty-two prisoners, including 12 inmates on death row, escaped towards Saraf Umra. That incident highlighted continued security challenges in Darfur prisons, including a lack of basic security infrastructure and management and operational capacity.<sup>491</sup>

Reporting with regards to detention conditions in general in Sudan an October 2014 REDRESS and African Centre for Justice and Peace Studies notes that:

Conditions in detention facilities in Sudan are very poor, and lack adequate health care and food supplies, in particular police detention centres and women's prisons, which is due to inadequate resources being made available, resulting in the perpetuation of a poor overall infrastructure of the system. The treatment of prisoners often runs counter to international standards, including prisoners being routinely shackled or subjected to solitary confinement in small cells.

ACJPS monitoring of prison conditions has revealed that prisons often suffer from a lack of medical staff and services, in addition to shortages in medication and medical equipment. The failure to medically examine newly admitted inmates as well as the use of a single blade to shave several inmates has increased the transmission of diseases and long-term infections in prisons. Prisons also suffer from severe shortages in food supplies. These problems in Sudan's prisons, including food shortages, overcrowding and the lack of appropriate medical and other care facilities, are exacerbated by an increasing prison population and low prison budgets.<sup>492</sup>

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<sup>490</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Prison and Detention Center Conditions*

<sup>491</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, *paragraph 61*

<sup>492</sup> REDRESS and African Centre for Justice and Peace Studies, [56th Session of the Committee on Economic, Social and Cultural Rights - Pre-Sessional Working Group on Sudan](#), 1 October 2014

### 5.7.1. Torture in detention

Please note that due to limited specific reporting on this issue in relation to Darfur excerpts have been included reporting on general prison conditions in Sudan.

The UK Foreign and Commonwealth Office states with regards to the situation in Sudan that “torture is prohibited by Sudan’s 2005 interim constitution, but there were widespread reports in 2014 of torture being carried out, especially by the National Intelligence and Security Services (NISS). The final 12 people held in connection with the September 2013 demonstrations were released on 30 September after the Sudanese judge noted their confessions had been obtained under torture”.<sup>493</sup>

Similarly reporting on the general situation in Sudan Freedom House states in its annual report covering 2014 that “Human rights groups accuse the NISS of systematically detaining and torturing government opponents, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now. In June 2014, the courts finally decided the fates of 119 suspected members of the SPLM-North arrested in Blue Nile state in 2011. Of them, 53 were convicted of terrorist offences, and 46 of those received life sentences. According to the ACJPS, the vast majority reported being tortured in custody”.<sup>494</sup>

The US Department of State notes in its annual report covering 2014 that

According to NGOs, civil society activists in Khartoum, and former detainees, government security forces beat and tortured persons in detention, including members of the political opposition, civil society activists, and journalists. Subsequently, the government released many of these persons without charge. It did not investigate cases of torture or excessive use of force by security agents. Former detainees reported physical and psychological torture by police, the NISS, and military intelligence personnel of the SAF. Some of those arrested were subjected to torture and other forms of mistreatment, including prolonged isolation, exposure to extreme temperature variations, electric shock, and use of stress positions. Some female detainees alleged the NISS harassed and sexually assaulted them while in detention. [...]

Human rights advocates reported that between April and May, three detainees died in the custody of military intelligence units in Nyala, South Darfur, and Fazugli, Blue Nile state. A fourth detainee from Nyala died in the hospital shortly after being transported from the military intelligence detention center. [...]

All parties to the conflicts in Darfur and the Two Areas were accused of perpetrating torture and other human rights violations and abuses. Government forces abused persons detained in connection with armed conflict as well as IDPs suspected of having links to rebel groups. There were continuing reports government security forces, progovernment and antigovernment militias, and other armed persons raped women and children”.<sup>495</sup>

In its ‘Concluding observations’ the UN Human Rights Committee reported in August 2014 that “is also concerned by numerous allegations of acts of torture or ill-treatment committed by State officials”.<sup>496</sup>

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<sup>493</sup> UK Foreign and Commonwealth Office, [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015, *Torture*

<sup>494</sup> Freedom House, [Freedom in The World 2015 – Sudan](#), 28 January 2015, *Section F. Rule Of Law*

<sup>495</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Section G. Use of Excessive Force and Other Abuses in Internal Conflicts*

<sup>496</sup> UN Human Rights Committee, [Concluding observations on the fourth periodic report of Sudan \[CCPR/C/SDN/CO/4\]](#), 19 August 2014, *para. 15*

In October 2014 Radio Dabanga reported that “Agents of the National Military Intelligence detained a resident of the Northern Nierteti camp for the displaced in Central Darfur on Friday. “Ishag Yagoub Adam, nicknamed Kinji, was held by military intelligence agents while he was tending his farmland in the area of Jeldo,” a camp elder told Radio Dabanga. “They beat and tortured Kinji, accusing him of being affiliated with the rebel movement. He sustained serious injuries, and had to be transferred to the hospital of Nierteti for urgent treatment.””<sup>497</sup>

Radio Dabanga documented the detention and ill treatment of eight displaced people in Darfur on 18 November 2014:

Security authorities arrested eight displaced people in the area of Saboun El Fagur, east of Kass locality in South Darfur on Sunday. According to the women’s coordinator of the Kass camps, the detainees include Mohammed Ishaq Bosh, Siyam Gibril, Ahmed Abu El Lulu, and Siyam Bahrudin and four others whose names have not been verified. “They were whipped and tortured, and accused of belonging to the armed movements”. She denied that the detainees have any link with the armed movements. “They’re ordinary citizens who work selling dried tomatoes.” The coordinator added that the inhabitants of the camps now live in panic due to the arrests and repeated accusations by security authorities. In East Jebel Marra, pro-government militiamen shot and killed a 15 year old herder named Abdelnabi Mahjoub near the garrison guard of Khasan Tunjur on Monday. A relative of the deceased told Radio Dabanga that the militiamen then robbed him and fled from the scene.<sup>498</sup>

Radio Dabanga, in an article from 25 November 2014, documented a case of torture in detention in Darfur:

Doctors and workers at Sirba hospital in West Darfur have gone on strike in protest against the arrest and beating of health assistant Adam Ishag Dardama on Sunday. Security forces reportedly detained Dardama, beat and tortured him for about 7 hours before releasing him. The Coordinator of Sirba camps told Radio Dabanga that at 3 pm on Sunday, three Security force agents stormed Dardama’s home. He was released at 9 p.m. on Sunday after suffering hours of abuse.<sup>499</sup>

In January 2015 Radio Dabanga reported that “Authorities in Central Darfur are carrying out a series of detentions in Zalingei and Nierteti. Two men were held in Zalingei on Wednesday, two others in Nierteti, on Friday. Security agents detained a teacher of a secondary school in Golo, Central Darfur, on Wednesday. Another man was tortured for several hours”.<sup>500</sup>

The UN Committee on the Elimination of Racial Discrimination concluded in its ‘Concluding observations’ published in June 2015 that “The conflict in Darfur is marked by serious violations of human rights, including killings, torture, sexual violence, arbitrary detention and ill-treatment of civilians, particularly those belonging to the Fur, Zaghawa and Massaleit ethnic groups”.<sup>501</sup>

The African Centre for Justice and Peace Studies in its communication from 29 July 2015 reported on torture being practiced:

Sudanese authorities should urgently investigate the torture and custodial death of one man and reported torture of two others accused of providing information to the rebel Justice and Equality Movement (JEM). Immediate steps should be taken to guarantee the safety of the two men, who face

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<sup>497</sup>Radio Dabanga, [Military Intelligence torture Central Darfur farmer](#), 12 October 2014

<sup>498</sup>Radio Dabanga, [Displaced ‘arrested, whipped, tortured’ in South Darfur](#), 18 November 2014

<sup>499</sup>Radio Dabanga, [West Darfur health worker detained, tortured – hospital staff strike](#), 25 November 2014

<sup>500</sup>Radio Dabanga, [Security detains more people in Central Darfur](#), 30 January 2015

<sup>501</sup>UN Committee on the Elimination of Racial Discrimination, [Concluding observations on the combined twelfth to sixteenth periodic reports of the Sudan \[CERD/C/SDN/CO/12-16\]](#), 12 June 2015, para. 7 (a)

an ongoing risk of torture and have been detained incommunicado without charge in military custody in West Darfur since 17 July. The three men are thought to have been severely tortured at the Jebel Mun Military base in the Silea area of West Darfur. The body of 32-year-old Abakar Adam Ishag, showing signs of torture, including wounds sustained from a sharp object, was admitted to the Teaching Hospital in El Geneina town, West Darfur on 19 July. Ishag had been detained by the SAF from his home two days earlier, at around midday on 17 July, together with two other men who were taking breakfast with him on the first day of Eid. On 19 July he was taken to the hospital by a Commander of the Sudanese Armed Forces (SAF) from the Jebel Mun base but reportedly died on the way to the hospital. The three men were detained by the SAF from Abakar Adam Ishag's home in Karo Karo village, which lies to the east of Jebel Mun, at around midday on 17 July. The SAF officers reportedly arrived at Ishag's home in three Landcruisers and instructed them to get into the vehicles without providing any arrest warrants. According to reliable sources, the three men, who are all members of the Misseriya Jabal ethnic group and are farmers who also work at Silea Market during the dry season, were accused of providing information to the JEM. Abakar Adam Ishag was reportedly accused of being a key JEM informant. Available information suggests that the three men were subjected to torture including severe beatings over two days at the Jebel Mun Military Base. There are also unconfirmed reports that Abakar Adam Ishag was suspended from a tree and beaten with a Kalashnikov rifle during that time. Wounds on his corpse indicated that he had also been stabbed or beaten with a sharp object. The body of Abakar Adam Ishag was cremated without his family members being notified. The African Centre for Justice and Peace Studies (ACJPS) calls on the Government of Sudan to immediately investigate the grave allegations and hold those responsible to account.<sup>502</sup>

## 6. Ethnic groups

According to the CIA World Factbook, the Sudanese ethnic groups comprise: Arab (approximately 70%), Fur, Beja, Nuba, Fallata.<sup>503</sup>

### 6.1. Arab ethnic groups

The undated website of the Embassy of the Republic of the Sudan in Washington, D.C., USA, lists the following Arab tribes: "As for Arab tribes, they are headed by Rizeighat which is spread over central and southern Darfur. The Rizeighat tribe is considered pastoral, locally known as the "Baggara" or herdsmen, raising cattle and sheep. Small branches of the tribe live on farming around the town of Dhain. Other Arab tribes include Beni Halbeh, Habbaniya, Taisha, Salamat, Mahamis and Ma'alia who trace their ancestry back to the legendary north African knight "Abu Zaid Al-Hilali".<sup>504</sup>

In a report dating April 2015 the International Crisis Group gives an overview of the intra-arab conflicts in Darfur stating that "Intra-Arab conflicts have pitted against each other communities and militias that have been fighting on the government's side. Khartoum has generally been cautious about taking sides lest it drive the other to the rebels. All blame the government for non-support, so the conflicts have increased resentment among Darfur's Arabs. All sides also tried, with limited success, to paint their adversaries as rebels, so as to get government backing. They have been more successful in mobilising kinsmen in paramilitary forces (more rarely the army). Tribes also asked kinfolk army officers and politicians to find support in Khartoum; their intervention sometimes

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<sup>502</sup>The African Centre for Justice and Peace Studies, [Two men at serious risk after torture and custodial death at West Darfur Military Base](#), 29 July 2015

<sup>503</sup> Central Intelligence Agency (CIA), [World Factbook Sudan](#), last updated 6 August 2015, *People and Society*

<sup>504</sup> Embassy of the Republic of Sudan in Washington D.C., [Tribal composition](#), undated

switched the balance of intra-Arab conflicts, for instance in favour of the Ta'aisha against the Salamat, and the Rizeigat against the Beni Husein".<sup>505</sup>

The US Department of State annual report of June 2015 (covering 2014) noted that "Intertribal tensions between the Rezeigat, Ma'alia, and Beni Hussein ethnic groups also contributed to North Darfur's deteriorated security situation. In September [2014] the Rezeigat signed separate peace agreements with the Beni Hussein tribe and the Zaghawa ethnic groups. Peace and reconciliation talks between the Ma'aliya and Rezeigat ethnic groups fell short of a peace agreement".<sup>506</sup>

An October 2014 African Arguments article describes the connection between the tribal conflicts and the struggle for economic power in Sudan:

The Sudanese ruling party's heightened interest in South Kordofan's and Darfur's recently discovered oil fields and its role in spurring violence in the area fits an ongoing pattern of setting neighbouring tribes against one another to consolidate economic control and power. A well-known strategy of "divide and rule" works by governmental favouritism of the smallest tribe in any region, active support and militarization of these tribes to create a power imbalance in favour of the tribes with the smallest numbers.

The pattern of results has always been heightened antagonism between the government backed tribes and the traditional leadership, a position traditionally held by the biggest tribe in the region- inter-tribal disputes sometimes start off between the youth of the tribes, often leading to deadly conflict.<sup>507</sup>

An October 2014 African Arguments article reported on the conflict between the *Rizeigat* and *Maalyia* tribes stating that "Tribal clashes between Ma'alya and Rizeigat tribes broke out in early January of this year, multiple clashes throughout the year culminated in an all-out war last August in the oil rich State of East Darfur, leaving scores dead and injured from both tribes.

Conflict between the two neighbouring tribes over rights to land, shared resources and leadership has spanned several decades, the last two years has seen an upsurge in conflict between the two tribes, which left thousands dead and hundreds injured".<sup>508</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur noted that "In August and September, armed Arab militias and the Rapid Support Forces increased their control over areas in North, South and East Darfur with reported attacks on civilians, including internally displaced persons, by the Northern Rizeigat in Korma, Tawilla and Shangil Tobaya (North Darfur) and by the Northern Rizeigat, Southern Rizeigat and Misseriya in Menawashi (South Darfur) and Labado (East Darfur)".<sup>509</sup>

An April 2015 International Crisis Group report gives an overview of the *Salamat* versus *Misseriya* and *Ta'aisha* conflict in Central Darfur:

Communities of the Salamat, a large tribe in Chad, have migrated since the 1970s to Darfur, where they gained mid-level chieftaincies (omodiyia) under Arab paramount chiefs, including the Ta'aisha, one of four baggara (cattle herding) tribes holding a dar (traditional administrative unit) and a nazir (paramount chief). In Um Dukhun area, they co-existed with other guests, in particular Misseriya, a

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<sup>505</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 7

<sup>506</sup> US Department of State, *Country Report on Human Rights Practices 2014 - Sudan*, 25 June 2015, section 1. g. Use of excessive force and other abuses in internal conflict

<sup>507</sup> African Arguments, *How tribalism continues to direct governance in Sudan*, 30 October 2014

<sup>508</sup> African Arguments, *How tribalism continues to direct governance in Sudan*, 30 October 2014

<sup>509</sup> UN Security Council, *Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur*, 26 November 2014, paragraph 10

large Arab people with land in Chad and West Kordofan. The Salamat sought government support by joining paramilitaries to obtain land rights and paramount chieftaincies.

Conflict was reportedly triggered by theft of a Salamat's motorbike by Misseriya in April 2013, followed by mutual killings. The Ta'aisha, long in dispute with the Salamat, sided with the Misseriya, and fighting expanded over central Darfur. By June, Salamat and Misseriya had an estimated 300 casualties each. Some 50,000 civilians, largely Salamat, took refuge in Chad. All sides called on members or ex members of paramilitary forces, reportedly including Misseriya Border Guards from Nateiqa, South Darfur. Ta'aisha Central Reserve Police (CRP) forces allegedly were led by the International Criminal Court (ICC)-indicted Ali "Kosheib". In July 2013, during unrest in South Darfur's capital, Nyala, he was wounded by a Salamat BorderGuard, who was then arrested and reportedly died after torture. The Ta'aisha were said to enjoy political backing from Finance Minister Ali Mahmoud, a kinsman.

Largely displaced to Chad, the Salamat vowed return and revenge, including by mobilising kin in Chad. This might have expanded conflict into Chad, where many Salamat, Misseriya and Hemat (from whom the Ta'aisha are said to originate) live.

By October, the conflict was said to have calmed, but a government-led reconciliation process has been limited to the immediate Salamat-Misseriya conflict in Um Dukhun area without addressing older, deeper tensions with the Ta'aisha.<sup>510</sup>

The same report further noted on the conflict between the *Beni Hussein* and *Rizeigat* tribes in North Darfur that:

The Beni Husein is the only Arab tribe that obtained land in Darfur during colonial times. It enjoyed relatively good relations with non-Arab neighbours, but in 2012, gold was discovered in the Jebel Amir hills in Dar Beni Husein (land of the Beni Husein). Perhaps 100,000 prospectors rushed in from all over Sudan, as well as Chad, CAR [Central African Republic], Niger and Nigeria. In January 2013, a particularly rich gold mine became the object of fighting between Beni Husein, arguing historical rights, and abbala Rizeigat miners. Violence quickly spread. By mid-2013, the Beni Husein said they had suffered nearly 840 dead and 420 injured (the better-armed Rizeigat had fewer). Some 150,000 persons, mostly Beni Husein, were reportedly displaced.

Paramilitary troops or ex-members, particularly Border Guards, were on both sides. Rizeigat, a large part of those forces, could mobilise from all over Darfur; more Rizeigat fighters reportedly also came from Chad and CAR and took over the mine.<sup>511</sup>

The April 2015 International Crisis Group report further documents the conflict between *Rizeigat* and *Ma'aliya* tribes in East Darfur noting that "The conflict between the baggara Rizeigat, East Darfur's majority tribe, and the Ma'aliya, is among the oldest. The Ma'aliya inhabit the border areas between West Kordofan and East Darfur, into which they migrated more than a century ago. They were initially hosted by the Rizeigat, whose well-established nazir holds authority over large swathes of land. After several conflicts and peace conferences, the Ma'aliya acquired their own nazir and land rights, but clashes continued, with the Rizeigat suspecting Ma'aliya communities, notably the Agarba Ma'aliya of Kilekil Abu Salama, of seeking additional land rights and chieftaincies".<sup>512</sup>

The same source also noted that "Fighting resumed in August-September 2014, with reportedly 300-400 dead, mostly Ma'aliya. By February 2015, a new reconciliation process outside Darfur stalled, unable to address the conflict's root cause: land. The renewed conflict led to a new East Darfur state government on 30 August. Yet, many, including among the Rizeigat elite, began to criticise that state's creation (some had once supported the idea of a Rizeigat-dominated state), realising the change not only undermined their importance in the former (larger) South Darfur, but also created

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<sup>510</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 7

<sup>511</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 9-10

<sup>512</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 9

conflict with minority tribes, including the Ma'aliya. Many now see East Darfur as an example of the danger of creating additional mono-ethnic states".<sup>513</sup>

The same source notes with regards to the *Beni Halba* and *Habbaniya* tribes that "More localised violence pitting Arab militias against non-Arab communities included attacks by Beni Halba Arabs against the South Darfur Gimir community in 2013 over land; by Abbala Rizeigat militias against Gimir and Tama communities in Saref Omra (North Darfur) in March 2014, over local disputes; and between Habbaniya Arabs and Fellata (Pula) in the Buram area (South Darfur) in September 2014, over rustling".<sup>514</sup>

A July 2015 African Arguments article describes the relationship between Bashir's government and the Rizeigat tribe:

Reflecting on Bashir's government, it should be clear that he leans overwhelmingly toward the Arab groups. He continues to marginalize the members of his own party who come from African origin tribes.

For instance, in Darfur, he rewarded the clans of the Rizeigat (Arab-origin) ethnic group of South and East Darfur. Reliable sources confirm that Hasabu Mohamed Abdel-Rahman, who retained his position in the new government as a vice president, and Mohamed Hamdan Daglo (known as Hemeti), the commander of the Janjaweed that was reconstituted as the Rapid Support Forces (RSF), succeeded in securing some key positions for their relatives and supporters in the government at different levels.

Hasabu and Hemeti both belong to the Mahariya, one of the main clans of the Rizeigat tribe. The government includes six members from the Rizeigat, and Hasabu is widely perceived as a representative of the Janjaweed in Sudan's presidency.

The newly appointed governor of West Kordofan, Abulgasim al-Ameen Baraka, is from the Rizeigat. Baraka is one of the Janjaweed leaders of West Darfur; he played an instrumental role in mobilizing the Janjaweed militias against the Masalit ethnic group in West Darfur state.

Adil Hamid Dalgo (Hemeti's cousin) has preserved his position as a state minister of tourism and environment. Adam Jamma (Rizeigat) was appointed a governor of Kassala state in East Sudan. Governor Jamma was also part of the Janjaweed mobilization campaign during the early years of the Darfur conflict.

Abulhameed Musa Kasha (Rizeigat), a Janjaweed mobilizer and former governor of East and South Darfur, has been appointed governor of the White Nile state. El Sadig Mohamed Ali (Rizeigat) has been appointed state minister at the ministry of trade and investment.<sup>515</sup>

A Small Arms Survey report dating July 2015 describes the recruitment of Rizeigat members to the RSF (Rapid Support Forces) noting that "The RSF, numbering around 10,000–15,000 in the whole of Sudan as of early 2015, developed from an initial group of 5,000–6,000 fighters recruited from the Abbala Rizeigat tribe of North Darfur, who were mobilized in Darfur; the RSF was then extended to the whole of Sudan".<sup>516</sup> The April 2015 "Chaos in Darfur" report published by the International Crisis Group similarly notes that "The first RSF regiment of 5,000-6,000 was mostly recruited from South Darfur Abbala (camel-herding) Rizeigat forces under Mohammed Hamdan Daglo "Hemmeti", who was then appointed brigadier general in Sudan's army".<sup>517</sup>

#### ❖ *Rizeigat*

<sup>513</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 10

<sup>514</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 6

<sup>515</sup> African Arguments, *Bashir's Autocratic Regime is Fighting for its Survival*, 17 July 2015

<sup>516</sup> Small Arms Survey, *Sudan Working Paper 38; Two Fronts, One War: Evolution of the Two Areas*, July 2015, p. 22

<sup>517</sup> International Crisis Group (ICG), *The Chaos in Darfur*, 22 April 2015, p. 5

For more information see also that contained under [Beni Hussein](#), [Habbaniya](#), [Misseriya](#) and [Maaliya](#).

The Joshua Project, a US-based organization that maintains ethnological data to support Christian missions abroad, indicates on its undated website the size of the Rizeigat population as 343,000.<sup>518</sup>

Human Rights Watch noted in its annual report of January 2015 (covering 2014) that “Conflict between the Rizeigat and Ma’aliya groups in South Darfur killed hundreds”.<sup>519</sup>

An August 2014 Radio Dabanga article reported with regards to the conflict between Rizeigat and Ma’aliya in East Darfur that:

Since the beginning of this year, tribal conflicts between the Rizeigat and Ma'aliya have frustrated the formation of a new government in East Darfur State. “The insecurity in the state, caused by the continuous tension and repeated clashes between the Rizeigat and Ma'aliya, has sparked an administrative crisis in East Darfur’, a young activist reported to Radio Dabanga from the state capital of El Daein. “The administrative imbalance in East Darfur since the beginning of this year is turning into a real crisis, affecting the entire state and its population. The governor of East Darfur State has been unable to form a government so far, owing to his incompatibility to arrange for reconciliation between the two tribes.”<sup>520</sup>

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in August 2014 that “According to reports received by the UN, over 300 tribesmen (200 Ma’aliya and 123 Rizeigat) were killed following fighting over resources in the area of Umm Rakoba village in Abu Karinka locality, East Darfur. A further 70 Rizeigat and an unknown number of Ma’aliya have reportedly been injured. The Government has deployed additional forces to the area, while efforts to resolve the conflict are ongoing in Khartoum. Umm Rakoba village has mostly been destroyed and women and children have fled to Adila, according to these reports. The exact number of displaced people following fighting is not available. Tension and armed clashes between the two groups mainly over access to and control of resources, including land and water, have been reported in the past”.<sup>521</sup>

The US Agency for International Development similarly reported in September 2014 that “Mid-August clashes between members of the Ma’aliya and Rizeigat ethnic groups in East Darfur’s Abu Karinka, Adila, and Ed Daein localities killed at least 323 people—according to unverified reports—and displaced approximately 55,000 people in Adila alone, the U.N. reports”.<sup>522</sup>

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in October 2014 that “On 11 October a dispute between some members of the Rizeigat and Ma'aliya tribes in Abu Dangal over alleged cattle theft resulted in the death of one person. The extension of tension between the two tribes to Abu Dangal, which has not been within the traditional area of the two tribes, is a concern”.<sup>523</sup>

Radio Dabanga reported in a November 2014 article on the conflict between Rizeigat and Ma’aliya tribes in East Darfur noting that “The head of Sudan’s Council of States, Ambli Abdulla El Ajab

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<sup>518</sup>The Joshua Project, [Country: Sudan](#), undated

<sup>519</sup>Human Rights Watch, [World Report 2015 - Sudan](#), 29 January 2015

<sup>520</sup>Radio Dabanga, [Tribal conflicts hamper East Darfur State govt. formation](#), 14 August 2014

<sup>521</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin: Sudan; Issue 34; 18 - 24 August 2014](#), 28 August 2014, p. 4

<sup>522</sup> US Agency for International Development (USAID), [Sudan - Complex Emergency Fact Sheet #6, Fiscal Year \(FY\) 2014, 30 September 2014](#), p. 3

<sup>523</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin: Sudan; Issue 41; 6 - 12 October 2014](#), 12 October 2014, p. 3

confirmed the worsening of the situation in East Darfur and difficulty containing the conflict between Rizeigat and Ma'aliya tribesmen. Speaking during the Council of States' visit to East Darfur, the Deputy- Head of the Council Badawi El Khair said that "the establishment of the State was not successful" and demanded the rehabilitation of the state administration. He said it should "focus on the work on its localities instead of partnership with Ed Daein". The Governor of East Darfur, Col. El Tayeb Abdelkarim Ahmed announced support for tribal reconciliation and social peace. "We've had enough conflicts and tribal infighting".<sup>524</sup>

A January 2015 International Crisis Group report describes the involvement of the Rizeigat tribe in the Rapid Support Forces stating that "The mid-2013 rainy season saw little fighting and stalled peace talks, but the Sudan government was preparing for war and, on 12 November 2013, announced its seif as-sakhan (hot dry season) campaign to "end the rebellion" in South Kordofan, Darfur and Blue Nile. Though it expressed its readiness to resume talks, officials saw a new chance to resolve the conflict militarily. Government forces contained rebel expansion and reconquered some territory around Kadugli but failed to penetrate further into the Nuba Mountains or cut the road to South Sudan. These modest results came despite deployment of the recently-formed paramilitary Rapid Support Forces (RSF), whose first regiment, 5,000-6,000 strong, was mostly recruited in South Darfur from the local abbala (camel-herding) component of the Rizeigat Arab tribe, the bulk of the infamous "Janjawid" militias".<sup>525</sup>

Radio Dabanga reported in February 2015 on peace talks between Ma'aliya and Rizeigat tribes:

The leaders of the Ma'aliya and Rizeigat tribes have demanded the Sudanese Presidency of the Republic to form a mechanism that will bring together the two warring tribes and fully implements the decisions of their reconciliation.

There is a need for a body that deals with the outcomes of the tribal reconciliation conference in Merowe, in the country's North state, that started on 17 February.

A member of the Shura Council of the Rizeigat tribe, Mohamed Eisa Aliou, confirmed to Dabanga Sudan that the conference currently continues its work through committees. They are to discuss issues such as compensations for the fighting and killing (blood money), the dead, the wounded, the stolen items, and the root causes of the problem.

On his part, the representative of the Ma'aliya tribe, Ibrahim Hassan El Basha, acknowledged that the dispute between the two tribes is related to the conflict over land. He added that the formation of a mechanism of implementation will sustain the peace.<sup>526</sup>

The March 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur provides an overview of the current trends and conflict dynamics between the Rizeigat and Ma'aliya noting that "In July and August 2014, hostilities resumed following cattle theft by Southern Rizeigat at a Ma'alia village. The clashes, involving the Rapid Support Forces and the Border Guards, left 320 people dead. UNAMID actively engaged with the state authorities, tribal leaders and members of civil society, calling for immediate measures to be taken to stop the fighting. A task force consisting of eight representatives of the two tribes was formed to invigorate the reconciliation process. Four investigators and five judges were appointed to investigate and prosecute persons suspected of involvement in the clashes. Those efforts notwithstanding, tensions remained high because disagreements over ownership, control and utilization of land and resources had not been resolved sustainably".<sup>527</sup>

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<sup>524</sup>Radio Dabanga, [Concern over 'worsening tribal conflict' in East Darfur](#), 26 November 2014

<sup>525</sup> International Crisis Group (ICG), [Sudan and South Sudan's Merging Conflicts](#), 29 January 2015, p. 2

<sup>526</sup>Radio Dabanga, [Sudanese tribesmen request reconciliation mechanism](#), 27 February 2015

<sup>527</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 28

The same report further noted that “UNAMID engaged with youth leaders to de-escalate the situation and supported the talks between the two communities in July and August 2014. Following a reconciliation conference mediated by a committee composed of tribal leaders and witnessed by the second Vice-President, an agreement between the tribes was signed in Al Foula, Western Kordofan, on 27 September 2014. The agreement was aimed at addressing resource sharing, the amount of blood money (diya) to be paid and the return of Hammar living in Ma’alia territory and vice versa. By the end of October, the tribesmen had returned to their respective tribal areas”.<sup>528</sup>

Radio Dabanga noted in an April 2015 article that “The commissioner of Ed Daein in East Darfur has confirmed that the official numbers of casualties are at least nine people killed and four others wounded during the fighting between Rizeigat and Ma’aliya tribesmen on Wednesday in Dar Es Salam area. The nine dead are members of the Rizeigat tribe. Commissioner Ali Taher Sharif reported to Radio Dabanga that he did not know the number of casualties among the Ma’aliya”.<sup>529</sup>

A May 2015 Sudan Tribune article provides an overview of the conflict between Rizeigat and Ma’aliya tribes noting that “Tribal fighting has intensified in four of Darfur’s five states during the past two years leading to thousands of deaths and injuries and forcing over 300,000 people to flee their homes. They are usually triggered by land disputes, pasture rights and fighting over water resources. More than 7,000 people were killed in those clashes since 2007. The conflict between the Rizeigat and the Ma’alia tribes in East Darfur state is considered one of the longest and most deadly in the region. Both the Rizeigat and the Ma’alia are pastoralist tribes, based in East Darfur. The centre of Rizeigat territory is in El Daein town, while the Ma’alia centre is in Adila, the second largest town after El-Daein”.<sup>530</sup>

#### ❖ Beni Hussein

For more information see also that contained under [Rizeigat](#).

Radio Dabanga reported in an August 2014 article that “Abbala tribesmen attacked Beni Hussein farmers in the area of Hijeir Tigeiteeg in El Sareif Beni Hussein locality, North Darfur, on Tuesday, amid fears of renewed clashes again between the two tribes. Speaking to Radio Dabanga, an activist reported that on Tuesday “five farmers were slaughtered, four shot dead, and one sustained injuries in an attack by Abbala militants in the area of Hijeir Tigeiteeg, located between El Sareif town and Jebel ‘Amer”. “After the attack in Hijeir Tigeiteeg, the Abbala ambushed farmers in the areas of El Hiran, Hijeir Ennus, and Um Madsees in the locality. In the ensuing gunfights, the farmers managed to repel the attackers””.<sup>531</sup>

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in September 2014 on peace talks between Beni Hussein and Northern Rizeigat tribes in North Darfur stating that:

On 19 September, the Beni Hussein and Northern Rizeigat tribes signed a peace agreement in North Darfur’s Kebkabiya town, facilitated by local authorities. Since the signing of the agreement all roads between the three localities of El Sireaf, Saraf Omra and Kebkabiya have been re-opened allowing for the free movement of people, commercial trucks and goods without the need for armed escorts. According to the agreement, all people displaced due to conflict can return to their home and diya (compensation money) for tribesmen killed would be paid to both parties. A joint armed force - which

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<sup>528</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 29

<sup>529</sup> Radio Dabanga, [East Darfur confirms nine dead in tribal fight](#), 3 April 2015

<sup>530</sup> Sudan Tribune, [Fears of renewed tribal clashes following large-scale mobilization in East Darfur](#), 10 May 2015

<sup>531</sup> Radio Dabanga, [Abbala herders attack Beni Hussein farmers in North Darfur](#), 27 August 2014

will remain in effect for six months – is to be established to secure roads between the three localities (El Sireaf, Saraf Omra, Kebkabiya). The agreement also called for the formation of a joint committee, made up of 90 people from each tribe, to prevent clashes in public areas and markets and to arrest criminals from both tribes.<sup>532</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur noted that “Resource-based intercommunal fighting continued in North Darfur, where Beni Hussein and Northern Rizeigat in the localities of El Sireif and Saraf Umra clashed five times from 25 to 28 August, when 150 camels were stolen by Beni Hussein at Taigai village. In total, at least 16 Northern Rizeigat and 25 Beni Hussein were killed”<sup>533</sup>.

The March 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur provides an overview of the current trends and conflict dynamics between the Beni Hussein and Northern Rizeigat tribes:

Fighting subsequently flared up in the localities of El Sireif and Saraf Omra, where the Beni Hussein and the Northern Rizeigat clashed five times from 25 to 28 August 2014, leaving at least 16 Northern Rizeigat and 25 Beni Hussein dead. UNAMID engaged extensively with the native administration and tribal leaders from North Darfur and West Darfur, the state authorities and the Sudanese armed forces in an effort to contain further clashes and pursue genuine reconciliation.

From 18 to 21 September 2014, Northern Rizeigat and Beni Hussein leaders from Central Darfur, South Darfur and West Darfur established a peace committee and conducted campaigns in the Jebel Amer gold-mining area. Those efforts resulted in the end of the conflict and the restoration of relative calm in El Sireif. UNAMID encouraged the leaders to continue consultations with the Northern Rizeigat to open the blockade of the El Sireif-Kabkabiya-Saraf Omra road, which was hindering the movement of civilians and curtailing commercial activities in the area. The road reopened on 28 September 2014. Tensions persist, however, because issues pertaining to the management of the gold mine remain unresolved.<sup>534</sup>

An Enough Project report dating December 2014 describes the impact of mining on the Beni Hussein tribe:

As a consequence of gold’s increasing importance to the government of Sudan, a multilateral commitment to targeting the Sudanese government’s economic lifelines by stigmatizing Sudan’s gold as “conflict-affected” could be a powerful tool. Industry leaders and refiners have already pledged to apply existing due diligence standards to their purchases of gold. Highlighting possible connections to conflict would ensure that they do similar diligence before purchasing gold originating from Sudan. In 2012, hundreds of thousands of people were displaced as a result of the state-sponsored attacks by Abbala militias on the Jebel Amer mines in North Darfur. Now, the Beni Hussein community, traditional custodians of the area, have been largely excluded from the benefits of the mine’s profits. Although the situation remains fluid, as of December 2014, the mines were in the hands of the influential Darfuri leader Musa Hilal and aligned Abbala militiamen, who historically formed the backbone of the Janjaweed.<sup>535</sup>

#### ❖ Beni Halba

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<sup>532</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin; Sudan; Issue 39; 22-28 September 2014](#), 28 September 2014, p. 2

<sup>533</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 18

<sup>534</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 13 March 2015, paragraph 32

<sup>535</sup> Enough Project, [Starving War, Feeding Peace, and Setting the Table for National Dialogue in Sudan](#), December 2014, p. 9

Sudan Tribune reported in a March 2015 article that “In 2014, deadly clashes erupted between the Gimir and Beni Halba tribes in a village near Edd al-Fursan, about 100 kms southwest of the South Darfur state capital of Nyala leading to the death of more than 900 people and wounding of hundreds others”.<sup>536</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that “In Central Darfur, Beni Halba and Borno elements clashed on 6 March in Orokom in the vicinity of Zalingei. Two persons were killed and four others injured”.<sup>537</sup>

❖ Habbaniya

For more information see also that contained under [Rizeigat](#).

The size of the Habbaniya (also: “Habbania”) is indicated by the Joshua Project, a US-based organization that maintains ethnological data to support Christian missions abroad, as being 364,000.<sup>538</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that “On 6 September, members of the Fallata and Habbaniya tribes clashed near Shagag village, Buram locality (South Darfur), resulting in two fatalities on each side. Another clash erupted the following day, resulting in the death of two Habbaniya and four Fallata tribesmen. The clashes appeared to have been caused by incidents of animal rustling by both sides. On 30 September, Fallata tribesmen clashed with Southern Rizeigat in Labado (East Darfur).<sup>539</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to the conflict between Habbaniya and Southern Rizeigat tribes over cattle theft:

The incidence of cattle rustling was particularly high in Southern Darfur during the reporting period, with armed elements taking advantage of the ongoing migration season to carry out raids against neighbouring communities. The relative absence of security forces in most of the areas where the rustling occurred created the conditions for violent retaliatory raids by community self-defence groups and a vicious cycle of attacks and reprisals.

The conflict between Southern Rezeigat and Habaniya tribes, which erupted on 24 March in the Sunta locality, Southern Darfur, over mutual accusations of cattle theft, was an illustration of this pattern. The conflict resulted in the death of 10 Habaniya and four Rezeigat individuals, and the wounding of 16 Habaniya and 6 Rezeigat individuals. From 21 to 23 March, another wounding of 16 Habaniya and 6 Rezeigat individuals.<sup>540</sup>

Radio Dabanga reported in a July 2015 article on the conflict between Habbaniya and Rizeigat tribes in South Darfur stating that:

At least 176 people were killed and dozens wounded in clashes that broke out between Rizeigat and Habaniya tribesmen in Sunta locality, South Darfur, on Tuesday.

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<sup>536</sup>Sudan Tribune, [Death toll from South Darfur tribal clashes continues to rise](#), 25 March 2015

<sup>537</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 9

<sup>538</sup>The Joshua Project, [Country: Sudan](#), undated

<sup>539</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 19

<sup>540</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 9

Multiple witnesses reported to Radio Dabanga that the fighting erupted after a gunfight between cattle rustlers and a “rescue team” earlier that day. A group of Rizeigat had stolen 39 head of cattle from the Habaniya village of Abyad Tabaldiya, whereupon the rescue team set up an ambush to retrieve their cattle.

In the ensuing fire fight, five Rizeigat and one Habaniya tribesman were shot dead. The rest of the rescue team then took the stolen cows, as well as a number of sheep and goats belonging to the Rizeigat, and returned to their village.

In response, a large group of angry Rizeigat riding in Land Cruisers and others on horses attacked the Habaniya, and shelled Abyad Tabaldiya with RPGs (rocket-propelled grenades) and other missiles.

More than 130 Rizeigat and 40 Habaniya were killed, the sources reported. The village entirely burned to the ground. The wounded were transferred to the hospital of Buram.<sup>541</sup>

#### ❖ Ta’aisha

For more information see also that contained under [Salamat](#).

An August 2014 Sudan Tribune article noted that:

One person was beaten to death by a group of people in the market of Kabar administrative unit in Um Dukhun County, Central Darfur state, against the background of the tribal conflict between Salamat and Ta’aisha tribes. Eyewitness told Sudan Tribune on Wednesday that Ahmed Al-Mighdad Al-Taher, went shopping at Kabar market when he was attacked by group of men and beaten to death. An official at Um Dukhun locality, who preferred to stay anonymous, said the two tribes are living in a state of estrangement and tension due to bloody clashes that took place between them and left large numbers of deaths besides displacement of entire communities.

At the time, Salamat accused the notorious Ta’aisha militia leader known as Ali Kushayb, who is wanted by the International Criminal Court (ICC) of using government vehicles to commit crimes of killing and burning against unarmed civilians.

The government of South Darfur state held several reconciliation conferences to resolve tribal clashes but its efforts have not succeeded so far.<sup>542</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to the conflict between Ta’aisha and Salamat tribes that “Beyond cattle rustling, the weaknesses and limitations of local authorities supporting reconciliation processes aimed at addressing previous tribal violence led to the resumption of some conflicts. In this regard, a deadlock in the reconciliation process between the Arab Ta’aisha and Salamat tribes following their violent confrontation in 2013 led to a renewed vicious cycle of attacks and reprisals in Riyad al-Bardi, Southern Darfur, throughout March, which resulted in the evacuation of hundreds of Salamat families from the area”.<sup>543</sup>

#### ❖ Misseriya

For more information see also that contained under [Rizeigat](#) and [Salamat](#).

A November 2014 Agence France Presse article stated that “The Misseriya is one of the biggest Arab tribes in Kordofan, and its clans are mostly nomadic cattle herders. Sudan's government armed the Misseriya and other groups during the country's 22-year civil war which ended in 2005 and led to South Sudan's separation”.<sup>544</sup>

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<sup>541</sup>Radio Dabanga, [Rizeigat, Habaniya clashes in South Darfur leave more than 170 dead](#), 15 July 2015

<sup>542</sup>Sudan Tribune, [One person killed in Central Darfur in tribal vendetta](#), 7 August 2014

<sup>543</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 10

<sup>544</sup> Agence France Presse (AFP), [Over 100 dead in clashes in Sudan's Kordofan: tribes](#), 27 November 2014

An October 2014 UN Office for the Coordination of Humanitarian Affairs reported on incidents involving Misseriya tribesmen in South Darfur stating that:

On 16 October, the body of a Misseriya tribesman was found near the market in Dereige internally displaced persons (IDP) camp in South Darfur. Police arrested a number of displaced people, including the sheikh (IDP community leader) who reported the incident. The sheikh and another person were released, but three displaced people remain in custody. According to the sheikh, the deceased died of gunshot wounds, noting that no displaced people in the camp possess weapons. According to the sheikh, the Misseriya tribesmen came to the camp and demanded the arrest of the killer and payment of compensation (diya). Since then over 200 armed Misseriya and allied Rizeigat tribesmen have been threatening to attack the camp.

Despite maintaining their innocence, camp residents have decided to pay the diya for the sake of peace and safety. Tensions have now reduced and a meeting was scheduled on 27 October between the two groups facilitated by the Government's Humanitarian Aid Commission (HAC) to negotiate the details of the diya.<sup>545</sup>

An US Agency for International Development report dating December 2014 stated that "In late November, inter-communal, land-related clashes between members of the Misseriya ethnic group in Western Kordofan State resulted in more than 100 deaths and displaced an unknown number of civilians, according to local media and the U.N. The insecurity prompted humanitarian agencies in the area to suspend or restrict operations in the areas, however WFP [World Food Program] and other U.N. actors reportedly gained access and delivered relief assistance in recent weeks".<sup>546</sup>

The UK and Commonwealth Office (FCO) noted in its January 2015 report that "During 28-30 November, clashes between rival clans of the Misseriya tribe in West Kordofan reportedly led to 156 deaths and 183 injuries. Photographs circulated after the violence suggested numerous human rights violations may have been committed".<sup>547</sup>

The UN Office for the Coordination of Humanitarian Affairs noted in a January 2015 report that "The protracted conflict between the Misseriya and Salamat tribes in Central Darfur's Um Dukhun locality over the past two years has had a negative impact on the education system in the area. In response, the international NGO Tearfund, in partnership with UNICEF, is implementing an emergency education project aimed at providing children in IDP camps and returnee villages in the locality".<sup>548</sup>

A January 2015 Radio Dabanga article stated that:

"Seven people were killed in a new clash between the Rizeigat and Misseriya tribesmen near El Meram in West Kordofan on Monday. The seven Misseriya tribesmen, among them four brothers, died in the area southwest of El Meram. It is not clear what triggered the fighting.

Rizeigat and Misseriya leaders hold the Sudanese government responsible for the continuation of armed conflicts between the two tribes. Musa Hamadein, a Misseriya leader, briefly commented that the government "is not serious about solving the problems between the two tribes".

The spokesman for the Rizeigat Council of Elders, Younes Farah, told Dabanga that the government "did not fulfil its duties in enforcing security in the area". "A reconciliation conference between the two tribes is finally planned to take place in Ed Daein, capital of East Darfur, this Friday," he said. "The

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<sup>545</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin; Sudan; Issue 43; 20 - 26 October 2014](#), 26 October 2014, p. 2

<sup>546</sup> US Agency for International Development (USAID), [Sudan – Complex Emergency Fact Sheet #1, Fiscal Year \(FY\) 2015](#), 16 December 2014, p. 3

<sup>547</sup> UK Foreign and Commonwealth Office (FCO), [Sudan - Country of Concern: latest update 31 December 2014](#), 21 January 2015

<sup>548</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin; Sudan; Issue 03; 12 - 18 January 2015](#), 18 January 2015, p. 3

blood money demanded by the two tribes for losses in earlier clashes has reached about SDG7 billion (\$1,162,540 million)<sup>549</sup>.

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that “Another incident involving clashes between tribesmen and internally displaced persons occurred in Central Darfur on 3 December when approximately 50 armed Bargo tribesmen (mainly from the Misseriya tribe) blocked all the routes leading into the Hamidiya internally displaced persons’ camp. The incident related to an attempted robbery against a Bargo tribesman on 2 December, allegedly perpetrated by internally displaced persons from the Hamidiya camp (predominantly of the Fur ethnicity). The Bargo tribesmen mobilized and attacked the camp on the same night, killing two and injuring four internally displaced persons. The incident raised tensions in the camp significantly”<sup>550</sup>.

#### ❖ Salamat

For more information see also that contained under [Ta’aisha](#) and [Misseriya](#).

A March 2015 Sudan Tribune article noted with regards to the tribal clashes between the Salamat and Falata tribes that “The number of victims from last Sunday’s deadly tribal clashes between the Falata and Salamat tribes in South Darfur has risen to 37, with dozens of others wounded. The clashes erupted in several areas of the restive region, leaving 21 people dead and 45 others injured from the Falata, while 16 Salamat tribesmen were killed and 25 others wounded after fighting broke out amid accusations of cattle theft”<sup>551</sup>.

The UN Office for the Coordination of Humanitarian Affairs reported in April 2015 that “The leaders of the Salamat and Misseriya tribes signed a peace agreement in Central Darfur’s Juguma village, Um Dukhun locality, on 11 April. This potentially allows aid organisations to access an estimated 6,300 displaced people in Central Darfur’s Morlanga village in Mukjar locality. Until now, local authorities have deemed the area too insecure for aid organizations to visit. The 6,300 displaced people had sought refuge in Morlanga village in June 2014, following fighting over access to and control of land and pastures. This is the fourth time the two tribes have signed an agreement to end hostilities, which began in April 2013”<sup>552</sup>.

A May 2015 Radio Dabanga article reported on the peace negotiations between the Salamat and Taisha tribes noting that:

The South Darfur authorities are to be held accountable for the delay of peace negotiations between the Salamat and Taisha tribes in Rahad El Berdi locality, according to Omda Jibril Hassan Adam, chief of Salamat.

Speaking to Radio Dabanga, Adam accused the government of South Darfur of “not taking the matter seriously.

“Since one year and a half, we have been waiting for the South Darfur authorities to arrange for a reconciliation meeting with the Taisha, however to no avail.”

He pointed out that many Salamat families are still living in camps for the displaced, after clashes forced them to flee their homes two years ago. “They are unable to tend their farmlands, and their children are deprived of education”<sup>553</sup>.

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<sup>549</sup> Radio Dabanga, [Seven dead in new Rizeigat-Misseriya clash in West Kordofan](#), 27 January 2015

<sup>550</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 22

<sup>551</sup> Sudan Tribune, [Death toll from South Darfur tribal clashes continues to rise](#), 25 March 2015

<sup>552</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin; Sudan; Issue 16; 13 - 19 April 2015](#), 19 April 2015, p. 2

<sup>553</sup> Radio Dabanga, [Salamat call on Sudanese govt. to facilitate peace talks with Taisha](#), 27 May 2015

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that “From 21 to 23 March, another similar cycle of violence was observed in Radoum, between Salamat and Fallata. The violence quickly spread to six villages in the vicinity, resulting in the death of 112 persons, the wounding of 42 others and the displacement of approximately 150 Salamat families”.<sup>554</sup>

❖ Maaliya

For more information see also that contained under [Rizeigat](#).

The US Department of State annual report of June 2015 (covering 2014) noted that:

Intercommunal violence continued. In September the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported more than 300 individuals died in mid-August clashes between Ma’alia and Rezeigat tribesmen. In addition to deaths attributed to intercommunal clashes, many deaths continued to be attributed to the SAF [Sudanese Armed Forces] and militia groups. Security deteriorated in North Darfur, and violence, including indiscriminate SAF aerial and artillery bombardments, continued in the Jebel Marra area in Darfur.

On October 9 [2014], armed Rezeigat elements of the RSF [Rapid Support Forces] searched and raided a train in El Daein, East Darfur, which the Rezeigat suspected was providing arms to Ma’alia tribesmen. RSF elements killed an SAF lieutenant and severely beat a brigadier general whose units attempted to protect the train. Following the incident the government imposed a state of emergency in East Darfur State.<sup>555</sup>

A September 2014 UN Office for the Coordination of Humanitarian Affairs report noted on the peace process between the Ma’aliya and Hamar tribes stating that “Representatives of the Ma’aliya and Hamar tribes signed a reconciliation agreement on 27 September in West Kordofan’s state capital Al Fula. Sudan’s Second Vice-President, Hassabo Mohamed Abdelrahman, attended the signing of the agreement. In December 2013, some 35 people were killed, and over 2,000 Ma’aliya were displaced from their homes in the Um Deibun area in West Kordofan, near the border with East Darfur. These people fled to Adila and Sharif towns in East Darfur’s Adila locality. Fighting reportedly erupted following a dispute over grazing rights.”<sup>556</sup>

Radio Dabanga reported in a September 2014 article that:

Ma’aliya tribesmen participating in East Darfur State institutions have decided to boycott the state politically and administratively, in protest against the continuous attacks by Rizeigat militants, without any intervention from the state’s and national government to stop the violence.

Eight Ma’aliya ministers, commissioners, and advisors at East Darfur state, and 12 members of the state’s parliament have submitted their resignation, “as nothing has been done to deal with the continuous Rizeigat attacks on Ma’aliya villagers in Abu Karinka locality”, Hamid Mohamedi Bashar, advisor to the governor, and secretary of organisational affairs of the Sudanese Islamic Movement told Radio Dabanga on Sunday.

Bashar said that all the Ma’aliya working for the East Darfur state government have submitted their resignations to the native administration. “They will proceed and forward the resignations to the National Congress Party and the federal government.”

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<sup>554</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 9

<sup>555</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 1. g. *Use of excessive force and other abuses in internal conflict*

<sup>556</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin: Sudan; Issue 39; 22-28 September 2014](#), 28 September 2014, p. 2

Ma'aliya leaders will meet with representatives of the ruling National Congress Party (NCP) and the Sudanese government to discuss the restoration of their "usurped rights".<sup>557</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur reported that "Tensions remained high with respect to the conflict between the Ma'alia and the Southern Rizeigat in East Darfur. While no major incident occurred during the period under review, the reported theft of 320 sheep belonging to the Southern Rizeigat by the Ma'alia in Birghit on 13 January nearly triggered another round of fighting. The incident resulted in the death of one member of the Southern Rizeigat community and injury to seven others. With support from the Government of the Sudan, leaders from both tribes intervened to stem tensions and facilitated an agreement to avoid retaliatory attacks".<sup>558</sup>

The same source further noted on clashes between Ma'aliya and Rizeigat that "On 13 January [2015], in Abu Karinka, about 200 armed Ma'alia men aboard three vehicles attacked Rizeigat herders in Beg hit village, injuring seven of them and stealing approximately 1,000 goats".<sup>559</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur noted with regards to the conflict between the Ma'aliya and Southern Rizeigat tribes that:

In Eastern Darfur, the intercommunal conflict over land and resources between the Ma'alia and the Southern Rezeigat Arab tribes resumed, following the failure of local authorities to support the provisions of previous reconciliation mechanisms, in particular those related to the establishment of native administration courts to strengthen justice at the grass-roots level and the administration of the *diya* payment (blood money). As a consequence, deadly intermittent clashes between the two sides were reported in March and April, resulting in 28 casualties (10 Ma'alia and 16 Rezeigat individuals and two Central Reserve Police personnel). Fighting resumed again on 11 May, when approximately 7,000 Rezeigat and 4,000 Ma'alia heavily armed men clashed in Eastern Darfur. The fighting started in Abu Karinka and spread to several villages in the vicinity, where houses were burned, properties were looted and hundreds of families were displaced. UNAMID reported on 11 May 2015 that at least 105 persons had been killed on the Ma'alia side and 60 injured, while 15 Rezeigat individuals had lost their lives. The injured persons were evacuated to Adila and Khartoum with UNAMID support. The fighting subsided on 12 May, following the deployment of Government troops and mediation by local authorities, traditional leaders and a delegation sent from Khartoum.<sup>560</sup>

A June 2015 US Agency for International Development report noted that "Armed clashes between members of the Ma'aliya and Rizeigat ethnic groups in Abu Karinka affected or displaced approximately 24,000 people and destroyed at least 660 houses in early May, according to the Government of Sudan (GoS) Humanitarian Aid Commission (HAC)".<sup>561</sup>

## 6.2. Non-Arab ethnic groups

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<sup>557</sup> Radio Dabanga, [Ma'aliya to boycott East Darfur state](#), 22 September 2014

<sup>558</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 23

<sup>559</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 25

<sup>560</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 10

<sup>561</sup> US Agency for International Development (USAID), [Sudan – Complex Emergency Fact Sheet #4, Fiscal Year \(FY\) 2015](#), 15 June 2015, p. 1

According to the 2014 U.S. Department of State report, “The population is a multi-ethnic mix of more than 500 ethnic groups, speaking numerous languages and dialects. Many of these ethnic groups self-identify as Arab, referring to their language and other cultural attributes. Other tribes self-identify, or are identified by the broader society, as African. Northern Muslims traditionally dominated the government. Interethnic fighting in Darfur was between Muslims who considered themselves either Arab or non-Arab and between different Arab tribes”.<sup>562</sup>

The International Crisis Group also reports with regards to ‘Non-Arab Conflict with the Zaghawa’:

Conflicts are also taking place between non-Arab tribes, particularly in the eastern Darfur lowlands between El-Fasher and Nyala, where the Berti, Bergid, Mima and Tunjur suffered both Arab militia and rebel (in particular SLA-MM) predation. In retaliation for the latter, the Zaghawa, considered “newcomers” and the most prominent tribe in the rebel movements, have been targeted by locally recruited, non-Arab militias since 2011. Kibir, the Berti governor, reportedly armed the non-Arabs. After the 2011 attacks, Zaghawa politicians obtained a government investigation into the Abu Zerega mass execution of civilians by non-Arab Popular Defence Forces (PDF) members, six of whom were sentenced to death.<sup>69</sup> In 2012, however, ten Zaghawa civilians were killed in Sigili by Berti and Bergid PDF.<sup>70</sup> This time, attempts to lift the suspects’ immunity failed, and the cycle continues. In 2013-2014, Zaghawa civilians were again targeted in an RSF reprisal for SLA-MM operations.<sup>563</sup>

Minority Rights Group International ranks Sudan 3rd in its People under threat index for 2015 with the “Fur, Zaghawa, Massalit and others in Darfur; Ngok Dinka, Nuba, Beja” as the main groups at risk.<sup>564</sup>

The undated Embassy of the Republic of the Sudan in Washington, D.C., USA, website mentions the Fur, Zaghawa and Massalit as being among Darfur’s “prominent” African tribes: “Among the prominent in the region’s African tribes are the Fur, Zaghawa and Massalit clans. The Fur, after whom the region was named, is the largest of the three and 90% of its members do farming around Jebel Marra mountain in the center of the region and around the big towns. The majority of the two other tribes live on cattle-rearing”.<sup>565</sup>

An October 2014 report by the international independent organization Equal Rights Trust gives an overview of the ethnic composition of Sudan:

Throughout its ancient and contemporary history, Sudan has been characterised by its immense diversity. Figures from 1999 indicate that pre-secession Sudan consisted of an estimated 600 ethnic groups speaking about 300 languages and dialects. Unfortunately, no credible estimates exist for the number of ethnic groups in the Republic of Sudan today, as no census has been conducted since before the secession. Dr Mohammed Yousif of the Department of Social Anthropology at the University of Khartoum told the Equal Rights Trust that it is “extremely difficult if not impossible” to find up-to-date statistics on the country’s ethnic make-up, in part because any attempt at classification was actively resisted by the authorities at the time of the last census in April 2008. Major ethnic groups, in addition to those who claim to be Arabs, include the Nubians in the far north, the Beja in eastern Sudan, the Fur in Darfur and western states, the Nuba in South Kordofan state and the Ingessana in southern Blue Nile. Other large ethnic groups include the Kababish of Northern Kordofan;

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<sup>562</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 6 National/Racial/Ethnic Minorities

<sup>563</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, III. *Spiraling Communal Conflict*, D. *Non-Arab Conflict with the Zaghawa* p.13

<sup>564</sup> Minority Rights Group International (MRG), [Peoples under Threat 2015](#), 20 May 2015, p. 5

<sup>565</sup> Embassy of the Republic of Sudan in Washington D.C., [Tribal composition](#), undated

the Ja'alin and Shaigiyya, which are settled tribes along the rivers; and the semi-nomadic Baggara of Southern Kordofan and Darfur.<sup>566</sup>

The same source further notes with regards to the Fur, Masalit and Zaghawa tribes that “A number of ethnic groups have suffered – and in some cases continue to suffer – as a result of armed conflict in their homelands. The Fur, Masalit and Zaghawa people have historically inhabited the western region of Darfur. Though each is a distinct group, they are strongly connected through shared ancestry and common cultural practices”<sup>567</sup>.

In an undated article the Enough Project mentions the involvement of the Zaghawa and Fur tribes in the conflict in Darfur:

In February 2003, two rebel groups, the Sudan Liberation Movement, or SLA, and the Justice and Equality Movement, or JEM, launched a full scale rebellion against the Sudanese government. The rebellion was prompted by ongoing economic marginalization and insecurity. Those involved in the rebellion were predominantly from Muslim sedentary tribes of the region, including the Fur and the Zaghawa.

Since the conflict began, the rebels in Darfur have splintered multiple times, leaving an unwieldy number of groups with varying needs, and an increasingly complicated road to peace. One such splintering, which resulted from a Fur-Zaghawa division within the SLA, ultimately led to the creation of the Sudan Liberation Army – Minni Minnawi, or SLA-MM. The SLA-MM was the only one of the Darfur rebel groups to sign the Darfur Peace Agreement, or DPA, in Abuja in 2006. While Minnawi's decision to sign the DPA secured him a leadership position in Khartoum, he was later sidelined by the government and ostracized by his own people, thus accomplishing nothing for the people of Darfur.<sup>568</sup>

An October 2014 Small Arms Survey report gives an overview of the role of Fur, Zaghawa and Masalit in the Darfur conflict:

The civil war in Darfur is commonly understood to have broken out in early 2003, but in fact several rebel groups had been fighting before that on a very small scale. The Sudan Liberation Army (SLA) announced its existence in February 2003, followed one month later by JEM [Justice and Equality Movement]. Most of their members came from the Fur, Zaghawa, and Masalit groups, who felt that local Arab groups and the Khartoum government were conspiring against them. The world first really paid attention to the growing fighting in Darfur when a combined force of SLA and JEM groups attacked Al Fasher airport in April 2003, destroying seven aircraft and capturing the head of the Sudanese air force (Flint and de Waal, 2008). But rebel cohesion did not last. The SLA soon splintered into several factions, the most significant being SLA-Abdul Wahid (SLA-AW), led by Abdul Wahid Mohamed al Nur, a Fur lawyer, and SLA-Minni Minawi (SLAMM), under Minni Arku Minawi, a Zaghawa former trader. Minawi signed the DPA in 2006, but SLA-AW and JEM did not. By this point the Darfur civil war had led to the deaths of tens, perhaps hundreds of thousands of people, although the exact numbers are disputed.<sup>569</sup>

An undated profile of the Fur, Zaghawa and Masalit by the Enough Project notes that “An alliance of Fur, Zaghawa, and Massalit political leaders and fighters formed several rebel groups and began attacking government outposts in Darfur in early 2003. In retaliation, the Sudanese government launched a brutal counterinsurgency campaign in Darfur with the help of Arab Janjaweed militias”<sup>570</sup>.

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<sup>566</sup>Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 19

<sup>567</sup>Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 19

<sup>568</sup>Enough Project, [Conflicts in Sudan](#), undated

<sup>569</sup> Small Arms Survey, [Sudan Working Paper 33; The Sudan Revolutionary Front: Its Formation and Development](#), October 2014, p. 10

<sup>570</sup>Enough Project, [Fur, Zaghawa, Massalit](#), undated

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur describes the role of the Fur, Masalit and Zaghawa tribes inside the Liberation and Justice Movement (LJM) current power struggle in Darfur:

In Darfur, tensions grew between the leader of the Liberation and Justice Movement (LJM) and Chairperson of the Darfur Regional Authority (DRA), El Tigani Seisi, and the Secretary-General of LJM, Idriss Bahar Abu Garda, about corruption, unilateral decision-making, tribal preference and lack of a unified political ideology. Seisi was accused of intentionally delaying the transition of LJM into a political party in order to remain in his current position for two more years. In late December differences between the two men were reported over the implementation of the security arrangements for the Doha Document for Peace in Darfur. As a result, the principal LJM alliance of six disparate factions, five former SLA factions and the United Revolutionary Forces Front began to unravel along ethnic lines, with the Fur, along with the Massalit and ethnic “Arab” clans supporting Seisi and the Zaghawa, Tunjur and other ethnic “Arab” clans supporting Abu Garda. On 16 January, Seisi dismissed Abu Garda from LJM. However, two days later, the Chairperson of the LJM Revolutionary Liberation Council issued a statement that Seisi had been removed as Chairperson of the movement. Both Abu Garda and Seisi have registered two separate political parties under the name of the Liberation and Justice Party. Both political parties have until 1 March 2015 to finalize the party’s establishment and security arrangements or they will be excluded from the election process.<sup>571</sup>

The UN Committee on the Elimination of Racial Discrimination (CERD) noted in a June 2015 report that “The conflict in Darfur is marked by serious violations of human rights, including killings, torture, sexual violence, arbitrary detention and ill-treatment of civilians, particularly those belonging to the Fur, Zaghawa and Massaleit ethnic groups”.<sup>572</sup>

#### ❖ Fur

The Minority Rights Group International reports in a June 2015 profile that “Fur are a people of the Darfur region in western Sudan and the former Islamic Sultanate of Darfur. ‘Darfur’ means ‘home of the Fur’ in Arabic. As sedentary farmers, Fur rely mainly on the cultivation of millet during the rainy seasons. They are Muslim and long ago adopted Arab names and, to some extent, dress. Fur communities are matrifocal, so Fur elders are surrounded by daughters and their daughters’ husbands”.<sup>573</sup>

The Joshua Project, a US-based organization that maintains ethnological data to support Christian missions abroad, in an undated entry on its website indicates the size of the Fur tribe as 1,128,000.<sup>574</sup> The same source further notes that “Darfur, the name of the area where they live today, means the Homeland of the Fur. This area was known in the 16th century as Southern Nubia. They are an active agricultural people and may also herd cattle. The Fur are nominally Sunni Muslims following the Maliki school of Islamic law”.<sup>575</sup>

According to the international independent organization Equal Rights Trust reporting in October 2014 “The war in Darfur and the resulting human rights violations have been widely documented by

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<sup>571</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 8

<sup>572</sup> UN Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations on the combined twelfth to sixteenth periodic reports of the Sudan \[CERD/C/SDN/CO/12-16\]](#), 12 June 2015, paragraph 7

<sup>573</sup> Minority Rights Group International (MRG), [Fur](#), 19 June 2015

<sup>574</sup> The Joshua Project, [Fur, Forok in Sudan](#), undated

<sup>575</sup> The Joshua Project, [Fur, Forok in Sudan](#), undated

many international human rights bodies and organisations. The Fur and other African ethnic groups who inhabit the region were subject to severe humanitarian crises and human rights abuses”.<sup>576</sup>

In a February 2015 report Human Rights Watch documented the allegations regarding a mass rape in Tabit, North Darfur and concluded that:

Over the course of 36 hours beginning on October 30, 2014, Sudanese army troops carried out a series of attacks against the civilian population of the town of Tabit in North Darfur, Sudan. The attacks included the mass rape of women and girls and the arbitrary detention, beating and ill-treatment of scores of people. The government of Sudan has denied that any crimes occurred and has prevented the African Union-United Nations Hybrid Operation in Darfur (UNAMID) from carrying out a credible investigation of the incident.

From research conducted remotely in November and December 2014, this report documents 27 first-hand accounts of rape, often by multiple perpetrators, and credible information about an additional 194 incidents of rape.<sup>577</sup>

The same report offers information on the location and demographics of the town where the alleged mass rape took place stating that “Tabit, a town of about 7,000 people, mostly populated by people of Fur ethnicity, is located in the state of North Darfur, within the locality of Tawila”.<sup>578</sup>

Radio Dabanga reported in a June 2015 article that “More than hundred thousand people in East Jebel Marra, mainly Fur, have fled from bombardments by the Sudanese Air Force and attacks by the RSF [Rapid Support Forces] and other paramilitaries on their villages since the beginning of this year”.<sup>579</sup>

A June 2015 Radio Dabanga article reported on the election of a new leader of the Fur tribe:

The Shura and Notables' councils of the Sudanese Fur tribe have chosen Ahmed Hussein Ayoub Ali Dinar as the Sultan for the whole tribe.

The elected Sultan Ali Dinar has renewed his commitment to communicate with -besides the large Fur tribe- all the tribes in Darfur, to resolve all social issues. At the event on Sunday, he announced that he wants to work with various native administrations to achieve security and stability in all parts of Darfur.

For his part, the head of the Darfur Regional Authority, El Tijani Sese has pointed out the importance of concerted efforts to unify all the Darfuris, and “heal the wounds caused by wars and conflicts in those regions”.

Sese stressed to the new Sultan the importance of communicating with all the Darfuri tribes in order to achieve security, stability and peaceful coexistence.<sup>580</sup>

#### ❖ Masalit/Massalet

The Joshua Project, a US-based organization that maintains ethnological data to support Christian missions abroad, in an undated entry on its website indicates the size of the Masalit population as 431,000.<sup>581</sup> The same source noted that “The Masalit (and a group of the same people known as the Massalat) are a non-Arab ethnic group. These tribes live in the most remote areas of Sudan and

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<sup>576</sup>Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 24

<sup>577</sup>Human Rights Watch, [Mass Rape in Darfur](#), February 2015, p. 1

<sup>578</sup>Human Rights Watch, [Mass Rape in Darfur](#), February 2015, p. 15

<sup>579</sup>Radio Dabanga, [Darfur displaced ‘utterly reject’ exit of Unamid](#), 29 June 2015

<sup>580</sup>Radio Dabanga, [Fur tribe elects new Sultan in Darfur](#), 23 June 2015

<sup>581</sup>The Joshua Project, [Masalit in Sudan](#), undated

Chad. The Masalit of Sudan are concentrated in the Dar Masalit ("home of Masalit") district of the northern Darfur Province".<sup>582</sup>

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that "In West Darfur, on 3 December [2014], Abbala nomads attacked Massalit farmers in the vicinity of Azerni village near El Geneina as a result of a dispute over land use, resulting in the death of four farmers and burning of 14 houses".<sup>583</sup>

Radio Dabanga reported in February 2015 that "Four people were killed and others injured in an attack by militiamen on the Abyad camp for the displaced on the outskirts of Gireida, South Darfur, on Sunday. Most of the displaced in Abyad camp belong to the Masalit tribe. In the past years, they fled the neighbouring villages, and sought refuge close to their tribesmen living in El Shati and El Rahman district. When the militiamen returned this morning to avenge the action of the displaced team, they attacked not only the camp but also the neighbouring districts. The security situation in Gireida and surroundings has been deteriorating for months, owing to continuous attacks by government-backed militiamen, most of whom belonging to Arab pastoralist tribes".<sup>584</sup>

A February 2015 report by the Sudan Social Development Organization (SUDO) noted on the conflict between Fellata and Masalit tribes stating that "On the 2nd February 2015 a militia belonging to Fellata, attacked the Masalit tribe in Gereida town, killing two people, injuring 11 and burning 150 houses. They also burned Um-Sadoon Al-Dakka village on the outskirts of Gereida town. The government sent a troop from Nyala to stop the fighting and to separate the two sides. A committee was established by the Gereida Governor to investigate the reason behind the fighting and to solve the problem".<sup>585</sup>

Radio Dabanga reported in May 2015 on attacks by paramilitary troops on Masalit villages stating that "Three people were killed by a force of Sudan's paramilitary troops on Friday, and others were abducted, when the force pillaged a village in East Jebel Marra. Other villages were attacked on Thursday. Sources in the area claimed the troops were moving from South Darfur. A militia pillaged Dali, Dawa, and Masalit villages in East Jebel Marra on Thursday. People in the area sustained injuries, of whom five seriously. "They beat the people and stole their money, and about 250 heads of cattle," a source in the area reported to Radio Dabanga".<sup>586</sup>

#### ❖ Zaghawa

The Joshua Project, a US-based organization that maintains ethnological data to support Christian missions abroad, in an undated entry on its website indicates the size of the Zaghawa tribe as 141,000.<sup>587</sup> The same source further notes that "The Zaghawa (who refer to themselves as the Beri), are scattered throughout central Africa in the countries of Chad, Niger and Sudan. All of the groups, including the Awlad Mana, speak Zaghawa (sometimes called Beri), which belongs to the Saharan branch of the Nilo-Saharan language family".<sup>588</sup>

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<sup>582</sup> The Joshua Project, [Masalit in Sudan](#), undated

<sup>583</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 20

<sup>584</sup> Radio Dabanga, [Situation tense after raid on Gireida camp, South Darfur](#), 2 February 2015

<sup>585</sup> Sudan Social Development Organization (SUDO), [Killing and looting by the Janjaweed militia men-and eruption of a tribal conflict in Buram locality/South Darfur](#), 1st February and 2nd February 2015

<sup>586</sup> Radio Dabanga, [Sudan's RSF kills, pillages in East Jebel Marra villages](#), 8 May 2015

<sup>587</sup> The Joshua Project, [Zaghawa, Arabized in Sudan](#), undated

<sup>588</sup> The Joshua Project, [Zaghawa, Arabized in Sudan](#), undated

In an undated profile Sudan Tribune reports on the location of the Zaghawa tribe and its role in the Darfur conflict: “The Zaghawa tribe is found in Sudan’s western Dafur region and eastern Chad. Members of the Zaghawa have played a prominent role in the Darfur rebel groups in the region’s conflict including the Justice and Equality Movement (JEM) and Sudan Liberation Movement led by Minni Minawi (SLM-MM)”.<sup>589</sup>

The US Department of State annual report of June 2015 (covering 2014) noted that “The Zaghawa ethnic group in Darfur maintained a caste system that discriminated against persons of lower castes”.<sup>590</sup>

In a report dating April 2015 the International Crisis Group gives an overview of the involvement of the Zaghawa in the non-Arab conflicts in Darfur:

Conflicts are also taking place between non-Arab tribes, particularly in the eastern Darfur lowlands between El-Fasher and Nyala, where the Berti, Bergid, Mima and Tunjur suffered both Arab militia and rebel (in particular SLA-MM) predation. In retaliation for the latter, the Zaghawa, considered “newcomers” and the most prominent tribe in the rebel movements, have been targeted by locally recruited, non-Arab militias since 2011. Kibir, the Berti governor, reportedly armed the non-Arabs. After the 2011 attacks, Zaghawa politicians obtained a government investigation into the Abu Zerega mass execution of civilians by non-Arab Popular Defence Forces (PDF) members, six of whom were sentenced to death. In 2012, however, ten Zaghawa civilians were killed in Sigili by Berti and Bergid. This time, attempts to lift the suspects’ immunity failed, and the cycle continues. In 2013-2014, Zaghawa civilians were again targeted in an RSF [Rapid Support Forces] reprisal for SLA-MM [Sudan Liberation Movement Minni Minawi] operations.<sup>591</sup>

An August 2014 Radio Dabanga article reported on the situation of 17 Zaghawa abductees that “The Member of Parliament representing the Um Baru constituency in North Darfur has demanded the release of abducted 17 Zaghawa tribesmen. MP Mohamed Ahmed Minawi on Friday demanded the release of 17 Zaghawa, abducted by militiamen in the area of Mellit in North Darfur two months ago. Via Radio Dabanga he appealed to the native administration leaders of the Abna Rashid tribe to mediate for the release of the abductees. The MP also called on the people of Darfur not to get involved in abductions, “a phenomenon that is foreign to them”.<sup>592</sup>

Sudan Tribune reported in a September 2014 article on peace talks between Zaghawa and Rizeigat tribes stating that:

A reconciliation conference between Zaghawa and Rizeigat tribes has convened two days ago in the locality of Kutum in North Darfur state under the auspices of the Sudanese Awakening Revolutionary Council (SARC) led by the Darfurian Arab Mahameed clan chief Musa Hilal. Earlier this year, Hilal’s troops seized control of western localities in North Darfur state including Saraf Omra, Kutum, Kabkabiya, Al-Seraif, and El Waha. The tribal chief announced the establishment of administrations in these localities, naming his forces the SARC. Zaghawa and Rizeigat estranged relations dates back to clashes which erupted 5 years ago between the two tribes in the locality of Kutum, 100 km north west of North Darfur capital of El-Fashir. Armed clashes often break out between tribes and clans loosely divided between nomadic and sedentary communities over natural resources.<sup>593</sup>

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<sup>589</sup> Sudan Tribune, [Zaghawa | Al-Zaqawa | Zaghawah](#), undated

<sup>590</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 6. *Discrimination, societal abuses and trafficking in persons*

<sup>591</sup> International Crisis Group (ICG), [The Chaos in Darfur](#), 22 April 2015, p 13-14

<sup>592</sup> Radio Dabanga, [Call for Zaghawa abductees’ release in North Darfur](#), 10 August 2014

<sup>593</sup> Sudan Tribune, [Ex-Janjaweed leader sponsors tribal reconciliation conference in North Darfur](#), 27 September 2014

Radio Dabanga reported in a September 2014 article with regards to that “A conference on peaceful coexistence between the Zaghawa and Arab tribes began in North Darfur, on Tuesday. The conference, under auspices of Sheikh Musa Hilal, head of the Revolutionary Awakening Council (RAC), takes place in an unidentified place in the northern part of North Darfur. The first day commenced with meetings of several committees formed by the two sides, Mohamed Ahmed Abakar, RAC spokesman, reported to Radio Dabanga. “The committees discussed three issues: the crimes committed by outlaws, the implementation of permanent committees supervising and monitoring what has been agreed upon, and the accord on peaceful coexistence between the Arab tribes and Zaghawa in the area between Kutum, North Darfur, and El Geneina, capital of West Darfur”<sup>594</sup>.

Radio Dabanga reported in an October 2014 article on military activity in Zaghawa inhabited areas in North Darfur:

The area of Anka, north of Kutum in North Darfur, witnessed intense bombardments today.

“On Wednesday morning the Sudanese Air force bombed the area for six hours. Hundreds of villagers, most of them Zaghawa, fled their homes, and sought refuge in the neighbouring valleys and hills. Large numbers of livestock were killed, and vast tracts of farmland and pastures burned to ashes,” a witness reported to Radio Dabanga from Anka.

Three days ago, areas near the villages in the neighbouring locality of Um Baru were bombed. The MP for Um Baru and Karnoi localities said that there were absolutely no rebels in the remote area, a stronghold of the Zaghawa tribe, and claimed that the Sudanese Air Force targeted the main water sources.<sup>595</sup>

The UN Office for the Coordination of Humanitarian Affairs (UN OCHA) reported in October 2014 on conflict between Zaghawa and Rizeigat tribe members stating that “Armed clashes broke out in Labado, East Darfur, when members of the Rizeigat tribe killed two Zaghawa IDPs [Internal Displaced Persons], which in turn led the retaliatory killing of two Rizeigat tribesmen. The trigger for this outbreak of violence was an alleged incident of cattle theft. The Rizeigat tribe subsequently surrounded and threatened to attack the Labado IDP site, causing some IDPs to move to the African Union - United Nations Mission in Darfur (UNAMID) team site for protection. The tension in Labado was diffused following a meeting between the leaders of the two communities, with the IDPs agreeing to pay “blood money” (compensation) for the killing of the two tribesmen”<sup>596</sup>.

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated with regards to peace talks between Zaghawa and Northern Rizeigat tribes in North Darfur that “Late in July, UNAMID engaged with Native Administration leaders of the Northern Rizeigat and Zaghawa in North Darfur to prevent a further escalation of tensions between the two tribes and encourage the use of dialogue for securing the release of 12 Zaghawa members and two Arab youths abducted the previous month by SLA-Unity [Sudan Liberation Army – Unity] in Goba village. A reconciliation conference initiated by Musa Hilal with Zaghawa tribal leaders late in September aimed to resolve tensions between the two North Darfur tribes, and resulted in an agreement between the Zaghawa and Northern Rizeigat which secured the release of the hostages on 26 October”<sup>597</sup>.

The February 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur stated that “Disputes over cattle grazing or land use, in some cases involving

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<sup>594</sup>Radio Dabanga, [Zaghawa, Arab tribes talk peace in North Darfur](#), 24 September 2014

<sup>595</sup>Radio Dabanga, [Sudanese Air Force bombs villages in Kutum, North Darfur](#), 22 October 2014

<sup>596</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), [Humanitarian Bulletin; Sudan; Issue 41; 6 - 12 October 2014](#), 12 October 2014, p. 2

<sup>597</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 64

internally displaced persons, occurred in East and West Darfur. On 20 November, Abbala tribesmen clashed with members of the Zaghawa internally displaced persons' community in Tabaldia, near Labado, East Darfur. The incident, which was reportedly triggered by a cattle-grazing incident, resulted in the death of one Abbala tribesman. Later the same day, a group of armed Abbala tribesmen aboard gun-mounted vehicles set fire to a number of houses in Tabaldia and nearby Chawa villages, reportedly resulting in the death of two members of the Zaghawa community and the looting of cattle. In a separate incident involving Abbala and Zaghawa internally displaced persons, a renewal of tensions resulted in attacks by elements of both tribes on 19, 22 and 23 November in parts of Labadoover delays in blood money (*diya*) payments".<sup>598</sup>

Radio Dabanga reported in an April 2015 article that "Six people were killed and five others injured from the Zaghawa Um-Kmelty tribe by forces of the joint African Union-United Nations mission in Darfur (Unamid), a correspondent told Sudan Tribune. The incident took place on the road between Kass and Shangita, just 86 km west of the state capital city of Nyala. The correspondent cited Unamid patrol soldiers saying that a group of gunmen attempted to steal the vehicle they were driving, forcing them to engage with firepower. Tribesmen, however, claimed that the gunmen were after stolen cattle when they encountered the peacekeepers' patrol. There was no official comment from Unamid or the tribe about the incident".<sup>599</sup>

### 6.3. Conflict between tribes since August 2014

For an overview of inter-communal violence, see [1.4.1. Inter-communal fighting](#).

The following are non-exhaustive, illustrative incidents of tribal conflict between August 2014 and August 2015:

- **On 16 August 2014**, "armed clashes erupted between members of the Ma'aliya and Rizeigat tribes around Umm Rakoba (60km east of the provincial capital, Ed Daein) in East Darfur reportedly over a cattle theft incident. According to information made available to humanitarian organisations on 17 August, 35 persons were killed and 63 injured from the Rizeigat, while from the Ma'aliya side 29 were reported killed".<sup>600</sup>
- **Between 18 – 24 August 2014**, "According to reports received by the UN, over 300 tribesmen (200 Ma'aliya and 123 Rizeigat) were killed following fighting over resources in the area of Umm Rakoba village in Abu Karinka locality, East Darfur. A further 70 Rizeigat and an unknown number of Ma'aliya have reportedly been injured. The Government has deployed additional forces to the area, while efforts to resolve the conflict are ongoing in Khartoum. Umm Rakoba village has mostly been destroyed and women and children have fled to Adila, according to these reports. The exact number of displaced people following fighting is not available".<sup>601</sup> Reporting on the clashes, the UN Secretary-General noted that they caused 320 deaths and that "UNAMID was informed by local sources in Adilla that Southern Rizeigat involved in the clash wore uniforms similar to those of the Rapid Support Forces and the Border Guards and were allegedly in possession of high-powered automatic weapons and mortars".<sup>602</sup>

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<sup>598</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 20

<sup>599</sup> Radio Dabanga, [Unamid 'clashes' with tribesmen in insecure South Darfur](#), 24 April 2015

<sup>600</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 33](#), 11 – 17 August 2014

<sup>601</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 34](#), 18 – 24 August 2014

<sup>602</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, para 17

- **On 27 August 2014** “Abbala tribesmen attacked Beni Hussein farmers in the area of Hijeir Tigeiteeg in El Sareif Beni Hussein locality, North Darfur, amid fears of renewed clashes again between the two tribes. Speaking to Radio Dabanga, an activist reported that “five farmers were slaughtered, four shot dead, and one sustained injuries in an attack by Abbala militants in the area of Hijeir Tigeiteeg, located between El Sareif town and Jebel ‘Amer””.<sup>603</sup>
- **On 6 September 2014**, “members of the Fallata and Habbaniya tribes clashed near Shagag village, Buram locality (South Darfur), resulting in two fatalities on each side. Another clash erupted the following day, resulting in the death of two Habbaniya and four Fallata tribesmen. The clashes appeared to have been caused by incidents of animal rustling by both sides. **On 30 September**, Fallata tribesmen clashed with Southern Rizeigat in Labado (East Darfur)”.<sup>604</sup>
- **Between 6 – 12 October 2014**, “Armed clashes broke out in Labado, East Darfur, when members of the Rizeigat tribe killed two Zaghawa IDPs, which in turn led the retaliatory killing of two Rizeigat tribesmen. The trigger for this outbreak of violence was an alleged incident of cattle theft. The Rizeigat tribe subsequently surrounded and threatened to attack the Labado IDP site, causing some IDPs to move to the African Union - United Nations Mission in Darfur (UNAMID) team site for protection. The tension in Labado was diffused following a meeting between the leaders of the two communities, with the IDPs agreeing to pay “blood money” (compensation) for the killing of the two tribesmen”.<sup>605</sup>
- **On 11 October 2014** “a dispute between some members of the Rizeigat and Ma'aliya tribes in Abu Dungal over alleged cattle theft resulted in the death of one person. The extension of tension between the two tribes to Abu Dungal, which has not been within the traditional area of the two tribes, is a concern”.<sup>606</sup>
- **On 16 October 2014**, “the body of a Misseriya tribesman was found near the market in Dereige internally displaced persons (IDP) camp in South Darfur. Police arrested a number of displaced people, including the sheikh (IDP community leader) who reported the incident. [...] According to the sheikh, the Misseriya tribesmen came to the camp and demanded the arrest of the killer and payment of compensation (diya). Since then over 200 armed Misseriya and allied Rizeigat tribesmen have been threatening to attack the camp”.<sup>607</sup>
- **On 20 November 2014** “Abbalatribesmen clashed with members of the Zaghawa internally displaced persons’ community in Tabaldia, near Labado, East Darfur. The incident, which was reportedly triggered by a cattle-grazing incident, resulted in the death of one Abbalatribesman. Later the same day, a group of armed Abbala tribesmen aboard gun - mounted vehicles set fire to a number of houses in Tabaldia and nearby Chawavillages, reportedly resulting in the death of two members of the Zaghawacomunity and the looting of cattle. In a separate incident involving Abbala and Zaghawa internally displaced persons, a renewal of tensions resulted in attacks by elements of both tribes on **19, 22 and 23 November** in parts of Labado over delays in blood money (diya) payments. In West Darfur, on 3 December, Abbala nomads attacked Massalit farmers in the vicinity of Azerni village near El Geneina as a result of a dispute over land use, resulting in the death of four farmers and burning of 14 houses”.<sup>608</sup>
- **In January 2015**, “Four brothers and a relative were killed, and two others wounded, in clashes between Misseriya and Rizeigat tribesmen, in Abu Jabra locality, East Darfur [...]”.

<sup>603</sup> Radio Dabanga, [Abbala herders attack Beni Hussein farmers in North Darfur](#), 28 August 2014

<sup>604</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, para 19

<sup>605</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 41](#), 6 – 12 October 2014

<sup>606</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 41](#), 6 – 12 October 2014

<sup>607</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 43](#), 20 – 26 October 2014

<sup>608</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 20

“Fighting erupted near Konga in Abu Jabra locality yesterday at dawn, after the news of an attack by militant Rizeigat on a Misseriya settlement in bordering West Kordofan reached the area,” Hamdan Hasabelnabi, Commissioner of Abu Jabra locality, told Dabanga”.<sup>609</sup>

- **In February 2015**, “In North Darfur’s Mellit locality, humanitarian operations in the area have been adversely affected due to insecurity caused by inter-communal violence between the Barti and Zyadia tribes that started on 27 February. Fighting was reported between 26 and 28 March in villages surrounding Mellit town. The International Organization for Migration (IOM) reported the displacement of an estimated 8,000 people (1,600 families) who have arrived in Saihya town and surrounding area and an estimated 135 people (27 families) who have arrived in Abassi IDP camp”.<sup>610</sup> UNOCHA provided the following update on the clashes in May 2015 “Fighting that broke out between the Berti and Zayadia tribes in late February/early March, resulted in the displacement of some 67,000 people in Mellit locality (18,239 in Mellit town and 48,819 in Saiyah and surrounding villages) according to community sources”.<sup>611</sup>
- **In February 2015**, “Fierce clashes erupted between Fellata and Salamat tribesmen in Buram locality, South Darfur [...]. More than nine people were killed, and many others wounded”.<sup>612</sup>
- **In March 2015**, “Clashes between two ethnic groups in Sudan’s Darfur have left several people dead, their leaders told AFP [...] with both sides giving conflicting accounts of the clashes. The Arab Zayadiya tribe and the Berti, a non-Arab group, have been battling with heavy weapons around the Mallit area north of El Fasher, the state capital of North Darfur. The Zayadiya said six of their men were killed and the Berti said they suffered 13 dead, with both sides claiming the other attacked first”.<sup>613</sup> According to Radio Dabanga, “A source said that at least 48 people were killed and injured during these raids, northwest of El Fasher locality. Aid operations by international and local organisations in Mellit are hampered because of the insecurity in the area”.<sup>614</sup>
- **In March 2015** “In Central Darfur, Beni Halba and Borno elements clashed on 6 March in Orokom in the vicinity of Zalingei. Two persons were killed and four others injured. The conflict between Southern Rezeigat and Habaniya tribes, which erupted on 24 March in the Sunta locality, Southern Darfur, over mutual accusations of cattle theft, was an illustration of this pattern. The conflict resulted in the death of 10 Habaniya and four Rezeigat individuals, and the wounding of 16 Habaniya and 6 Rezeigat individuals. From 21 to 23 March, another similar cycle of violence was observed in Radoum, between Salamat and Fallata. The violence quickly spread to six villages in the vicinity, resulting in the death of 112 persons, the wounding of 42 others and the displacement of approximately 150 Salamat families”.<sup>615</sup>
- **In March 2015**, “According to HAC [the Government’s Humanitarian Aid Commission], about 2,500 people from the Salamat tribe fled Al Nadeef village in South Darfur’s Buram locality following inter-tribal fighting between the Salamat and Falata tribes on 21 March”.<sup>616</sup> In June UNOCHA noted that an estimated 1,800 people were displaced due to the fighting.<sup>617</sup> According to SUDO (UK), “Since the outbreak of the conflict between the Salamat and Fellata tribes on the 21st March in the Buram and Al-De’ain areas the government has not intervened to resolve the problem or stop the killing. The conflict between the two tribes

<sup>609</sup> Radio Dabanga, [Five dead in East Darfur tribal clashes](#), 14 January 2015

<sup>610</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 13](#), 23 – 29 March 2015

<sup>611</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 18](#), 27 April – 3 May 2015

<sup>612</sup> Radio Dabanga, [Dead and injured in South Darfur tribal strife](#), 2 February 2015

<sup>613</sup> Agence France Presse, [Deadly ethnic clashes in Sudan’s North Darfur: tribes](#), 20 March 2015

<sup>614</sup> Radio Dabanga, [Militias return from North Darfur raids with food, cattle](#), 3 April 2015

<sup>615</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 8

<sup>616</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 13](#), 23 – 29 March 2015

<sup>617</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 25](#), 15 – 21 June 2015

over stolen cattle has continued. So far 137 have been killed from the Fellata and (36) injured, and 10 were killed from Salamat and 30 were injured”.<sup>618</sup>

- Also in **March 2015** SUDO (UK) noted with regards to the Buram area of South Darfur, “In the same area another conflict broke out on the 24th March between the Rezaigat and Habaniya tribes in Sonta village area over cows looted from the Rezaigat. Ten (10) were killed from the Habaniya and three (3) were injured and one (1) was killed from the Rezaigat”.<sup>619</sup>
- Reporting **between 30 March – 5 April 2015** UNOCHA noted that “A new wave of an estimated 6,000 displaced people have taken refuge in Guldo town, Central Darfur State, according to a needs assessment mission conducted by HAC, the Danish Refugee Council (DRC) and the Government’s Water and Environmental Sanitation Department (WES) last week. [...] According to the findings of the mission, these people fled their villages of Aradiba, Tiro, Bardany, Kara, Kurma, Noni, Kormal, Eldar Elbida, Jo Kosti, Bary Are, Wady Elnil, and Tigro in Central Jebel Marra locality. People reportedly fled these villages due to militia attacks and a lack of humanitarian assistance”.<sup>620</sup>
- UNOCHA reported that **between 27 April – 3 May 2015**, “A tense and unpredictable security situation in South Darfur continued to limit humanitarian access throughout much of the state in the past week. Reports of fighting between Government forces and the Justice and Equality Movement (JEM) in the southern parts of the state and tribal tensions between the Gimir and Bani Halba tribes in Haraza village led to the Government’s Humanitarian Aid Commission (HAC) imposing restrictions on humanitarian movement into field locations and IDP camps”.<sup>621</sup>
- In **May 2015** “Following weeks of renewed tensions between the Southern Reizegat and Ma’aliya tribes in East Darfur, fighting between these groups erupted on 10 May near Abu Karinka. These clashes will leave a massive impact on the civilian population, causing significant new displacement and loss of life”.<sup>622</sup> According to SUDO (UK), “fierce tribal clashes between members from the Rizaigat and the Ma’alia” killed at least 175 people.<sup>623</sup> According to the UN Secretary-General, “Fighting resumed again on 11 May, when approximately 7,000 Reizegat and 4,000 Ma’alia heavily armed men clashed in Eastern Darfur”.<sup>624</sup> As of 24 May 2015, the HAC had identified 24,000 people in need of assistance.<sup>625</sup> UNOCHA explains that “The Ma’aliya and the Southern Reizegat have had intermittent disputes over land ownership and cattle thefts for several years. The trigger for this current conflict were cattle raids conducted by both sides in April during which some 300 cows were reportedly stolen. Despite attempts by UNAMID, the Government, and community leaders to diffuse the situation and prevent further escalation, both sides began mobilizing fighters and weapons over the weekend in preparation for large-scale attacks. Previous clashes between the two tribes have had significant humanitarian consequences. Fighting in August 2014 resulted in 323 people killed, and clashes throughout 2013 left over 149 people dead and forced over 120,000 people to flee their homes”.<sup>626</sup>
- In **July 2015**, “At least six people were killed and nine others injured [...] in clashes that broke out between Reizegat and Habaniya tribesmen in Sunta locality, bordering East Darfur. Ali El

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<sup>618</sup> SUDO (UK), [Outbreak of several ethnic conflicts in Darfur - 20th to 24th March 2015](#), 24 March 2015

<sup>619</sup> SUDO (UK), [Outbreak of several ethnic conflicts in Darfur - 20th to 24th March 2015](#), 24 March 2015

<sup>620</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 14](#), 30 March – 5 April 2015

<sup>621</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 18](#), 27 April – 3 May 2015

<sup>622</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 19](#), 4 – 10 May 2015

<sup>623</sup> SUDO (UK), [Situation Updates – May 2015](#), 31 May 2015

<sup>624</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 10

<sup>625</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 21](#), 18 – 24 May 2015

<sup>626</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 19](#), 4 – 10 May 2015

Taher Sharef, deputy-governor of East Darfur, told reporters in the state capital of Ed Daein that a group of gunmen had stolen a number of cows belonging to the Habaniya”.<sup>627</sup>

- In **July 2015**, “According to the Government’s Humanitarian Aid Commission (HAC), an estimated 2,500 people were displaced to Mellit town after fleeing their homes in North Darfur’s Mellit locality due to inter-tribal fighting on 7 July. The fighting affected the villages of EnAddress, Hillet Hamid, Helat Abdul Rahim, Abu Gira, Hillet Bambatefi, and Helat Ashaba, which were all reportedly burnt to the ground and abandoned. The situation is now calm with no reports of additional fighting. The Government has setup a committee to mediate between the tribes”.<sup>628</sup> Also reporting on Mellit locality in July 2015 “Multiple sources reported to Radio Dabanga from the locality that a large group of militiamen, belonging to the Ziyadiya tribe, riding in 17 Land Cruisers, and attacked villages populated by people from the Berti tribe”.<sup>629</sup>
- In **July 2015**, “According to the African Union – United Nations Mission in Darfur (UNAMID), fighting between the Reizegat and Habaniya tribes erupted in Al Sunta locality (about 150 kms southeast of Nyala, South Darfur) has claimed the lives of dozens of tribesmen and left many injured. The fighting started on 14 July, reportedly over a cattle-rustling incident. There have been no reports of population displacement. UNAMID and aid organisations are closely monitoring the situation”.<sup>630</sup> According to Radio Dabanga, “At least 176 people were killed and dozens wounded in clashes that broke out between Rizegat and Habaniya tribesmen in Sunta locality, South Darfur” on 14 July 2015.<sup>631</sup>

This section should also be read alongside the COI included at [3. Current state of the conflict, and human rights and security situation](#) and [8. Internally displaced persons \(IDPs\), 8.2. Security](#).

## 7. Civil and Political Rights<sup>632</sup>

Article 39 of the Interim National Constitution of the Republic of the Sudan of 2005 contains the following provisions with regard to freedom of expression and the media:

- (1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
- (2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.
- (3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war.<sup>633</sup>

Article 5 of the Press and Publications Act of 2009 defines the “Political Principles of the Freedom of the Press and Journalists”:

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<sup>627</sup> Radio Dabanga, [Habaniya, Rizegat clash in Sunta, South Darfur](#), 5 July 2015

<sup>628</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 28](#), 6 – 12 July 2015

<sup>629</sup> Radio Dabanga, [Seven dead in Ziyadiya attack on Berti villages in North Darfur](#), 7 July 2015

<sup>630</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 29](#), 13 – 19 July 2015

<sup>631</sup> Radio Dabanga, [Rizegat, Habaniya clashes in South Darfur leave more than 170 dead](#), 15 July 2015

<sup>632</sup> Selected COI in this subsection reproduced with permission from ACCORD as cited in:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 7 *Civil and political rights*

<sup>633</sup> [Interim National Constitution of the Republic of the Sudan](#), 10 July 2005, Article 39

(1) The Journalism shall – freely and independently – be practiced without prejudice to the constitution and law while maintaining the public good, individual rights and privacies and without infringement upon public morals.

(2) No restrictions may be applied to the freedom of journalistic publishing save as maintained in this Act with regards to national security protection, public order and health; newspapers shall not be confiscated or shutdown nor shall journalists and publishers be imprisoned on issues pertaining to their practice save under the provisions of this Act.<sup>634</sup>

In its annual report Freedom in the World (concerning events in 2014) Freedom House briefly reports on legal provisions concerning freedom of the press and their implementation:

The 2005 interim constitution recognizes freedom of the press, but the media face significant obstacles in practice. The 2009 Press and Publication Act allows a government-appointed Press Council to prevent publication or broadcast of material it deems unsuitable, temporarily shut down newspapers, and impose heavy fines for violations of media regulations. Members of the National Intelligence and Security Services (NISS) routinely raid printing facilities to confiscate editions of newspapers considered to be in violation of the act. By waiting until editions are printed, the authorities impose crippling financial losses on media houses.<sup>635</sup>

The US Department of State (USDOS) annual report of February 2015 (covering 2014) similarly notes that:

The interim national constitution provides for freedom of the press, but authorities prevented newspapers from reporting on problems deemed sensitive. Those measures included direct prepublication censorship, confiscation of publications, legal proceedings, and denial of state advertising. Confiscation in particular inflicted financial damage on newspapers that were already under financial strain due to low circulation. The government announced “red line” topics that could not be reported on in the press, such as corruption, government security services, and government action in the conflict areas. Authorities ordered the confiscation of newspapers that reported on these topics.<sup>636</sup>

Amnesty International reports in April 2015 that “The 2009 Press and Printed Materials Act established the National Council for Press and Printed Publications (NCP). The NCP is a quasi-judicial body charged with regulating media practitioners and print publications in Sudan. It also has powers to shut down newspaper agencies for up to three days without a court order and can suspend publishers. The NCP suffers from undue control by the President as he approves its budget, appoints a large number of its staff and supervises their activities”.<sup>637</sup> The same source notes that “Several other laws are also regularly enforced against the media, including provisions of the 1991 Penal Code, the 2010 National Security Forces Act, and the emergency law applied in the western region of Darfur”.<sup>638</sup>

The criminal offense of “defamation” is defined in Article 159 of the Criminal Act of 1991:

(1) There shall be deemed to commit the offence of defamation, whoever publishes, or narrates, or otherwise communicates, to another, by any means, facts imputed to a specific person, or evaluation of his conduct, intending thereby to injure his reputation.

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<sup>634</sup> [Press and Publications Act](#), 2009, Article 5, available [here](#) (p. 121)

<sup>635</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>636</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 2.

a. *Freedom of Speech and Press*

<sup>637</sup> Amnesty International, [Sudan: Entrenched Repression - Freedom of expression and association under attack \[AFR 54/1364/2015\]](#), 1 April 2015, p.3

<sup>638</sup> Amnesty International, [Sudan: Entrenched Repression - Freedom of expression and association under attack \[AFR 54/1364/2015\]](#), 1 April 2015, p.4

(2) A person shall not be deemed to intend to injure the reputation of another in any of the following cases:

(a) where he made it in the course of judicial proceedings to the extent required by the same, or a publication of such proceedings;

(b) where he, or another person has a lawful complaint, or interest to be expressed, or protected respectively, which cannot be achieved, without the imputation of such facts or evaluation of the particular conduct;

(c) where it is made about a person elected for a public office, or assumes the same, with intent to evaluate his capacity, or his performance, to the extent that such evaluation is necessary;

(d) where it is made about a person in the course of an advice for the interest of another person intending to deal with, him, or for the public interest;

(e) where the facts are imputed in good-faith to a person, who is reputed of and in the habit of doing them, or who publicly does what is imputed to him;

(f) where it is made in the course of evaluation of a person, who has placed himself, or his work for judgment, by the public opinion, and such evaluation is to the extent necessary for such judgment.

(3) Whoever commits the offence of defamation shall be punished with imprisonment for a term not exceeding six months or with fine or with both.<sup>639</sup>

In its annual report on digital media and Internet freedom, Freedom House refers to the Informatic Offences (Combating) Act of 2007 (also known as the IT Crime Act) and briefly reports on provisions contained therein and their implementation:

Sudan has a host of restrictive laws that seeks to limit internet freedom. For example, the Informatic Offences (Combating) Act (known as the IT Crime Act, or electronic crimes law), criminalizes the establishment of websites that criticize the government or publish defamatory material and content that disturbs public morality or public order. Violations involve fines and prison sentences between two to five years. While only one case of defamation has been filed under the IT Crime Act since its enactment in 2007, the act inherently contradicts Sudan's constitutional protection of freedom of expression and fundamentally undermines internet freedom in the country.<sup>640</sup>

The US Department of State (USDOS) annual report of February 2015 (covering 2014) notes on the topic of internet freedom that "The government regulated licensing of internet and telecommunications companies through the National Telecommunications Corporation (NTC). The NTC blocked some websites and most proxy servers judged offensive to public morality, such as those purveying pornography. There were few restrictions on access to news and information websites, but authorities sporadically blocked access to YouTube, as well as "negative" media sites".<sup>641</sup>

Freedom House's report Freedom on the net 2014, published December 2014, provides further information on the effects of the legal framework on bloggers and online activists stating that "For bloggers and online activists, the press laws and the criminal law are more dangerous. In 2009, the government revised the highly restrictive 2004 Press and Printed Press Materials Law, which continued to allow for restrictions on the press in the interests of national security and public order, and holds editors-in-chief liable for all content published in their newspapers. While there is no specific reference to online media, the press law's broad wording allows for its application to online content".<sup>642</sup>

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<sup>639</sup>[Criminal Act](#), 1991, Article 159 (available on the website of the Project for Criminal Law Reform in Sudan, PCLRS)

<sup>640</sup> Freedom House, [Freedom on the Net 2014 - Sudan](#), 4 December 2014, *Violation of user rights*, p.10

<sup>641</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 2. a. *Freedom of Speech and Press*

<sup>642</sup> Freedom House, [Freedom on the Net 2014 - Sudan](#), 4 December 2014, *Violation of user rights*, p.10

## 7.1. Freedom of expression, association, and assembly

Article 40 of the Interim National Constitution of the Republic of the Sudan of 2005 provides for freedom of peaceful assembly and association and sets conditions for an association to “function as a political party at national, Southern Sudan or state level”:

- (1) The right to peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his/her interests.
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at national, Southern Sudan or state level unless it has:
  - (a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,
  - (b) a programme that does not contradict the provisions of this Constitution,
  - (c) democratically elected leadership and institutions,
  - (d) disclosed and transparent sources of funding.<sup>643</sup>

An April 2015 report by Amnesty International (AI) provides an overview of the rights to freedom of expression and association noting that “The rights to freedom of expression and association are guaranteed by Sudan’s Interim National Constitution (INC) and international and regional commitments made by Sudan under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples’ Rights (African Charter). These rights include the freedom to hold opinions and to receive and express these opinions and information, and to gather, organize, and hold meetings and demonstrations with others. These rights are essential to enable individuals to exercise their full range of human rights”.<sup>644</sup>

The USDOS annual report on human rights covering 2014 notes that “Although the interim national constitution and law provide for freedom of assembly, the government severely restricted this right”.<sup>645</sup> The same report adds that “the criminal code considers gatherings of more than five persons without a permit to be illegal. Organizers must notify the government 36 hours prior to assemblies and rallies”. The same report further notes the following restrictions on freedom of assembly, including denial of permits for organisations associated with opposition political parties to hold public gatherings: “The government continued to deny permission to Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), to hold large gatherings in public spaces, but parties regularly held opposition rallies on private property. Government security agents occasionally attended opposition meetings, disrupted opposition rallies, or summoned participants to security headquarters for questioning after meetings”.<sup>646</sup>

With respect to freedom of association and the right to collective bargaining, the same source provides the following information:

The law provides that employees of companies of more than 100 workers can form and join independent unions. Other employees can join nearby, pre-existing unions. The law establishes a single national trade union federation and excludes police, military personnel, prison employees, legal

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<sup>643</sup> [Interim National Constitution of the Republic of the Sudan](#), 10 July 2005, Article 40

<sup>644</sup> Amnesty International, [Sudan: Entrenched Repression - Freedom of expression and association under attack \[AFR 54/1364/2015\]](#), 1 April 2015, p. 3

<sup>645</sup> U.S Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 2. b. Freedom of Peaceful Assembly and Association

<sup>646</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 2. b. Freedom of Peaceful Assembly and Expression

advisers in the Justice Ministry, and judges from membership. In some cases membership in international unions was not officially recognized. The Sudan Workers' Trade Union Federation (SWTUF), a government-controlled federation of unions that consisted of 17 state unions and 22 industry unions, is the only official umbrella organization for unions.

The government did not effectively enforce applicable laws. Freedom of association and the right to collective bargaining were not respected. There were credible reports the government routinely intervened to manipulate professional, trade, and student union elections.<sup>647</sup>

The UK Foreign and Commonwealth Office (FCO) annual human rights report covering 2014 states that "Political and individual freedoms continued to be restricted by the government during 2014; the activities of civil society organisations were restricted and many reported ongoing harassment by security services. This included raids on offices, confiscation of equipment, and forced closure of organisations".<sup>648</sup>

### 7.1.1. Political opposition parties and activists

Among the sources consulted within the reporting period little information could be found on the situation of political opposition parties and activists in Darfur. This section therefore also includes general information on the situation of political opposition parties and activists in Sudan:

The US Department of State (USDOS) human rights annual report of February 2015 (covering 2014) gives the following brief overview of Sudan's political party landscape:

The National Congress Party (NCP) dominated the political landscape, controlling all of the regional governorships and holding a two-thirds majority in the National Assembly. Various other parties held the remainder, with the SPLM-Peace Wing holding eight seats and the Popular Congress Party and Democratic Unionist Party each holding four. The number of registered political parties increased from 52 to 83. The Umma Party and the Democratic Unionist Party were not registered with the government. The Reform Now Party registered as a political party during the year. The government continued to harass some opposition leaders who spoke with representatives of foreign organizations or embassies. While the NCP dominated the political institutions, opposition parties created an unofficial umbrella organization, the National Consensus Forces.<sup>649</sup>

A report of the UN Secretary General on UNAMID to the UN Security Council notes that "The national elections in the Sudan, which were boycotted by all major opposition forces, took place from 13 to 16 April. On 27 April, the National Elections Commission announced that President Bashir won the presidential race with 94.5 per cent of the vote and that NCP [National Congress Party] had secured a majority of 323 out of 426 seats in the National Assembly".<sup>650</sup> For further information, see [1.2. Central government](#).

The US Department of State (USDOS) human rights annual report of February 2015 (covering 2014) notes that the authorities placed restrictions upon political party activity and refers to several instances where opposition party members were targeted by authorities:

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<sup>647</sup> U.S Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 7., a. *Freedom of Association and the Right to Collective Bargaining*

<sup>648</sup> UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015, *Freedom of Expression and Assembly*

<sup>649</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 3. *Respect for Political Rights: The Right of Citizens to Change their Government*

<sup>650</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur \[S/2015/378\]](#), 26 May 2015, paragraph 38

The Political Parties Advisory Council oversees the registration of political parties. It is under the control of the ruling party and is not an independent body. In May the council refused to register the Republican (Jamhuri) Party, which opposes Islamic fundamentalism and promotes secularism. The party leader condemned the decision and filed a complaint in the constitutional court.

Authorities monitored and impeded political party meetings and activities, restricted political party demonstrations, used excessive force to break them up, and arrested opposition party members. In the first half of the year, authorities detained at least 25 members of the SCP [Sudanese Congress Party], including key leadership figures, and canceled events at local branch offices on several occasions. In September the NISS [National Intelligence Security Services] raided the Khartoum headquarters of the Sudanese Communist Party. Between October 31 and November 2, the NISS detained five members of the Communist Party in Blue Nile, including the secretary general of the Blue Nile branch.<sup>651</sup>

Also Freedom House states in its 'Freedom in the World' report that "In addition to the threat of arrest, political parties experienced problems registering with the authorities. The Sudanese Political Parties Affairs Council denied the Sudanese Republican Party recognition in May because it refused to endorse a system of Sharia (Islamic) law".<sup>652</sup> The same source further states that "Human rights groups accuse the NISS [National Intelligence Security Services] of systematically detaining and torturing government opponents, including Darfuri activists, journalists, and members of youth movements such as Girifna and Sudan Change Now".<sup>653</sup>

The Council of the European Union similarly states in its annual human rights report (covering 2014) that "In spite of the announcement of a national dialogue by the President early in 2014, political space remained heavily restricted by continued arbitrary arrests of political activists and closure of NGOs".<sup>654</sup>

Radio Dabanga reported in an August 2014 article that:

Hala Tajelsir, member of the NCF Youth [National Consensus Forces], told Radio Dabanga after the press conference that the NCF obtained information that 60 political activists are held in custody, in addition to about 22 recently detained Darfuris. Among them are residents of El Salam camp for the displaced, who were detained during a military raid at the camp on 7 August, and deported to Khartoum.

Tajelsir confirmed that Abdallah Jabara and lawyer El Haj Azrag are among the jailed Darfuri, besides a number of detainees from the Nuba Mountains in South Kordofan, and members of the Sudanese Congress Party in West and North Kordofan.

She appealed through Radio Dabanga to "all benevolent and human rights defenders to support the detainees, until they are released or brought to a fair trial".

The Darfur representative of the Solidarity Committee, Mohamed Idris Jido, said that the Darfuri detainees are in a dire situation, "particularly those who have been deported from Mellit in North Darfur, and El Salam camp in South Darfur."<sup>655</sup>

The Human Rights Watch annual report covering events in 2014 notes that "Sudanese military courts exercised their new power to try civilians, contrary to international standards. The courts acquitted one journalist but convicted at least eight Darfuri civilians whom they accused of being members of

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651 US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 3. *Respect for Political Rights: The Right of Citizens to Change their Government*

652 Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015, B. *Political Pluralism and Participation*

<sup>653</sup>Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015, F. *Rule of Law*

654 Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2014](#), 22 June 2015, p. 269

<sup>655</sup> Radio Dabanga, [Sudan activists campaign for release of political detainees](#), 12 August 2014

opposition forces. In July 2013, Sudan's parliament amended the Sudan Armed Forces Act of 2007 to allow military courts to exercise jurisdiction over civilians for a range of broadly defined offences such as undermining the constitution and publication of "false news".<sup>656</sup>

The US Department of State rights annual report of February 2015 (covering 2014) documents several cases of arrests of opposition party members by authorities:

The government continued to arrest members of the SCP [Sudanese Congress Party], National Umma Party, Sudanese Communist Party, and affiliates of the SPLM-N or other opposition groups.

In May the NISS arrested Saddiq al-Mahdi, chair of the Umma Party, for accusing the RSF of human rights abuses. The government released him on June 15 but threatened to detain him again if he returned to country. On August 12, the NISS arrested Mariam al-Mahdi, daughter of Saddiq al-Mahdi and deputy chairperson of the Umma Party, as she returned from negotiations between the Sudan Revolutionary Front (SRF, an alliance of rebel movements) and opposition parties; she was released on September 9.

On May 12, NISS officials arrested Mohammed Salah, Taj Elsir Jaafar, and Moammer Musa Mohammed near the University of Khartoum. The three had protested the killing of a Darfuri student, Ali Abakar Musa Idris, by government security forces at Khartoum University on March 11. The government initially denied any access to the students despite international pressure. Family members, who were eventually allowed to visit the students, reported they showed signs of torture and mistreatment. Authorities released the three youths on July 11.<sup>657</sup>

A February 2015 Sudan Tribune article reports on the arrest of several students associated with the opposition Sudanese Congress Party (SCoP) by authorities in West Darfur:

The opposition Sudanese Congress Party (SCoP) said that National Intelligence and Security Services (NISS) on Saturday has stormed its headquarters in the capital of West Darfur state, El-Ginaina and arrested several students. SCoP said in a statement on Saturday that a force belonging to NISS broke into its headquarters in El-Ginaina at 5am (local time) on Saturday without obtaining the necessary authorisation as required by the political parties act.

The statement described NISS's move as "normal", saying it continues to place itself above the law when it comes to suppress political forces. The opposition party added that the move come in the wake of a sit-in carried out by the students of the University of El-Ginaina due to the deterioration of services, pointing that several students were detained.

SCoP, which is a member of the opposition alliance of the National Consensus Forces (NCF), refuses to participate in the national dialogue initiative launched by Sudanese president Omer Hassan al-Bashir last year. It also calls for a boycott of the general elections scheduled for April.<sup>658</sup>

A report of the UN Secretary General on UNAMID to the UN Security Council provides an overview of the general situation of opposition forces in Darfur around the elections "The national elections in the Sudan, which were boycotted by all major opposition forces, took place from 13 to 16 April" adding that "The general elections did not appear to have demonstrated any significant shift in the political dynamics in Darfur. This could be explained by the seeming lack of active participation of the population in the electoral process and the boycott by the opposition, including Darfur's rebel groups".<sup>659</sup>

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<sup>656</sup> Human Rights Watch, [World Report 2015 - Sudan](#), 29 January 2015, *Arbitrary Detentions, Ill-treatment, and Torture*

<sup>657</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1. e. Denial of Fair Public Trial*

<sup>658</sup> Sudan Tribune, [Sudanese security storms opposition party premises in West Darfur](#), 1 February 2015

<sup>659</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur \[S/2015/378\]](#), 26 May 2015, *Paragraph 38*

An April 2015 Sudan Tribune article reports that “In Darfur, the elections have taken place in a context of ongoing insecurity and violence. ACJPS [African Centre for Justice and Peace Studies] and the Darfur Bar Association previously reported the killing of Idriss Ahmed, (m), on 30 March 2015. Mr. Ahmed is a community leader in Otash IDP camp in Nyala, South Darfur, and was reportedly killed by a group of unknown men reportedly wearing government uniforms. It was reported that Mr. Ahmed had previously received death threats for advocating for an election boycott amongst IDPs. ACJPS has learnt that on 16 March Mr. Idriss refused to allow a National Congress Party (NCP) representative into his section of the Otash IDP camp. The NCP representative was there to encourage citizens to vote. On 13 April demonstrations at Mornei IDP camp in West Darfur calling for a boycott of the elections were forcibly dispersed by joint forces of police and the Sudanese Armed Forces, who entered the camp, fired live ammunition, and opened heavy tear gas”.<sup>660</sup>

A report of the UN Secretary General on UNAMID to the UN Security Council, published May 2015, similarly states that “Demonstrations against the electoral process, took place in a number of internally displaced persons camps, including the Hamidiya and Hassahissa camps in Central Darfur, Kalma camp in Southern Darfur and the Mournei and Rogatas camps in Western Darfur. On 13 April, Government police forces dispersed a demonstration in the Mournei internally displaced persons camp in Western Darfur, during which six internally displaced persons and three policemen were injured. In addition, on 14 April, anti-riot police arrested 20 students, while dispersing a demonstration of approximately 200 students at El Fasher University. Seven policemen and an unconfirmed number of students were injured in the incident”.<sup>661</sup>

In an April 2015 article The International Federation for Human Rights (FIDH) states that “In the months leading up to the elections, ACJPS [African Centre for Justice and Peace Studies] and FIDH have documented a series of violations, apparently aimed at restricting the ability of independent groups and activists to voice dissenting political views from those of the ruling party. Activists and political opposition party members affiliated with Irhal (Go!), a campaign established by the opposition coalition, the National Consensus Forces (NCF), calling on supporters to boycott the elections, have been subjected to harassment, arbitrary arrest and ill-treatment by security forces”.<sup>662</sup>

Human Rights Watch reported in April 2015 with regards to a ‘Surge in Detention, Beatings, Around Elections’ that:

Security forces in Sudan arrested dozens of opposition party members, students, and political activists, in the lead up to, during, and after national elections, April 13 to 16, 2015. Those arrested included people participating in a campaign to boycott the elections “Irhal” (or “Go!” in Arabic). The African Center for Justice and Peace Studies, in a statement released the day after polls closed, documented 22 arrests on April 12 alone. Sudanese monitoring groups have reported dozens of additional arrests.

Sudanese monitors have reported that arrests, often by the National Intelligence and Security Service (NISS), are continuing. On April 28, in Omdurman, NISS agents arrested at least three activists speaking out against the elections, including Mastor Ahmed Mohammed, a member of the opposition Sudanese Congress Party (SCP), which is among the parties that boycotted the elections.<sup>663</sup>

Amnesty International similarly reported with regards to Sudan’s election period that:

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<sup>660</sup> Sudan Tribune, [Sudan’s election marred by arbitrary detention, and insecurity](#), 18 April 2015

<sup>661</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur \[S/2015/378\]](#), 26 May 2015, Paragraph 16

<sup>662</sup> International Federation for Human Rights (FIDH), [Detentions, civil society closures, media restrictions on eve of Sudan elections](#), 12 April 2015

<sup>663</sup> Human Rights Watch, [Surge in Detention, Beatings, Around Elections](#), 29 April 2015

“Activists, the press and political opponents of the government have all been targeted, and the role of the state in this assault on freedom of expression cannot be underestimated. Rather than protecting and promoting the rights of its people, the Sudan government is targeting and silencing them. The Sudan authorities must live up to its human rights obligations and commitments, end continuing violations and act swiftly and decisively to hold those responsible for human rights violations to account.”

Amnesty International has documented arbitrary arrests, unlawful detentions, allegations of torture and ill-treatment and violent dispersal of public rallies since Sudan’s election period started on 24 February.

Sudan’s National Intelligence and Security Service (NISS) and police appear to have carried out many of these violations with total impunity. Opposition politicians and activists have been especially targeted during the election period.<sup>664</sup>

The July 2015 update on the human rights situation published by the UK Foreign and Commonwealth Office (FCO) states that “The detention and treatment of opposition members remains of concern. Farouk Abu Issa and Amin Mekki Medani were released without charge on 9 April after four months in detention. In the lead-up to the elections a number of opposition members were detained across Sudan in relation to calls to boycott the elections. On 8 June, seven opposition leaders were prevented from leaving Sudan to participate in a hearing at the European Parliament”.<sup>665</sup>

The above-cited USDOS report of June 2015 comprises the following observations with regard to political prisoners and detainees in Sudan:

Throughout the year the government continued to hold political prisoners and detainees, including protesters. Due to a lack of access, the actual numbers of political prisoners and detainees could not be confirmed. Human rights monitors reported political prisoners as being in the hundreds, but the government claimed that it did not have political prisoners.

The government severely restricted international humanitarian organizations’ access to political detainees. The government allowed UNAMID extremely limited access to Darfuri political detainees in Khartoum and Darfur. The NISS refused the request of the UN independent expert on the human rights situation in Sudan in June to visit detained student activist Mohammed Salah to ascertain his health. Security forces detained political opponents incommunicado, without charge, and tortured them. Some political detainees were held in isolation cells in regular prisons, and many were held without access to family or medical treatment.

Security forces detained political opponents incommunicado, without charge, and tortured them. Some political detainees were held in isolation cells in regular prisons, and many were held without access to family or medical treatment. Human rights organizations asserted the NISS ran “ghost houses,” where it detained opposition and human rights figures without acknowledging they were being held. Such detentions were prolonged at times.<sup>666</sup>

An Amnesty International report, dating May 2015, notes that “Currently there are 12 members of the opposition Sudanese Congress Party (SCP) in detention. Four members of the SCP are facing criminal charges including capital offences under the 1991 Penal Code ‘complicity to execute a criminal agreement’, ‘undermining the constitutional system’ and calling for ‘opposition of the public authority by violence or criminal force’”.<sup>667</sup>

For further information on detention conditions, see [5.7. Detention conditions](#).

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<sup>664</sup> Amnesty International, [Sudan: State sponsored assault on freedom of expression around elections](#), 23 April 2015

<sup>665</sup> UK Foreign & Commonwealth Office (FCO), [Sudan in year update](#), 15 July 2015

<sup>666</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, *Section 1. e. Denial of Fair Public Trial*

<sup>667</sup> Amnesty International, [Urgent Action: 121/15 \[AFR 54/1759/2015\]](#), 29 May 2015

### 7.1.2. Darfuri students

An October 2014 Human Rights Watch report noted that “Sudanese security forces have repeatedly cracked down violently on Darfuri students protesting government policies, including attacks on civilians in Darfur and the death of a student protester last March”.<sup>668</sup>

An April 2015 Sudan Tribune article reports that “In Darfur, protests calling for an election boycott were met with excessive force by the authorities. On 13 April, joint forces of police and the Sudanese Armed Forces fired live ammunition and tear gas to disperse an anti-election rally at Mornei IDP camp in Central Darfur. The next day, on 14 April, police fired tear gas to disperse a public forum calling for a boycott of the elections at El Fashir University in North Darfur. It is thought that up to twenty-nine students were arrested, with twelve currently being held in unknown locations. Eighteen students have been remanded in custody, charged with criminal offences including article 50 (undermining the constitutional system) which carries the death penalty”.<sup>669</sup>

As reported by Radio Dabanga in an article dating June 2015 “Attacks by militant students of the ruling National Congress Party (NCP), backed by security agents, on Darfuri students and student members of opposition parties, have been going on since years. Yet, since February this year, the number of assaults grew significantly”.<sup>670</sup>

The following sources report on incidents involving Darfuri students *outside* the Darfur region: As indicated by Amnesty International in its annual report covering 2014 “On 11 March, economics student Ali Abakar Musa died from gunshot wounds sustained when security services opened fire during a demonstration at the University of Khartoum. The demonstration took place immediately after the conclusion of a public forum organized by the Darfur Students’ Association concerning escalating violence in South Darfur. Students marched to the main university gate, where they were met by the police, NISS [National Intelligence Security Services] and student militias. The security services fired tear gas, rubber bullets and live ammunition at the students”.<sup>671</sup>

The US Department of State (USDOS) annual human rights report for 2014 notes that:

Security forces and police harassed suspected government opponents. On October 5-6, government security forces arrested 18 Darfuri students who refused to move out of their dormitories at the University of Khartoum. Some of those arrested reported being verbally and sexually harassed by security forces. According to eyewitnesses, security forces claimed the students supported Darfuri rebel groups. The students denied being rebel supporters.

In December security forces arbitrarily arrested and charged 77 Darfuri students from Bahri University following a confrontation between students and school authorities over school fees, from which students from Darfur are legally exempt. The government alleged the students were responsible for the destruction of university property. Students from other regions of the country were not arrested. In January a court dismissed the charges against 76 of the students.<sup>672</sup>

An October 2014 Human Rights Watch report provides information on incidents concerning Darfuri students in Khartoum:

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<sup>668</sup> Human Rights Watch, [Sudan: Police Beat, Arrest Female Students](#), 15 October 2014

<sup>669</sup> Sudan Tribune, [Sudan’s election marred by arbitrary detention, and insecurity](#), 18 April 2015

<sup>670</sup> Radio Dabanga, [Darfuri students to court, Ansar students attacked in Sudan](#), 05 June 2015

<sup>671</sup> Amnesty International, [The State of the World’s Human Rights - Sudan](#), 25 February 2015

<sup>672</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan, 25 June 2015](#), Section 1. c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*

On October 5 and 6, 2014, government security forces forcibly evicted about 70 female students from the Zahra dormitory complex in Khartoum, beating and arresting many students. The police verbally and physically abused students, those who have been released told Human Rights Watch. Students who were arrested on both days were taken to the National Security and Intelligence Service (NISS) offices, where officers beat and interrogated them about their political affiliations before transferring them to the Omdurman prison for women.

"Sudanese security forces apparently think they can intimidate Darfuri students by beating them up and throwing them out of their dorms," said Daniel Bekele, Africa director. "There is no justification for treating students that way."

Students caught up in the raid told Human Rights Watch the security forces groped them, taunted them, and threatened to assault them sexually. A women's rights group, No to Women's Oppression, reported that security officials raiding the dorms forced some women to undress in the dorms, photographed them, and threatened to use the photos against them.

The eviction and arrests occurred in the context of growing tensions between Darfuri students and university administrators over a range of issues.<sup>673</sup>

The Sudan Tribune reported in April 2015 that "Three student members of the Darfur Student Associations at El Neelain University and the Omdurman Islamic University were arrested by the NISS from the main street in front of El Neelain University in central Khartoum. The three were arrested after participating in a peaceful protest organized by student opposition parties to call for an elections boycott. Their whereabouts have not been disclosed by the NISS and they have not had access to their families or a lawyer".<sup>674</sup>

The July 2015 update on the human rights situation published by the UK Foreign and Commonwealth Office (FCO) states that "On 30 April, violence broke out between Darfuri students and students affiliated with the ruling National Congress Party (NCP) in Khartoum following the death of NCP student leader Mohammed Awad at Sharg al-Neel. University statements attributed to the NCP's student secretariat of Khartoum State called for reprisals. At least 16, mostly Darfuri, students were subsequently detained by security services for varying periods of time, many reporting severe beatings while in custody. A student, Mohamed El Bagari, has been arrested and charged with the death of Awad. His trial was suspended after concerns were raised over his not being given access to a defence lawyer".<sup>675</sup>

In April 2015 Agence France Press reported that:

A man died after being injured in clashes between two groups of university students in the Sudanese capital Khartoum on Wednesday, the interior ministry said in a statement. Violence erupted between students supporting the ruling National Congress Party and another group from Darfur who criticised recent elections won by President Omar al-Bashir, an eyewitness said.

"After a dispute between two groups of students from Sharq al-Nil University College, one of the groups attacked the other inside the university campus," the interior ministry said in a statement on its website. Several people were hurt in the clash and one of those, Mohammed Awad, "was injured and transferred to a hospital, where he died," the statement said, without giving details about the deceased. Police in Khartoum are investigating the clashes, the ministry said.

An eyewitness told AFP "students from Darfur were criticising the elections when students from the National Congress Party attacked them and there were clashes between them". Several students were injured, including Awad, the witness added.<sup>676</sup>

Amnesty International noted in May 2015 that "In recent weeks more than 221 students from Darfur were arrested by NISS and the police after violent clashes between the National Congress Party

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<sup>673</sup> Human Rights Watch, [Sudan: Police Beat, Arrest Female Students](#), 15 October 2014

<sup>674</sup> Sudan Tribune, [Sudan's election marred by arbitrary detention, and insecurity](#), 18 April 2015

<sup>675</sup> UK Foreign & Commonwealth Office (FCO), [Sudan in year update](#), 15 July 2015

<sup>676</sup> AFP - Agence France-Presse, [One dead in Sudan student clashes: ministry](#), 29 April 2015

student supporters and students from Darfur in five universities in Khartoum. 157 were released on bail after having been charged with various crimes. 37 students were injured”.<sup>677</sup>

A May 2015 Radio Dabanga article similarly noted that:

The Darfur Students Association (DSA) reported today that 28 Darfuri students are currently being held in detention centres of the National Intelligence and Security Service (NISS) in Khartoum.

At a press conference at the headquarters of the National Umma Party in Omdurman this (Tuesday) morning, Hasabelnabi Mahmoud, Secretary-General of the DSA branch of the Ahliya University in Omdurman, described the situation of Darfuri students at Sudanese universities these days as “dangerous”.

He said that militant student members of the ruling National Congress Party (NCP), supported by elements of the security apparatus, are still denying Darfuri students at the Ahliya University in Omdurman access to the campus. “Darfuris who want to enter the campus are beaten, after which they are detained by security agents.”

“About one third of the Darfuri students in the Sudanese capital have been subjected to beatings the last couple of weeks,” he reported. The number of Darfuri students who were wounded in attacks at Khartoum universities has risen to 221.”

Mahmoud further said that many Darfuri students have not been able to sit for their exams. “Others have left the universities, and returned to Darfur.”

The “racist campaign” as Mahmoud called the attacks against Darfuri students by youth members of the NCP intensified after the death of Mohamed Awad El Karim, a senior member of the NCP student wing at Sharg El Nil College, on 29 April. According to reports, a group of 150 militant NCP students attacked a number of Darfuri students, who were having a meeting of the Darfur Student Association at the campus. In the ensuing clashes, Awad El Karim was killed.

In the following weeks, Darfuris studying at universities in Sudan’s capital were assaulted. The security apparatus detained a number of Darfuri students, as well as their relatives.

Darfuri student Fawzi Suleiman Abdallah told Radio Dabanga that “until now” 37 students from Darfur have been seriously injured. He added that student Mohamed El Bagari, charged with the murder of the NCP student, is wounded too, but has not been allowed to see a doctor, or his family.

Abdallah strongly condemned the start of the “fake trial” of El Bagari last week without the presence of a defence lawyer, and reported that court cases have been opened against 157 Darfuri students in Khartoum.<sup>678</sup>

As reported by Radio Dabanga in an article dating June 2015 “The “racist campaign” against Darfuri students intensified after the death of Mohamed Awad El Karim, a senior member of the NCP student wing at Sharg El Nil College, on 29 April. According to reports, a group of 150 militant NCP students attacked Darfuri students who were having a meeting of the Darfur Student Association at the campus. In the ensuing clashes, Awad El Karim was killed. In the following weeks, Darfuris studying at universities in Sudan’s capital were assaulted. The security apparatus detained a number of them, as well as their relatives. According to the Darfur Students Association, about 815 Darfuri students were evicted from dormitories in Khartoum, and Dongola, northern Sudan, in May”.<sup>679</sup>

Another June 2015 Radio Dabanga article noted that:

The Sudanese opposition forces agreed to establish a committee for the protection of Darfuri students in Khartoum. Medical doctors will appoint three clinics in the capital where students from Darfur, injured during attacks by student members of the ruling party, can be treated. Members of the Darfur Bar Association, together with a number of other Sudanese lawyers, are ready to provide legal aid.

At a meeting this (Monday) morning at the premises of the Sudanese Communist Party in Khartoum II, the opposition forces decided to act in order to protect Darfur students in the capital against the

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<sup>677</sup> Amnesty International, [Urgent Action: 121/15 \[AFR 54/1759/2015\]](#), 29 May 2015

<sup>678</sup> Radio Dabanga, [Darfuri students in Sudan 'in dangerous situation'](#), 19 May 2015

<sup>679</sup> Radio Dabanga, [Darfuri students to court, Ansar students attacked in Sudan](#), 05 June 2015

violent campaign, launched by student members of the National Congress Party (NCP), since last week.

The students have been threatened after the head of the National Islamist Students Movement was killed during clashes at Sharg El Nil University in Khartoum last week. Faroug Abu Eisa, chairman of the National Consensus Forces (NCF, a coalition of opposition parties) told Radio Dabanga today that NCP students have been urged to evict all Darfuri students from the dormitories in the Sudanese capital "by force or by fire".

Last Wednesday, some 150 militant students of the National Congress Party (NCP) stormed the Sharg El Nil campus. Backed by university guards, they molested members of the Darfur Students Association who were having a meeting. "They attacked us with metal bars, crutches, and machetes. Dozens of students were wounded, seven of them seriously," a Darfuri student reported to Radio Dabanga. "One of the assailants, Mohamed Awad El Karim, Secretary-General of the National Islamist Students Movement [NCP student wing], was killed."<sup>680</sup>

### 7.1.3. Lawyers as political opposition members and activists

Among the sources consulted within the reporting period, little information could be found on the situation of lawyers perceived as political opposition members and activists in Darfur. This section therefore also provides general information on the situation of these categories of people in Sudan.

The US Department of State (USDOS) annual human rights report 2015 (covering events of 2014) briefly notes with regard to the situation of lawyers in Sudan that "Lawyers wishing to practice are 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".<sup>681</sup>

A December 2104 Sudan Tribune article notes that:

Sudanese lawyers organised a sit-in on Monday to protest the arrest of opposition National Consensus Forces (NCF) leader Farouk Abu Issa and human rights defender Amin Mekki Madani, who are both lawyers.

The protesters gathered outside Khartoum main court and held banners calling for the immediate release of the detainees who are arrested on 6 December after the signing of the "Sudan Call" with rebel groups. Reports from Khartoum say the security services transferred the two lawyers to Kober Prison. A dissident member of the ruling National Congress Party, Farah Agar, is also detained since the 7 December for meeting the rebel groups in Addis Ababa. The three are now accused of subversive activities and use of violence to overthrow the government, charges which carries the death penalty. The anti-riot police attempted without success to disperse the sit-in which gathered about 80 lawyers and the families of the detainees. Three lawyers were shortly arrested after a quarrel with the policemen but they released later.<sup>682</sup>

A Human Rights Watch report published in April 2015 documents several incidents involving lawyers in Sudan:

In Khartoum, a lawyer who was arrested in his office by national security agents on April 12 told Human Rights Watch that he had been blindfolded and beaten with pipes, and could barely move because of his injuries. "My body is broken," he said by telephone on April 20. He and four other men detained with him, all ethnic Nuba, were released on April 15.

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<sup>680</sup> Radio Dabanga, [Sudan's opposition takes action to protect students from Darfur](#), 04 June 2015

<sup>681</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 1. e. Denial of Fair Public Trial

<sup>682</sup> Sudan Tribune, [Sudanese lawyers hold sit-in to protest detention of opposition leaders](#), 22 December 2014

In Lagawa, Western Kordofan, on April 21, heavily armed security forces arrested a traditional leader known as a sultan, a lawyer, and a student because they supported an independent candidate, witnesses told Human Rights Watch. The three men remain in detention without charge, under the authority of the state governor. Over the past three months Lagawa's residents have been protesting about the lack of development in the area and other grievances against the state government".

On December 21, 2014, security agents raided the Sudanese Human Rights Monitor and confiscated laptops and documents. On December 6 and 7, the authorities had arrested Dr. Amin Mekki Medani, the organization's founder and well-known human rights lawyer, Farouk Abu Eissa, an opposition leader, and Dr. Farah Ibrahim Alagar, a political activist. The men had returned from political negotiations in Addis Ababa where they supported the "Sudan Call," an opposition declaration calling for democracy and an end to conflicts. The men were held incommunicado for 15 days, then transferred.<sup>683</sup>

A March 2015 Sudan Tribune article reports that:

A Sudanese lawyer has filed charges against the National Intelligence and Security Services (NISS), claiming he was beaten by three of its officers.

Mohamed Ibrahim, said he was assaulted on Monday in front of the north Khartoum court premises during the trial of opposition figures Farouk Abu Issa and Amin Mekki Madani.

He explained that one of the security officers has mistaken him for someone else by the name of Abu al-Roos and that he sought in vain to convince him that he is not the person in question but to no avail.

Ibrahim added that the security officer described him as "American agent", after which all three of them collectively said "we saw you drinking alcohol inside the American embassy".

He was then pushed into their car and they started beating him up when he asked them to produce an arrest warrant.<sup>684</sup>

An August 2015 Radio Dabanga article reports that "Ma'aliya lawyer Jamaa Mordos Juma was detained at his home in Omdurman, the sister city of Khartoum, on Friday evening. After questioning him during several hours, he was released again, a human rights activist informed Radio Dabanga. He said that the security officers ordered Juma to return to the security office on Sunday for further investigations into his relation with the Arab Human Rights Commission, expected to visit Khartoum between 3 and 9 August".<sup>685</sup>

## 7.2. Freedom of the Media

In the 2015 Press Freedom Index established by the international media freedom NGO Reporters Without Borders (Reporters Sans Frontières, RSF), Sudan is ranked 174 out of 180 countries (one being the most free and 180 the least) listed in the index.<sup>686</sup> The same source gives an overview of the situation in Sudan regarding freedom of the press "In Sudan, military raids in the Darfur, Blue Nile and Kordofan region continue to inflict scores of casualties [*sic*] and displace thousands, but newspapers are not allowed to print any information about it. The security services seized dozens of newspaper issues that did not satisfy the censors. At least three journalists were arrested arbitrarily by intelligence officials in the autumn. Legislation enshrines censorship and surveillance, with military courts empowered since 2013 to try civilians charged with publishing "false information".<sup>687</sup>

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<sup>683</sup>Human Rights Watch, *Surge in Detention, Beatings, Around Elections*, 29 April 2015

<sup>684</sup>Sudan Tribune, *Lawyer beaten up by Sudanese security agents*, 31 March 2015

<sup>685</sup>Radio Dabanga, *HRs lawyer held, IS supporters arrested in Sudan's capital*, 3 August 2015

<sup>686</sup>Reporters Without Borders, *2015 World Press Freedom Index*, undated

<sup>687</sup>Reporters Without Borders, *2015 World Press Freedom Index*, 2015

The Council of the European Union notes in its annual human rights report (covering 2014) that “Political opponents, youth groups, human rights activists and journalists remained at high risk of harassment, arbitrary arrest and ill-treatment by the National Intelligence and Security Services (NISS) due to their political affiliation. State censorship and control over the media, in particular newspapers, remained high, including seizures of entire print runs and closure of newspapers”.<sup>688</sup>

### **7.2.1. Treatment of critical journalists, citizen-journalists, bloggers, etc.**

Among the sources consulted within the reporting period, little information could be found on the situation of critical journalists, citizen-journalists and bloggers, etc. in Darfur. This section therefore also provides general information on the situation of these categories of people in Sudan (including on the situation of media workers and bloggers covering events in Darfur).

Amnesty International annual report (covering 2014) provides an overview of issues regarding the freedom of the press:

Newspapers continued to be subject to closure and censorship for printing material perceived as being critical of the ruling National Congress Party. Journalists received threats from the NISS, which also seized entire print runs, causing large financial losses for newspapers. Eighteen newspapers repeatedly had their editions confiscated between January and September. By the end of the year, the authorities had confiscated newspapers 52 times. Al Jazeera newspaper, an independent daily publication, was arbitrarily confiscated by the NISS on 24 September. Al Jazeera had been suspended by the NISS 11 times by the end of the year. Al Siha, another newspaper, was suspended indefinitely by the NISS on 6 June.

The government also lifted the ban on three newspapers. On 29 January, the government lifted a two-year ban on Ray al-Shaab newspaper, affiliated to the Popular Congress Party. A two-year suspension against Al Tayar newspaper was lifted on 5 March. The suspension of Al Midan newspaper imposed on 3 May 2012 was lifted on 6 March. Al Midan is affiliated to the Sudanese Communist Party.<sup>689</sup>

The US Department of State states in its annual human rights report (covering 2014) that “The government, including the NISS, continued to arrest, harass, intimidate, and torture journalists and vocal critics of the government. The NISS required journalists to provide personal information, such as details on their tribe, political affiliation, and family”.<sup>690</sup> The same source added that “the government continued to practice direct prepublication and prebroadcast censorship of all forms of media throughout the year. Journalists also practiced self-censorship”.<sup>691</sup> In its annual report Freedom in the World (concerning events in 2014) Freedom House briefly notes that “Media workers whose reports meet with official disapproval or who cover sensitive topics risk arrest. In 2013 the government imposed a virtual media blackout during widespread protests, including the temporary closure of Sudan’s leading newspapers”.<sup>692</sup>

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<sup>688</sup> Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2014](#), 22 June 2015, p. 269

<sup>689</sup> Amnesty International, [Amnesty International Report 2014/15 - The State of the World's Human Rights - Sudan](#), 25 February 2015

<sup>690</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 2. a. Freedom of Speech and Press

<sup>691</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 2. a. Freedom of Speech and Press

<sup>692</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

The US Department of State (USDOS) annual human rights report 2015 (covering events of 2014) noted that “The government released Darfuri blogger Tajeldin Arjaa on May 14 after nearly five months in detention. Authorities had arrested Arjaa in December 2013 for criticizing the Sudanese and the Chadian presidents for the conflicts in Darfur. Taj Aldeen Arjaa, a 23-year-old Darfuri activist and blogger, was released from prison on 11 May. He was arrested by the NISS in Khartoum on 26 December 2013 after he verbally criticized President Omar al-Bashir and the President of Chad, Idriss Deby, at a joint press conference. He was reportedly tortured while in prison”.<sup>693</sup>

Amnesty International similarly notes in its The State of the World's Human Rights report covering 2014 that “Taj Aldeen Arjaa, a 23-year-old Darfuri activist and blogger, was released from prison on 11 May. He was arrested by the NISS [National Intelligence and Security Service] in Khartoum on 26 December 2013 after he verbally criticized President Omar al-Bashir and the President of Chad, Idriss Deby, at a joint press conference. He was reportedly tortured while in prison”.<sup>694</sup>

Reporters Without Borders (Reporters Sans Frontières, RSF) noted in September 2014 that:

Two journalists – Abdelrahman Alaagib of the daily newspaper Al-Youm Al-Tali and freelance photographer Eisa Aizain – have been held in an unknown location since 22 September, when the National Intelligence and Security Services (NISS) arrested them in central Khartoum for reasons that are also unknown. Reporters Without Borders has been told that, during a TV broadcast, a NISS official accused Alaagib of being involved in the conflict in Darfur, the province he comes from. The official also stressed the fact that Alaagib is a member of the Ma’alia tribe.

These latest arrests are symptomatic of a still oppressive climate for the Sudanese media a year after hundreds of people were killed when the authorities used force to crush a wave of demonstrations in Khartoum. Censorship has continued ever since, with newspapers often being suspended or issues being confiscated.<sup>695</sup>

In October 2014 Radio Dabanga reported on the case of a journalist reportedly tortured by security forces in connection with the commemoration of the September 2013 demonstrations in Sudan:

A Sudanese journalist was tortured by security agents during interrogations which lasted for two consecutive days. Speaking to Radio Dabanga a day after his release, he claimed he was beaten and strangled several times during the questioning in Khartoum this week. Abdelrahman El Ajeb, for El Yaum El Tali daily newspaper, was released on Wednesday. He was detained on 22 September, along with nine youths, in downtown Khartoum. El Ajeb explained that the security forces took him to their office in El Amarat district, where he spent three days. “I was questioned about my relations with the organisation of the recent commemorating services for the martyrs of the September 2013 demonstrations in Sudan,” he said. The security agents also interrogated him about his relations with youth movements, and the chairman of the Sudanese Congress Party (SCP), Ibrahim El Sheikh.

On the third day, he was transferred to the security detention centre in Khartoum North, near Shendi bus station. “I have spent seven days there before being released yesterday, after ten days of detention without any charges laid upon me.”

The Sudanese security apparatus held a detention campaign in Khartoum last week, in an attempt to prevent commemoration services of the victims of the September 2013 protests. On 23 September it was exactly one year ago since security forces opened fire on peaceful demonstrators in Sudan, who went to the streets in protest against the lifting of fuel subsidies. Hundreds of people were killed.<sup>696</sup>

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<sup>693</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 2. a. Freedom of Speech and Press

<sup>694</sup> Amnesty International: [Amnesty International Report 2014/15 - The State of the World's Human Rights - Sudan](#), 25 February 2015

<sup>695</sup> Reporters Without Borders, [Sudan - Two journalists arrested, held in unknown location](#), 24 September 2014

<sup>696</sup> Radio Dabanga, [Sudanese journalist tortured: beaten in two-day interrogation](#), 2 October 2014

Reporters Without Borders reported in October 2014 on the arrest of a prominent Sudanese journalist:

Al-Nur Ahmad Al-Nur, a leading Sudanese journalist who is the London-based pan-Arab newspaper Al-Hayat's Sudan correspondent, was arrested by members of the National Intelligence and Security Services (NISS) in Khartoum yesterday evening for reasons that are still unknown.

Al-Nur, who is also a columnist for the Sudanese daily Al-Tigheer, was arrested while on his way to his office and was initially taken to NISS headquarters. He was then transferred to Kober prison, from where he was able to send his brother a text saying he had been arrested. There has been no word from him since then.

Al-Nur is an unusually outspoken journalist in a country where censorship and self-censorship reign. In past interviews for the Doha Centre for Media Freedom and the newspaper The Niles, he accused the Sudanese authorities of cracking down on the national media.

The NISS had him suspended as editor of the independent daily Al-Sahafa in April 2013 for resisting censorship.<sup>697</sup>

In February 2015 Reporters Without Borders noted that "Sudan is undergoing a disturbing wave of censorship, with the confiscation of a total of 19 newspaper issues in the past three days. In a spectacular series of raids in the capital on 16 February, members of the National Intelligence and Security Service (NISS) seized a total of 13 issues as they came off the presses, including almost all of Khartoum's dailies and two magazines. The publications affected were Al-Tayar, Al-Rai al-Aam, Al-Intibaha, Akhir Lahza, Al-Ahram al-Youm, Awal al-Nahar, Al-Watan, Al-Sudani, Alwan, Al-Saiha and Al-Mijhar al-Siyasi, and the two magazines, Al-Dar and Hikayat. Five other newspaper issues were seized yesterday, those of Al Sudani, Al Intibaha, Al Sahafa, Al Mighur and Al Taghier".<sup>698</sup>

As indicated by an April 2015 Amnesty International report "Since January 2015, at least 16 newspapers have had editions of their publications confiscated, on 42 different occasions, by the NISS. Some 21 journalists have been interrogated by the police and the NISS. Three leading civil society organizations have been shut down, with at least five others under imminent threat of closure. On 16 February, NISS agents confiscated all editions of 14 newspapers from the printers, without any lawful justification. Al Midan newspaper, published three times a week and affiliated to the Sudanese Communist Party (SCP), has had its editions confiscated at least 20 times since 1 January. Madeeha Abdallah, editor of Al Midan, is currently facing charges under the 1991 Penal Code Act. She faces the death penalty if convicted".<sup>699</sup>

Radio Dabanga reported in March 2015 that:

Four journalists in Ed Daein, capital of East Darfur, were questioned by the National Intelligence and Security Service (NISS) on Sunday.

Khaifa Kusheib, working for the East Darfur state broadcast corporation, told Radio Dabanga that he and three colleagues were questioned about their coverage of the secondary school students' protest on Tuesday.

"Abubakar Mohamed Eisa, correspondent for El Intibaha daily newspaper, Mohamed Ismail Ninat, correspondent for El Tayar, publicist Abdallah El Ageed, and I were questioned from 9am until 5pm about our reporting."The students took to the streets on Tuesday, in protest against the recurrent power outages that are disrupting their study at night. The Sudanese secondary school exams started today. "We told the security officers that it is our profession to cover news in East Darfur, and that this does not mean that we were not involved in the protests."<sup>700</sup>

A May 2015 Radio Dabanga article states that:

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<sup>697</sup> Reporters Without Borders, [Intelligence agency arrests leading Sudanese journalist](#), 24 October 2014

<sup>698</sup> Reporters Without Borders, [Spectacular wave of censorship in Khartoum](#), 19 February 2015

<sup>699</sup> Amnesty International, [Sudan Government stifling media and civil society](#), 2 April 2015

<sup>700</sup> Radio Dabanga, [Security questions journalists in East Darfur](#), 16 March 2015

Between 3 May 2014 and 2 May 2015, 66 print-runs of Sudanese newspapers were confiscated by the National Intelligence and Security Service (NISS), the Sudanese Journalists' Association for Human Rights (JAHR) reported today.

A record number of confiscations took place on 16 February this year, when the freshly printed copies of 14 newspapers were seized on one day. The NISS did not provide any reason.

In its annual report released today (Sunday), coinciding with the World Press Freedom Day, JAHR documented 13 physical assaults on journalists. Nine women journalists were abused by policemen, and 20 by security officers.

Twelve women journalists were questioned by prosecutors of the National Press and Publications Council in Khartoum and Wad Madani, capital of El Gezira state, because of their alleged "crimes against the state of Sudan", and eighteen were abused by representatives of various state institutions.<sup>701</sup>

### **7.3. Civil society organizations and civil society activists, including women's rights activists**

Among the sources consulted within the reporting period, little information could be found on the situation of civil society organizations and civil society activists, including women's rights activists in Darfur. This section therefore also provides general information on the situation of these categories of people in Sudan.

The International Center for Not-for-Profit Law NGO Law Monitor April 2015 profile on Sudan describes the legal framework regarding civil society organizations "Civil society organizations (CSOs) are governed by the Voluntary and Humanitarian Work (Organization) Act, 2006 ("the Act"). The legislation is inconsistent with many provisions of the 2005 Interim National Constitution and the ICCPR. It is thus clear that the Act is intended for humanitarian relief and charitable work, rather than the wider scope of civil society pursuits, such as the rule of law, democratic transition, justice and fundamental human rights and freedoms. CSOs working in these fields face harassment from government officials in charge of registering CSOs, and in particular from the National Intelligence and Security Service (NISS). The National Intelligence and Security Act, 2010, empowers the NISS to search, arrest and detain persons for varying periods, without any judicial supervision or sanction".<sup>702</sup>

The US Department of State in its annual human rights report (covering 2014) states that "According to international NGOs, government agents consistently monitored, threatened, prosecuted, and occasionally physically assaulted civil society activists. The government arrested NGO-affiliated international human rights and humanitarian workers, including in Darfur".<sup>703</sup> Freedom House provides an overview of the situation of civil society organizations in Sudan:

The operating environment for NGOs is challenging. All NGOs must register with the governmental Humanitarian Assistance Commission (HAC). The HAC regularly places restrictions or bans on the operations of NGOs and the movements of their workers, particularly in the conflict-affected areas of Darfur, Southern Kordofan, and Blue Nile. In September, the NISS raided the offices of a Khartoum-based NGO, the Centre for Civil Society Development, without providing a reason. International organizations also face obstacles. In February, the authorities suspended permission for the

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<sup>701</sup>Radio Dabanga, [66 print-runs confiscated in one year: Sudanese journalists](#), 3 May 2015

<sup>702</sup>International Center for Not-for-Profit Law (ICNL), [NGO Law Monitor: Sudan](#), 1 April 2015

<sup>703</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan, 25 June 2015](#), Section 5. *Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

International Committee of the Red Cross (ICRC) to work in the country, citing “technical issues.” The ICRC was not allowed to resume operations until September. In November, the joint UN-African Union Mission in Darfur (UNAMID) was ordered to close its human rights office and plan an exit strategy following its attempts to investigate allegations that Sudanese troops committed mass rapes. A month later, Khartoum ordered the expulsion of two senior UN Development Programme officials, accusing them of failing to respect Sudan’s sovereignty.<sup>704</sup>

The 2014 U.S. Department of State report offers further information on the NGO environment in Darfur:

Gunmen in Darfur abducted humanitarian workers and personnel of the African Union-UN Mission in Darfur (UNAMID). For example, in three separate incidents on June 18, gunmen abducted 21 NGO workers, one UN staff member, and one contractor in Darfur. All were released by August 1.

On June 18, armed militia kidnapped for ransom three members of an international aid organization, including its country director, and 14 members of a Sudanese aid organization near Kutum, North Darfur. All were released the same day.

Humanitarian organizations and NGOs continued to face challenges in accessing populations in Darfur. The Humanitarian Aid Council (HAC) continued to require NGOs to refrain from interviewing or selecting staff unless they used a five-person government selection panel with HAC officials present.

In May the International Committee of the Red Cross (ICRC) departed the country after the HAC suspended its activities between January and April. During the same period, the government also expelled Merlin (a British health-focused NGO working in Darfur), Doctors without Borders (MSF) working in East Darfur, and ACTED (a French humanitarian NGO) from Darfur. On August 28, the government and the ICRC signed a new headquarters agreement in Geneva, and on September 23, the government lifted its ban on ICRC activities in conflict-affected areas. The government and the ICRC signed a new cooperation agreement on November 4 to allow for the resumption of ICRC activities in the country.<sup>705</sup>

Human Rights Watch annual report covering 2014 states that “Sudan’s National Intelligence and Security Service (NISS) and other security forces arrested opposition party members and activists throughout the year, despite promises by President Omar al-Bashir to release all “political detainees”.<sup>706</sup> The same source further notes that “On May 12, NISS officials arrested Mohammed Salah, 25, Taj Elsir Jaafar, 26, and Moammer Musa Mohammed, 27, near the University of Khartoum. Authorities detained them without charge at a NISS facility in the suburb of Bahri. The activists, who participated in campaigns protesting the killing of a Darfuri student, Ali Abaker Musa Idris, by government security forces at Khartoum University on March 11, were subjected to ill-treatment and possibly torture; they were released in July”.<sup>707</sup>

The Foreign and Commonwealth Office noted in its human rights update, published July 2015 that “Civil society organisations continued to face pressure during the reporting period. On 18 January, NISS [National Intelligence and Security Service] raided the Mohmoud Mohamed Taha Cultural Centre. Later the same month, the National Civic Forum and Sudanese Writers Union were informed by letter that their licences were being revoked by the Ministry of Culture. On 26 March, security agents raided the Terakes Training and Human Development Centre, confiscating computers and other materials”<sup>708</sup>. The same source further reports that “In June, Salmmah Women’s Resource

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<sup>704</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015, E. *Associational and Organizational Rights*

<sup>705</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan, 25 June 2015](#), Section 1. g. *Use of Excessive Force and Other Abuses in Internal Conflicts*

<sup>706</sup> Human Rights Watch, [World Report 2015 - Sudan](#), 29 January 2015

<sup>707</sup> Human Rights Watch, [World Report 2015 - Sudan](#), 29 January 2015

<sup>708</sup> UK Foreign & Commonwealth Office (FCO), [Sudan in year update](#), 15 July 2015

Centre, one of Sudan's leading women's rights organisations, was closed by the Ministry of Justice".<sup>709</sup>

The International Federation for Human Rights reported in April 2015 that "On 30 March 2015 the Darfur Bar Association documented the killing of Idriss Ahmed, (m), a community leader in Autash IDP camp in South Darfur, by an unknown group of men reportedly wearing government uniforms. It was reported that Mr. Ahmed had previously received death threats for advocating for an election boycott amongst IDPs".<sup>710</sup>

Amnesty International reported in April 2015 that:

The NISS have intensified their crackdown on civil society this year. At least a dozen civil society groups believe that their activities are closely monitored by NISS agents. They received threats, intimidation and harassment from both the Humanitarian Aid Commission (HAC) and the NISS. The HAC is a body established by the Voluntary and Humanitarian Work (Organization) Act with the mandate of regulating voluntary and humanitarian organizations.

Four civil society organizations have been shut down or had their offices raided by NISS agents. In January 2015, NISS shut down three civil society organizations on the basis that they were violating their registration licences.

Al Sadiq Hassan, from the Darfur Bar Association, told Amnesty International: "This is the worst time for civil society in Sudan; they are facing a systematic attack from the regime on their freedom of expression and assembly. After the recent constitutional amendments, the level of harassment has increased."<sup>711</sup>

A Radio Dabanga article published April 2015 reports on incidents concerning activists in Sudan stating that "A group of security agents raided the home of the late Dr Faroug Kadouda in Khartoum today, and detained Dr Jalal Mustafa, leading member of the Committee of Solidarity with Victims of the September Demonstrations. On Sunday, the deputy head of the Darfur Students Association was held in Omdurman, and taken to an unknown location. On Sunday afternoon, Nasreldin Mukhtar, student at the Holy Koran University in Omdurman, and Deputy Head of the General Darfur Students Association, was held at the Omdurman Shaabi Market, and taken to an unknown destination. Kamal Ahmed Zein, representative of the Darfur Students Association, told Radio Dabanga that the detention of Mukhtar is part of the "systematic targeting of Darfuri students and activists in the country".<sup>712</sup>

In April 2015 Amnesty International reported on the situation of civil society organizations in Sudan:

Independent civil society organizations that have not yet been shut down by the government, but that are under pressure from HAC, report repeated interference and micromanagement. According to a civil society activist interviewed by Amnesty International: "Civil society organizations are banned from working on themes such as: peace, democracy, women rights, and human rights." Hazim (not his real name), told Amnesty International that "we work in the periphery areas around Khartoum and Darfur. We faced many challenges, especially working in Darfur. HAC banned us from implementing projects related to youth empowerment, and sexual and gender-based violence awareness, particularly after Tabit's incident [on 31 October 2014, 200 women and girls were allegedly raped by

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<sup>709</sup>UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015, *Freedom of Expression and Assembly*

<sup>710</sup>International Federation for Human Rights (FIDH), [Detentions, civil society closures, media restrictions on eve of Sudan elections](#), 12 April 2015

<sup>711</sup>Amnesty International, [Sudan Government stifling media and civil society](#), 2 April 2015

<sup>712</sup>Radio Dabanga, [More activists, students detained in Sudan](#), 20 April 2015

SAF and its allied militia, in the North Darfur town of Tabit]. NISS and HAC's ultimate goal is to stop our works in these areas.<sup>713</sup>

Amnesty International reported in May 2015 that "Two Sudanese activists Yasir Mirghani Abdalrahman and Nasreen Ali Mustafa, were arrested by the National Intelligence Security Service (NISS) on 25 May. Their whereabouts are unknown and their families have not been allowed to visit them. Both are at risk of torture. Yasir Mirghani Abdalrahman, 51, a pharmacist, and the Secretary General of the Sudanese Consumer Protection Society (SCPS) and Nasreen Ali Mustafa, an activist, were arrested on 25 May by NISS officers and taken for interrogation in relation to sexual harassment and corruption claims made by the two on separate occasions".<sup>714</sup>

In a June 2015 report the same source provides further information on the development of the cases "Pharmacist Yasir Mirghani Abdalrahman, who is also the Secretary General of the Sudanese Consumer Protection Society, and civil society activist, Nasreen Ali Mustafa have been released. Yasir Mirghani Abdalrahman and Nasreen Ali Mustafa were arrested by the National Intelligence Security Service (NISS) on 25 May in Sudan's capital, Khartoum, and taken in for interrogation. They were released on 7 and 10 June respectively".<sup>715</sup>

#### 7.4. Attacks on schools and teachers

❖ Non-exhaustive, illustrative examples of attacks on schools and teachers from August 2014-August 2015 include:

An August 2014 Radio Dabanga article reports on the arrest of a basic school teacher in Central Darfur:

The Darfur Bar Association (DBA) has urged the release of all political detainees, among them Ibrahim El Sheikh Abdel Rahman, head of the Sudanese Congress Party, Dr Maryam El Sadig El Mahdi, deputy head of the National Umma Party, and sheikh Suleiman Ibrahim Hussein, basic school teacher in Mukjar locality, Central Darfur.

In a statement released last week, the DBA condemns the "discriminatory systematic violations of the freedom of expression. In particular Darfuri students and activists are targeted in this cheap and malicious campaign to gag the opposition."

The statement referred to the case of Sheikh Suleiman Ibrahim Hussein, a basic school teacher, detained by security forces in Mukjar locality on 15 July.

"First he was deported to Central Darfur's capital of Zalingei. He was then transferred to Khartoum, where he remains in custody on charges of contacting foreign media. The family of Hussein fears for his life, as they still do not know where he is held. Even his lawyer has not been allowed to see him."<sup>716</sup>

Another Radio Dabanga article dating January 2015 further notes the developments on this case:

This week, the security authorities released a basic school teacher of Mukjar in Central Darfur, after he spent six months in detention without being tried.

A son of sheikh Suleiman Ibrahim Hussein, an Islamic Studies teacher at Mukjar Basic School and former head of the Mukjar Displaced Council, told Dabanga that his father was released last week.

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<sup>713</sup> Amnesty International, [Sudan: Entrenched Repression - Freedom of expression and association under attack \[AFR 54/1364/2015\]](#), 1 April 2015, p. 3

<sup>714</sup> Amnesty International, [Urgent Action: 121/15 \[AFR 54/1759/2015\]](#), 29 May 2015

<sup>715</sup> Amnesty International, [Further Information on Urgent Action: 121/15 \[AFR 54/1865/2015\]](#), 15 June 2015

<sup>716</sup> Radio Dabanga, [Darfuri teacher held for contacting foreign press](#), 20 August 2014

"We, and all the people of Mukjar town, are relieved that he returned to us in reasonably good health."

The Koran teacher was held by security officers in his hometown on 15 July last year. He was transferred to a detention centre in Zalingei, capital of Central Darfur, and then to Kober prison in Khartoum North.

In August, the Darfur Bar Association reported that he was charged with "contacting foreign press agents". One of Hussein's sons stressed to Dabanga at the time that his father "was never involved in political activities."<sup>717</sup>

A Radio Dabanga article, published September 2014, quotes a statement by the Darfur Bar Association concerning an incident involving a school teacher in North Darfur: "The Darfur Bar Association (DBA) has condemned the "liquidation of local leaders" in Kutum, North Darfur."<sup>718</sup> In a statement issued on Friday, the associated Darfuri lawyers strongly denounced what it called "the barbaric liquidation of local leaders, and activists in and around Kutum town by pro-government militias. The most recent incident was the assassination and beheading of secondary school teacher Salah Ahmed Adam last week".<sup>719</sup>

A Sudan Tribune article dating September 2014 reports that:

The National Intelligence and Security Services (NISS) in Sudan's North Darfur state has arrested nine teachers at the locality of El-Fasher as a strike by high school teachers in the region entered its fourth day.

More than 1,000 teachers went on strike over unpaid salary arrears since 2005. The state's government did not fulfil its commitment towards teachers' financial rights forcing them to take the decision to stop working.

One of the teachers told Sudan Tribune on Wednesday that NISS summoned members of the teachers' committee and arrested them under the pretext that the committee is illegitimate.

The teacher who requested anonymity for security reasons demanded authorities to pay the salary arrears, stressing that teachers will not lift the strike until they recover their financial rights.

The governor of North Darfur state, Osman Mohamed Yossef Kibir, on Monday accused unnamed political circles of standing behind the strike, underscoring he would not deal with the teachers' committee. He considered the teachers union the sole legitimate body authorised to demand teachers' rights.<sup>720</sup>

A Radio Dabanga article dating November 2014 reported that "The Sudanese Air Force has carried out intensive air raids on villages in North Darfur targeting civilians, utilities, water sources, livestock and farms. Witnesses fleeing the area told Radio Dabanga that from 8 am until 2 pm on Tuesday, an Antonov aircraft bombarded the area of Abu Leha in Um Baru locality. In the second raid, the basic school was destroyed, along with water sources, dozens of cattle, and pastures and farmland".<sup>721</sup>

The same source reports on the situation of students and teachers in East Darfur in November 2014 "The government of East Darfur has revealed that security problems in the state have had a negative effect on the education, and affected students and teachers alike. Speaking to Radio Dabanga, the state Minister of Education, Siddig Abdelnabi Ahmed, said that the deteriorated security situation led to a large number of pupils and students leaving their studies. The state has also lost several scarce specialty teachers. Abdelnabi Ahmed said that in addition, his Ministry faces a shortage of seating materials, textbooks, and teachers for the schools. There are also difficulties in the rehabilitation of the schools with fixed materials. On 26 October, school lessons were resumed again

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<sup>717</sup> Radio Dabanga, [Darfur Koran teacher released in Khartoum without trial](#), 22 January 2015

<sup>718</sup> Radio Dabanga, [Sudan: Darfur Lawyers Condemn Violence Against Activists in Kutum](#), 7 September 2014

<sup>719</sup> Radio Dabanga, [Sudan: Darfur Lawyers Condemn Violence Against Activists in Kutum](#), 7 September 2014

<sup>720</sup> Sudan Tribune, [Sudan security arrests nine teachers in North Darfur state](#), 10 September 2014

<sup>721</sup> Radio Dabanga, ['Heavy air raids' in North Darfur](#), 18 November 2014

in East Darfur, after a teachers' strike that lasted over 50 days against the non-payment of their salaries".<sup>722</sup>

Radio Dabanga reports on 1 December 2014 that "In Kutum town, North Darfur, a secondary school student was abducted last week. Two displaced women were severely beaten by unknown gunmen in the vicinity of the town. "Teiba Ahmed Ishag was kidnapped by four militiamen in military uniforms last Wednesday. She was on her way home at Dababin district in Kutum town from El Gharbiya Secondary School for girls, when they seized her and took her to an unknown destination. She has not been released so far," an activist reported to Radio Dabanga from Kutum on Sunday".<sup>723</sup>

A January 2015 Radio Dabanga article refers to the following incident that occurred in Golo, Central Darfur, "Security agents detained a teacher of a secondary school in Golo, Central Darfur, on Wednesday. Another man was tortured for several hours. A witness said that teacher Mekki Mohamed Rajab came to Zalingei, the capital of Central Darfur, about a week ago, to do a M.A. related course at the University of Zalingei. "Security agents held him near the Zalingei Hospital, and took him to an unknown destination".<sup>724</sup>

Another January 2015 Radio Dabanga article reports on attacks on village schools in North Darfur stating that "A number of people in Konjara, Tawila locality, in North Darfur, sustained various injuries in an attack on their village on Monday. On Sunday, a group of militiamen pillaged about 20 houses in the centre of Tawila town. "Dozens of government-backed militiamen on camels and horses raided Konjara village at 2 pm," one of the victims told Dabanga. "Several villagers were wounded by their severe beating and whipping." "The attackers plundered our houses, and the four village schools," he said. "They took all our belongings, and our livestock. They stole the furniture from the schools, as well as all the schoolbooks and notebooks".<sup>725</sup>

A February 2015 Radio Dabanga article reports on the attacks of RSF [Rapid Support Forces] troops in North Darfur stating that "In Um Baru locality, RSF troops attacked the area of the Orschi water basin on Wednesday. They occupied the water sources, and pillaged the market of Orschi, and a number of shops and houses. "They took position inside a basic school near the water basin, after they had expelled the teachers and the pupils and teachers," a resident of the village told Dabanga. The independent MP for Karnoi and Um Baru constituencies, Mohamed Ahmed Minawi, confirmed the attack to Dabanga, and renewed his appeal to the authorities to "put an end to the violence against the civilians in North Darfur".<sup>726</sup>

Another Radio Dabanga article dating February 2015 reports that "A secondary school student was killed, and five others sustained bullet wounds in an attack by militiamen in Gireida locality, South Darfur, on Friday. On Saturday, four passengers of a lorry were injured in an ambush on the Gireida-Nyala road. A sheikh of the Jiji camp for the displaced in Gireida locality told Dabanga, that the students were studying together for their final exams at Rahad Idrisa, near Gireida town, when "militiamen suddenly and randomly, fired at them. Ibrahim Eisa Ibrahim was killed instantly, and five others were seriously wounded".<sup>727</sup>

The UK-based charity Sudan Social Development Organization (SUDO UK) reports in March 2015 on several attacks on school children in Darfur stating that "A group of students from Golo village were

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<sup>722</sup> Radio Dabanga, [East Darfur students, teachers affected by insecurity](#), 6 November 2014

<sup>723</sup> Radio Dabanga, [School student abducted, women molested in Kutum, North Darfur](#), 1 December 2014

<sup>724</sup> Radio Dabanga, [Security detains more people in Central Darfur](#), 30 January 2015

<sup>725</sup> Radio Dabanga: [Militiamen raid Konjara village, Tawila district in North Darfur](#), 13 January 2015

<sup>726</sup> Radio Dabanga, [More villages attacked, militia lose control over stolen livestock in North Darfur](#), 15 January 2015

<sup>727</sup> Radio Dabanga, [Student shot dead, other injured in Gireida, South Darfur](#), 1 February 2015

walking to Nertiti to sit for primary schools exams. On their way they were attacked by RSF members, who raped five (5) girls and kidnapped eight (8) of them. The girls are still missing. On the 4th March when two families on their way from Fanga village to Tabit village, they were stopped by a group from the RSF and kidnapped seven (7) of their children who are students at Tabit primary school".<sup>728</sup>

## 8. Internally displaced persons (IDPs)

A report by the Sudan Consortium in March 2015 documents that "As a result of the intensified conflict -which is still ongoing -457,495 individuals were displaced in Darfur in 2014, which was the highest level of yearly civilian displacement seen in Darfur for almost a decade. Estimates suggest there are already over 100,000 newly displaced in Darfur in 2015 thus far. Furthermore, 2014 saw a spike in attacks on civilian communities destroying over 3,000 villages in a five month UN reporting period,"<sup>729</sup> with, according to the Norwegian Refugee Council/Internal Displacement Monitoring Centre (NRC/IDMC), "North and South Darfur accounting for two-thirds of the new displacement".<sup>730</sup> The Sudan Consortium report went on to state that: "Darfur has of late experienced the highest levels of displacement for the best part of a decade and the numbers needing assistance have only rarely been exceeded during the length of the conflict".<sup>731</sup> According to the UN Security Council, "Of the newly displaced, at least 300,000 are estimated to have remained displaced, for the most part in established camps. This has driven the total number of internally displaced persons in Darfur to in excess of 2.5 million, including 1.4 million children, putting further strain on an already under-resourced humanitarian response operation. The suspension or forced departure of key humanitarian partners, in particular the International Committee of the Red Cross (which did not resume operations until September 2014), created additional challenges. The broadly negative trajectory of key humanitarian indicators has continued in 2015, with at least 40,000 new internally displaced persons confirmed since the beginning of the year".<sup>732</sup>

In January 2015, the UN Office for Coordination of Humanitarian Affairs (OCHA) verified new displacements of over 18,000 from the "beleaguered" North Darfur region, specifically in the areas of El Fasher, Shangil Tobaya, Tawila, and Um Baru, "amid a worsening security climate and dire humanitarian crisis across Darfur with rising hostilities between Government forces and armed movements, deadly inter-communal conflicts and a precipitous rise in criminality and banditry".<sup>733</sup>

Also in March 2015, Security Council Report stated "Fighting continues to result in thousands of additional internally displaced persons (IDPs) in Central and North Darfur. On 8 February, the UN Office for the Coordination of Humanitarian Affairs reported that since the start of 2015, more than 38,500 displaced people had entered IDP camps in North Darfur. It also noted a high number of recently displaced people in parts of Central Darfur, including Golo, Jebel Marra and Rokero".<sup>734</sup>

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<sup>728</sup> Sudan Social Developmental Organization (SUDO), [Several attacks on Civilian by RSF and the Army-including school children in Darfur](#), 4 March 2015

<sup>729</sup> The Sudan Consortium, [Humanitarian Crisis in Sudan's Two Areas and Darfur](#), March 2015, p. 1.

<sup>730</sup> NRC/IDMC, [Global Review 2015: People Internally Displaced by Conflict and Violence – Central Africa](#), 6 May 2015, p. 22.

<sup>731</sup> The Sudan Consortium, [Humanitarian Crisis in Sudan's Two Areas and Darfur](#), March 2015, p. 9.

<sup>732</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 16/18 [para. 69].

<sup>733</sup> OCHA, Darfur: [UN humanitarian office reports mass displacement amid ongoing hostilities](#), 21 January 2015.

<sup>734</sup> Security Council Report, [March 2015 Monthly Forecast—Sudan \(Darfur\)](#), March 2015.

## 8.1. Freedom of movement

In its annual human rights report covering events of 2014, the U.S. Department of State stated that “the interim national constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the government restricted these rights”.<sup>735</sup> Furthermore, “while the government claimed refugees had freedom of movement within the country, it required they formally register and be granted travel permits before leaving refugee camps”.<sup>736</sup> The report went on to state that “Outside of IDP camps, insecurity restricted IDP freedom of movement, and women and girls who left the towns and camps risked sexual violence”.<sup>737</sup>

In its annual report covering events from 2014 and 2015, Amnesty International notes that: “Between January and July an estimated 388,000 people were displaced in Darfur, in addition to the 2 million displaced since the conflict in Darfur began in 2003. Many of those internally displaced were in remote areas where they received little or no humanitarian assistance and were vulnerable to attacks, abduction and sexual violence.”<sup>738</sup>

In January 2015, the UN Panel of Experts for Sudan reported “Incidents of sexual and gender-based violence continue unabated since 2013, particularly when women go to collect water or firewood or are involved in farming. Children are particularly vulnerable to incidents of opportunistic sexual violence, both outside and inside internally displaced persons camps. Sexual violence and physical assaults are also reported when newly displaced women temporarily return to their villages to collect their belongings. Although sexual violence is alleged during attacks, it is more difficult to obtain verifiable information of these attacks, because the displacement and lack of qualified medical personnel do not enable victims to seek medical care within the stipulated time”.<sup>739</sup>

In January 2015, Freedom House stated that “the government restricts freedom of movement in conflict-affected areas, particularly in Darfur, South Kordofan, and Blue Nile, where a state of emergency is in place”.<sup>740</sup>

In March 2015 Sudan Consortium noted that armed opposition groups operate illegal checkpoints “severely hampering civilian movement whilst engaging in acts of extortion, amongst other forms of banditry”.<sup>741</sup>

In May 2015, the Internal Displacement Monitoring Centre’s *Global Review 2015* report stated “IDPs’ right to freedom of movement was widely violated, increasing their exposure to attacks and making them less able to access food and job markets”.<sup>742</sup>

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<sup>735</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section II Respect for Civil Liberties: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

<sup>736</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section II Respect for Civil Liberties: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

<sup>737</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section II Respect for Civil Liberties: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.

<sup>738</sup> Amnesty International, [Amnesty International Report 2014/15 – The State of the World’s Human Rights – Sudan](#), 25 February 2015, p. 347.

<sup>739</sup> UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 55/134 para. 202

<sup>740</sup> Freedom House, [Freedom in the World 2015 – Sudan](#), 28 January 2015, G. Autonomy and Individual Rights.

<sup>741</sup> The Sudan Consortium, [Humanitarian Crisis in Sudan’s Two Areas and Darfur](#), March 2015, p. 8.

## 8.2. Security

In its annual report covering events in 2014, the U.S. Department of State recorded that “Insecurity within IDP camps was also a problem. The government provided little assistance or protection to IDPs in Darfur. Most IDP camps had no functioning police force. International observers noted criminal gangs aligned with rebel groups operated openly in several IDP camps”.<sup>743</sup>The UN Security Council Panel of Experts on Sudan asserted in January 2015 that “It is a fact that some civilian communities (1) are perceived to provide; (2) voluntarily provide; or (3) are forced to provide the following to the armed opposition groups [...] The use of the internally displaced persons camps as political and operating bases [...] Armed opposition groups often integrate within civilian communities either (a) for tactical reasons or (b) because they undertake a dual role of supporting their families as well as fighting for those groups. Consequently, this translates into families within the internally displaced persons camps supporting the movements, by providing food and shelter, as they are supporting their family members”.<sup>744</sup>The Panel cited the events at Khor Abeche on 22 March 2014 (see below) as an example of the consequences of such activities in the internally displaced persons camps.<sup>745</sup>

The 2014 U.S. Department of State report further documented that “All parties to the conflicts in Darfur and the Two Areas were accused of perpetrating torture and other human rights violations and abuses” with government forces detaining and abusing IDPs suspected of having connections with rebel groups, and continued reports of government security forces, progovernment and antigovernment militias, and other armed persons having “raped women and children”.<sup>746</sup> Commenting on the use of excessive force in internal conflicts in Darfur, the report went on to state the following with regards to security in IDP camps:

[...] In Darfur fighting involving government forces, rebels, and ethnic militias continued. Fighting was often along ethnic lines. These armed groups, including the RSF, which the NISS controlled, killed and injured civilians, raped women and children, looted properties, targeted IDP camps, and burned villages in South, East, and North Darfur. These acts resulted in the displacement of approximately 400,000 persons by August. An increase in common forms of criminality also contributed to a deterioration of overall security in Darfur.

[...]In the last week of February and third week of March, the RSF attacked, burned, and looted properties and livestock, raped women, and destroyed villages in North and South Darfur, displacing 250,000 civilians to major IDPs camps around Nyala, El Fasher, Korma, Milleit, and Kutum.

On March 22, government forces raided the Khor Abeche IDP camp in South Darfur. The attackers completely burned and looted the camp, forcing 4,000 IDPs to seek refuge at a nearby UNAMID base. In August, UN and local sources reported government forces raided Al-Salam and Direige IDP camps in South Darfur.

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<sup>742</sup> NRC/IDMC, [Global Review 2015: People Internally Displaced by Conflict and Violence – Central Africa](#), 6 May 2015, p. 22.

<sup>743</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section II Respect for Civil Liberties: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.

<sup>744</sup> UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 47/134 para. 165

<sup>745</sup> UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 47/134.

<sup>746</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section I: Use of Excessive Force and Other Abuses in Internal Conflicts.

[...] On September 4, government police entered Kalma IDP camp. Clashes between government forces and IDPs on September 5 led to one civilian death and injury to three individuals. The NISS detained and later released eight persons in connection with the clashes.

[...] The UN independent expert on the human rights situation in Sudan requested permission to visit Khor Abeche IDP camp in South Darfur and other sensitive areas during his June visit to the country; however, the government denied permission, citing security and administrative constraints.

[...] According to UNAMID, assistance for an estimated 27,000 persons was suspended at the end of May in Bilel camp in South Darfur due to looting of health facilities by armed men. The International Organization for Migration (IOM) temporarily suspended verification activities in Al Salam camp in South Darfur for security reasons. A two-month road blockade prevented the movement of humanitarian supplies to El Siref.

Attacks on humanitarian and UNAMID convoys increased. Bandits obstructed humanitarian assistance, regularly attacked the compounds of humanitarian organizations, and seized humanitarian aid and other assets, including vehicles. Instability forced many international aid organizations to reduce their operations in Darfur.

Unlike in the previous year, there were reports of attacks on IDP camps by armed militias and individuals. There were several reports of government forces raiding IDP camps.<sup>747</sup>

A report by the UN Security Council in November 2014 states that during the period from August to September that year, “12 alleged attacks by suspected Arab militias against civilians in eight villages in Korma and the Korma camp of internally displaced persons, which included acts of killing, rape, assault, abduction, threat, robbery and livestock rustling, were reported”.<sup>748</sup> The report also states that on 14 August, “45 Arab men dressed in uniforms of the Rapid Support Forces, the Sudanese armed forces and the Border Guard surrounded and threatened to attack the Hamada and Mosku camps of internally displaced persons (South Darfur) over allegations that camp residents had killed two members of the Rapid Support Forces on 9 August. Two days later, 100 Arab men on camels armed with machine guns and assault rifles reportedly fired indiscriminately in the vicinity of Hamada camp for three hours. The Sudanese armed forces intervened and a Government-led mediation resulted in the internally displaced persons paying blood money for the death of the two men. In a separate incident, on 22 September, a group of internally displaced persons were harassed, beaten and robbed of personal belongings and livestock by suspected members of the Rapid Support Forces near Kobi village (South Darfur)”.<sup>749</sup> The report stated that overall, “Internally displaced persons continued to express concerns about the deteriorating security situation, particularly in Mournai, Hujaj, Abuzar and Al Riyah camps (West Darfur), and Nifasha and Shadad camps (North Darfur). Early in October, the internally displaced in Labado camp (East Darfur) reported to UNAMID of harassment by armed Arab nomads in the area. One incident involved the killing of two internally displaced persons and the subsequent theft of their livestock on 4 October. This was followed by the attempted theft of livestock belonging to internally displaced persons by Arab nomads on 7 October. The ensuing clash led to the death of two Northern Rizeigat tribesmen. UNAMID was able to verify both incidents”.<sup>750</sup>

A further incident noted during the reporting period occurred on 11 September, where “Arab militiamen attacked three villages located 50 km from the UNAMID team site at Shangil Tobaya. The attack was triggered by a cattle-grazing dispute between farmers and nomads and resulted in the deaths of three men, as well as four children burned, four women raped, and displacement to

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<sup>747</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, *Section I: Use of Excessive Force and Other Abuses in Internal Conflicts [Darfur]*.

<sup>748</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 3/18 para. 10

<sup>749</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 3/18 para. 11

<sup>750</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 3/18 para. 12

surrounding camps of internally displaced persons”.<sup>751</sup> Criminality remained a “concern” continued the report, stating that “while recorded crimes decreased to 284 cases from 331 cases in the previous reporting period, several alleged cases of abduction of internally displaced persons by criminal groups were recorded, a majority of the incidents occurring in areas near camps of the internally displaced”,<sup>752</sup> with “Various forms of criminality by suspected Arab militias targeting local communities and internally displaced persons who were farming were also recorded. These involved incidents of murder, rape, physical assault, intimidation and animal rustling. In most cases, the internally displaced persons were warned not to farm in the area”.<sup>753</sup>

In January 2015, a UNAMID bulletin highlighted that while they were “concerned” about the impact of the ongoing conflict between armed opposition groups and the Sudanese Armed Forces on civilians, primarily in the Jebel Marra area, and that UNAMID peacekeepers had “intensified” their patrols around IDP camps in response to increases in newly displaced people, particularly in areas such as Tawila and Sartoni in North Darfur, “the Mission has not been able to assess the actual impact of the fighting on the affected villages where the newly displaced were coming from due to access restrictions”.<sup>754</sup> Moreover, as Eric Reeves states, “that Khartoum has demanded that the UN Department of Peacekeeping Operations (UN DPKO) draw up withdrawal plans for the painfully inadequate UN/African Union Mission (UNAMID) in Darfur is ominous in the extreme [...] The upshot is that the current rapid deterioration in security will only accelerate”.<sup>755</sup>

A subsequent report by the UN Security Council published in February 2015 notes that “internally displaced persons were the victims of continuing attacks during the reporting period. They expressed their concerns to the mission regarding the deteriorating security situation, the presence of armed men, random shooting, harassment and the destruction of farms, particularly in the Ardamata camp near El Geneina in West Darfur and the Kalma and Al Salaam Camps in South Darfur. UNAMID and humanitarian actors received frequent reports from internally displaced persons and others affected by the deliberate destruction of crops by Government forces and militias as part of the latest increase in violence. The worst-affected areas were Tawilla, El Fasher and Um Baru localities”.<sup>756</sup> The report went on to cite the following in relation to internally displaced persons:

Disputes over cattle grazing or land use, in some cases involving internally displaced persons, occurred in East and West Darfur. On 20 November, Abbala tribesmen clashed with members of the Zaghawa internally displaced persons’ community in Tabaldia, near Labado, East Darfur. The incident, which was reportedly triggered by a cattle-grazing incident, resulted in the death of one Abbala tribesman. Later the same day, a group of armed Abbala tribesmen aboard gun-mounted vehicles set fire to a number of houses in Tabaldia and nearby Chawa villages, reportedly resulting in the death of two members of the Zaghawa community and the looting of cattle. In a separate incident involving Abbala and Zaghawa internally displaced persons, a renewal of tensions resulted in attacks by elements of both tribes on 19, 22 and 23 November in parts of Labado over delays in blood money (diya) payments.

[...] Another incident involving clashes between tribesmen and internally displaced persons occurred in Central Darfur on 3 December when approximately 50 armed Bargo tribesmen (mainly from the

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<sup>751</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 4/18 para. 15

<sup>752</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 5/18 para. 20

<sup>753</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 5/18 para. 21

<sup>754</sup> United Nations Mission in Darfur (UNAMID), [UNAMID Bulletin](#), 29 January 2015.

<sup>755</sup> Eric Reeves (Sudanreeves.org), [Darfur is Disintegrating: Major Towns and the Camps for Displaced Persons are Witnessing Escalated Violence](#), 2 February 2015.

<sup>756</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 5/19 para. 16

Misseriya tribe) blocked all the routes leading into the Hamidiya internally displaced persons' camp. The incident related to an attempted robbery against a Bargo tribesman on 2 December, allegedly perpetrated by internally displaced persons from the Hamidiya camp (predominantly of the Fur ethnicity). The Bargo tribesmen mobilized and attacked the camp on the same night, killing two and injuring four internally displaced persons. The incident raised tensions in the camp significantly.<sup>757</sup>

A report by the UN Security Council published in March 2015, states that in 2014, "UNAMID provided protection to displaced persons in camps and around team sites, to wider vulnerable communities through patrolling, including targeted patrols in relation to firewood and grass collection and farming activities, and through the strategic redeployment of peacekeepers. The most significant achievements with regard to the protection of civilians in 2014 were related to the establishment of protective areas within, or in the vicinity of, the UNAMID team sites at Saraf Omra and Korma, North Darfur, and Khor Abeche, South Darfur, and instances in which peacekeepers repelled or prevented attacks against civilians at Kalma, Labado and Kabkabiya in South Darfur, East Darfur and North Darfur, respectively".<sup>758</sup> Furthermore, the report states, "On 8 October 2014, representatives of the estimated 13,200 internally displaced persons residing at the Labado camp approached the UNAMID team site at Labado to seek protection, fearing retaliatory attacks by the some 400 armed Arab militiamen stationed on the outskirts of the camp following clashes with the Northern Rizeigat. UNAMID proactively engaged with key community leaders, the leaders of the internally displaced persons and the Government to resolve the issue, which ultimately led to an agreement and the withdrawal of the militiamen. Simultaneously, UNAMID worked closely with humanitarian agencies to gain access to remote locations and facilitate the delivery of humanitarian assistance by providing escorts and logistical support, undertaking integrated joint missions and contributing to the security of the area".<sup>759</sup> A final point noted within the report in relation to IDPs states that "Armed Arab nomads often accused internally displaced persons of initiating attacks against them and, as a result, demanded exorbitant compensation. The internally displaced persons usually gave in to such demands out of fear of retaliatory attacks".<sup>760</sup>

According to a May 2015 report by the UN Security Council, "Violence committed by organized criminals taking advantage of the overall law and order and security vacuum remained a significant concern for the population in Darfur... Violence and gang activity continued to be concentrated in major urban centres and in the vicinity of internally displaced persons camps".<sup>761</sup> The report went on to state that "Abduction remained a coercive method adopted by the various tribes in Darfur to obtain the payment of diya claimed from other communities. On 26 February, a group of armed Arabs kidnapped a Massalit internally displaced person in the Ardamata camp and demanded ransom for his release".<sup>762</sup> Furthermore, on 26 February 2015, "two armed men shot and killed two internally displaced persons and injured another in Oyuor, near Zalingei in Central Darfur".<sup>763</sup> Following from this, as part of "enhancing the Mission's visibility" in the vicinity of IDP camps and villages, "UNAMID police, conducted 4,282 patrols, comprising 2,187 confidence-building patrols to

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<sup>757</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 6/19 para. 20-21

<sup>758</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 4/18 para. 16

<sup>759</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 6/18 para. 23

<sup>760</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 15/18 para. 65

<sup>761</sup> UN Security Council, [Report of the Secretary-General on the African Union Nations Hybrid Operation in Darfur](#), 26 May 2015, p. 4/23 para. 12

<sup>762</sup> UN Security Council, [Report of the Secretary-General on the African Union Nations Hybrid Operation in Darfur](#), 26 May 2015, p. 4/23 para. 13

<sup>763</sup> UN Security Council, [Report of the Secretary-General on the African Union Nations Hybrid Operation in Darfur](#), 26 May 2015, p. 4/23 para. 14

internally displaced communities, and 2,095 patrols specifically designed to address the security needs of the most vulnerable civilians”.<sup>764</sup>

❖ Otash Camp, Nyala locality, South Darfur

In September 2014, an update from Waging Peace stated that IDPs in Otash Camp near Nyala, South Darfur, “continued to come under disciplinary procedures” with the camp being “cut off” from the outside world, with inhabitants living in “makeshift houses, devoid of any health facilities” with more than 50 camp leaders in 2013 and 2014 subjected to “arbitrary detention for different timespans without legal justification or being treated according to the provisions of law”.<sup>765</sup>

❖ Khor Abeche IDP camp, South Darfur

On 19 January 2015, the UN Panel of Experts on Sudan reported their findings on, among other things, violations of international humanitarian law and human rights. In their case study of Khor Abeche, the Panel cited the attack on 21 and 22 March 2014 as demonstrative of “the complex linkages between the Government, internally displaced persons, armed opposition groups, local communities (Neteiga and Khor Abeche) and local militias aligned to the Government”.<sup>766</sup> The Panel reported the following:

At approximately 1700 hours on 21 March 2014, the internally displaced persons in Khor Abeche were pre-warned of an imminent attack on their camp and UNAMID team site by relatives in Neteiga, SLA/MM and “Janjaweed”. SLA/MM also stated that they were no longer deployed in the area and that the area would therefore be effectively undefended. It is probable that advance warning of the attack on 21 March 2014 was deliberately provided so as to minimize civilian casualties.

At approximately 1800 hours witnesses reported that one 4x4 technical entered the camp, abducted one person and left the camp. It is highly probable that this individual was taken to obtain information on the presence of armed opposition groups within the camp.

At approximately 1000 hours on 22 March 2014 witnesses observed five 4x4 technicals, highly probably reconnoitring the Khor Abeche UNAMID team site from Neteiga and Menawashi (southerly) directions. This was followed by the main body of 36 camouflaged 4x4 technicals, containing men mainly attired in military dress, as well as two supply trucks and 15 motorcycles.

[...]The Panel is certain that this convoy consisted of members of the national armed forces...

[...]A second armed group of over 100 armed men, mostly in civilian clothes, mounted on camels, donkeys and horses immediately followed the convoy. The convoy deployed to the north and west, whereas the armed men deployed to the east of the UNAMID team site. It is almost certain that this was a planned and coordinated deployment between the national armed forces and an armed militia, which took 30 minutes to effect.

It is almost certain that the group of armed men included Misseriya of Neteiga. Nomadic leaders allege that the group included “Arab” tribes hostile towards the internally displaced persons as a result of the death of Abu Bashir...

At approximately 1030 hours, once the UNAMID team site was surrounded, three bursts of fire were directed away from the internally displaced persons camp towards the mountains. This is a standard “reconnaissance by fire” tactic designed to provoke a response from any armed opposition groups within, or defending, the camp or local area. Once the armed group sensed that there would be no resistance, they deployed towards the village from all directions in a manner that allowed the witnesses to believe that what followed was a well-coordinated and premeditated attack.

The Panel has seen compelling evidence of certain planned and deliberate arson, using multi-point ignition throughout the village, almost certainly designed to ensure the effective destruction of a large part of the village... The arson resulted in the destruction of 80 per cent of the village.

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<sup>764</sup> UN Security Council, [Report of the Secretary-General on the African Union Nations Hybrid Operation in Darfur](#), 26 May 2015, p. 11/23 para. 45

<sup>765</sup> Waging Peace, [Statement of the Situation of Human Rights in Sudan](#), 24 September 2014.

<sup>766</sup> UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 47/134 para. 166

[...] The attack lasted approximately three hours, during which the perpetrators also looted personal and household belongings... Prior to the arson, the perpetrators also deliberately vandalised and looted community assets, including the grinding mill, school, health centre and water pump. During the attack, an 80-year-old visually handicapped man was burned to death. The Panel is certain that both the national armed forces and the armed men participated in the looting and destruction.

[...] At approximately 1300 hours, in what was possibly a pre-determined signal to end hostilities, further bursts of gunfire were heard and the armed groups withdrew towards the direction of Menawashi.

On the same day, between 1800 and 1830 hours, five individuals, including the community leader of the internally displaced persons and two minors, were abducted from four locations in and around the camp. The two minors were released the same day. It is highly probable that the community leader was tortured during interrogation to obtain information on the location of Abu Bashir's grave.

The three persons were released, after 24 days in captivity and a ransom had been paid for their release. It is highly probable that at least one identified perpetrator resides in Neteiga administrative unit.<sup>767</sup>

#### ❖ El-Salam Camp, South Darfur

Sudan expert, Eric Reeves, described El-Salam IDP camp in South Darfur as “painfully representative of camp conditions throughout Darfur”, specifically in light of the military raid which took place on 5 August 2014.<sup>768</sup> Radio Dabanga reported the following incident at El-Salam camp, Bielel locality:

A large military force stormed El Salam camp for the displaced in Bielel locality, South Darfur, on Tuesday morning. The army troops searched the camp and detained 26 displaced.

“At 6:30 am on Tuesday, army forces in about 100 armoured vehicles raided El Salam camp,” Hussein Abu Sharati, the spokesman for the Darfur Displaced and Refugees Association reported to Radio Dabanga on Tuesday afternoon.

“The soldiers searched the camp, treating the displaced in a degrading and humiliating way. They assaulted the people, treating them as suspects, and detained 26 camp residents. The market was pillaged, and the personal belongings of many displaced disappeared.”

According to Abu Sharati, the search for criminals, motorcycles, vehicles without number plates, and weapons in the camp, was done “under the pretext of the new emergency measures issued by the Governor of South Darfur State”. “But in fact the main objectives of this attack is terrorising the camp population, and the dismantling of the camp.”

“Searches in this way constitute a violation of international humanitarian laws. They attacked the camp, beat and robbed the displaced, and pillaged the market. We do not know how many people were wounded yet. We are still are checking them, and inventorying the items missing.”<sup>769</sup>

In a follow-up report on 7 August 2014, Radio Dabanga noted:

The displaced of Darfur hold the UN Security Council and UMANID responsible for the military raid on El Salam camp for the displaced in South Darfur, at the beginning of this week.

In a statement to Radio Dabanga, the coordinator of the South Darfur camps said the attack on the El Salam in Nyala is contrary to the rules of displacement and the United Nations. “It is the UN and Unamid's responsibility to protect the displaced. The camps are not havens for criminality; people enter these camps because of the ravages of war.”

The leader of El Salam camp, Sheikh Mahjoub Adam Tabaldiya, confirmed to Radio Dabanga that a combined force consisting of security services, the army, and the police stormed the camp with more than 150 military vehicles, led by Abdel Rahman Gardud, Commissioner of Nyala locality.

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<sup>767</sup>UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 47-52/134 para. 168-178

<sup>768</sup>Sudan Tribune, [El-Salam IDPs Camp: a Prism for all Darfur](#), 9 August 2014

<sup>769</sup>Radio Dabanga, [Military Raid on South Darfur's El Salam Camp](#), 5 August 2014.

Sheikh Tabaldiya termed the raid a farce. “When they entered the camp, they told the elders that they were searching for alcohol and drugs, but they were really looking for vehicles belonging to the armed movements, and families of rebels.

“The military force did not find anything, but arrested more than 75 people and took them to the military court in Nyala. As there was no proof against them, all but four were released.” Haroun Saleh, Yagoub Abdel Rahman Abdallah, Mahmoud and Saleh Abdallah are reportedly still in detention in Nyala.

Tabaldiya said that during the raid, 23 displaced people sustained various injuries as a result of beating and whipping. More than SDG 28,000 (\$5,000) and 115 mobile phones were stolen by the raiders. The displaced approached Commissioner Gardud and the commander of the force, and pointed out the thieves. When the accused men were searched, they still had some of the stolen money and goods in their pockets.<sup>770</sup>

Responding to Radio Dabanga’s coverage of the incident, Eric Reeves stated that “A similar assault could take place tomorrow on any of the camps around Nyala—or el-Fasher, or el-Geneina, or indeed any of the roughly 100 camps, formal and informal, to which displaced persons have fled. And UNAMID would be just as helpless to respond as it was when “a combined force consisting of security services, the army, and the police stormed the camp with more than 150 military vehicles” [...] There are a number of serious violations of international human rights and humanitarian law in such attacks, and at the very least we should hear these enumerated by international actors of consequence. This is unlikely, and in the case of the African Union Peace and Security Council virtually inconceivable”.<sup>771</sup>

According to the UN Security Council, on 5 December 2014, two unidentified armed men fired on a group of IDPs from El Salam camp—one person was killed in the incident.<sup>772</sup>

#### ❖ Kalma Camp, South Darfur

On 19 January 2015, the UN Panel of Experts on Sudan reported their findings on events in Kalma IDP Camp in South Darfur in September 2014. The Panel reported the following:

Kalma internally displaced persons camp has a population of approximately 126,000 people and is one of the largest such camps in Darfur.

It is a highly politicized camp, with known allegiances to Abdul Wahid.

It is highly probable that political advisors of Abdul Wahid arrived in Kalma on 27 August 2014. It is probable that this group encouraged the internally displaced persons to conduct mass demonstrations against the Government of the Sudan so as to:

(a) Provoke the Government into using force against the internally displaced persons, at a time when international attention was focused on the national dialogue between the Government and the armed opposition groups, hoping that the resultant media coverage may hinder the national dialogue, which Abdel Wahid opposes;

(b) Demonstrate unity among SLM/AW supporters, given the disunity reported in its ranks.

On 4 September 2014, the national armed forces entered and left the camp at Kalma, without incident. On 5 September 2014, demonstrations began in the camp, allegedly to protest against the incursion by the forces into the camp. This resulted in the death of one female as a result of gunshot wounds and injuries to at least three other civilians.

The Panel finds that:

(a) It is almost certain that the national armed forces entered the camp without incident, on probably four previous occasions, between 14 August and 4 September 2014;

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<sup>770</sup>Radio Dabanga, [Military Raid on South Darfur Camp ‘a Farce’: Sheikh](#), 7 August 2014.

<sup>771</sup>Sudan Tribune, [El-Salam IDPs Camp: a Prism for all Darfur](#), 9 August 2014.

<sup>772</sup>UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 6/19 para.18

(b) It is almost certain that protesters, mostly women, carried Abdul Wahid posters and chanted “One Abdel Wahid: one community” during the protest;

(c) It is possible, given the level of organization needed to produce posters, and the fact that the Government had earlier entered the camp without incident, that the protests were premeditated and were not a spontaneous reaction to the entry of the Government on 5 September 2014;

(d) It is highly probable that those supporting Abdel Wahid had an important role in organizing the demonstrations.

The Panel understands that the alleged requests of Abdel Wahid to organize this demonstration and to collect financial contributions from the camp has caused friction within the camp, mainly between Fur leaders and other community leaders. There is a strong segment within the camp that resists the use of the camp to further the political agenda of Abdel Wahid.

This incident again illustrates the potential risks and hazards to the civilian population of the consequences of association with armed opposition groups.<sup>773</sup>

According to an article from the UN News Service on 8 September 2014, Sudanese police entered Kalma camp on 4 September, after which approximately 100 IDP youths assembled outside the UNAMID Community Police Centre and stoned it, injuring one peacekeeping officer. The following morning, “a group of IDPs demonstrated in front of the CPC [Community Policing Centre] and subsequently commenced digging a trench to prevent access to the camp. Later in the day, some 400 people gathered near Beliel market to protest against the government. Shots were fired and several demonstrators were killed”.<sup>774</sup>

Further illustrative, non-exhaustive incidents of violence in or around Kalma include the following:

- October 2014, doctors at a teaching hospital in Nyala strike in response to deteriorating security situation.<sup>775</sup>
- October 2014, gunmen open fire on two Kalma camp residents working on their farms, in Burley valley, critically injuring both, as well as beating a 17-year-old girl with their rifles before leaving.<sup>776</sup>
- October 2014, a 24 year-old woman from Kalma camp was raped by three Janjaweed assailants on camels while working on her farmland, 25 kilometres northwest of the camp: “They raped her alternately from 9 am until 2 pm, after which they left her. Farmers passing by found her, lying on the ground in an extremely bad condition”.<sup>777</sup>
- November 2014, 98 displaced people join Kalma camp after progovernment militia burned the village of Labado.<sup>778</sup>
- November 2014, 24 women from Kalma left the camp to collect firewood when they were “accosted” by militiamen who stripped and raped four women and beat other members of the group: “The men also stole their mobile phones and four donkeys, and beat ten other members of the group. The women were then chased back into the camp”.<sup>779</sup>

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<sup>773</sup>UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 54-55/134.

<sup>774</sup>UN News Service, [African Union-UN Mission Calls for Restraint Amid Tensions at Darfur Camp](#), 8 September 2014.

<sup>775</sup>Radio Dabanga, [South Darfur Doctors Strike Against Repeated Attacks](#), 31 October 2014.

<sup>776</sup>Radio Dabanga, [Assaults, Beating, Robbery in North, South, Central Darfur](#), 28 October 2014

<sup>777</sup>Radio Dabanga, [Woman Gang-raped in South Darfur](#), 14 October 2014.

<sup>778</sup>Radio Dabanga, [East Darfur Villages Burned, Residents Displaced](#), 25 November 2014.

<sup>779</sup>Radio Dabanga, [Firewood Collectors Raped, Beaten in South Darfur](#), 18 November 2014.

- December 2014, two young internally displaced men from Kalma were captured by militiamen, who demanded compensation of SDG14,000 (\$2,440) for 21 sheep having been eaten by the men's dogs.<sup>780</sup>
- January 2015, RSF troops in an armoured vehicle "positioned themselves strategically at the camp market, terrifying the more than 160,000 displaced living in the camp".<sup>781</sup>
- April 2015, two students aged 19 and 20 respectively were "attacked by security forces in vehicles" on their way to work at a brick factory near the camp and taken to an unknown destination.<sup>782</sup>
- On 22 June 2015, Radio Dabanga cited "Uniformed militiamen" assaulting IDPs from Kalma camp who were collecting firewood in Bilel area in South Darfur: "After beating the men and women, they stripped them of all their possessions including donkey carts, the donkeys and other possessions". Similar militiamen were also reported to have "robbed eight displaced people from their mobiles and their money" to the east of Kalma in Abu Udam.<sup>783</sup>

#### ❖ Tawila IDP camps, North Darfur

Fighting between government forces and rebel factions, most notably in the form of "Operation Decisive Summer" launched in East Jebel Marra in December 2014, resulted in an "influx of IDPs" and "widespread displacement to Tawila, Fasher camps and Shangil Tobayi in 2015", the World Food Programme noted.<sup>784</sup> According to a UN official, security remained an issue in the area "which is mostly inaccessible for humanitarian partners. There is also significant concern about reports of indiscriminate attacks against civilians, as well as other violations of human rights and international humanitarian law".<sup>785</sup>

Illustrative, non-exhaustive incidents of violence in or around Tawila camps include:

- January 2015, six people killed, three abducted, and five others went missing in militia attacks on 13 villages in Tawila locality, North Darfur, with approximately 15,000 people seeking refuge in the three Tawila camps for the displaced.<sup>786</sup>
- January 2015, militiamen steal 200 cattle from displaced people outside of Zamzam camp, North Darfur.<sup>787</sup>
- June 2015, progovernment militiamen opened fire on displaced person from Rwanda camp, seriously wounding him and robbing him of SDG6,000; on the same day, militiamen robbed 18 sheep from displaced man at gunpoint.<sup>788</sup>
- July 2015, commercial vehicle on the road between Zamzam camp and Tawila town robbed at gunpoint; driver of another vehicle en route from East Jebel Marra to Zamzam camp shot by Janjaweed militia.<sup>789</sup>
- July 2015, 8 year-old boy abducted from Rwanda camp in Tawila locality by gunmen demanding ransom for his release from the boy's family. A delegation from the camp went

<sup>780</sup> Radio Dabanga, [Gunmen Demand Compensation for '21 Sheep, Eaten by Two Dogs' in South Darfur](#), 16 December 2014.

<sup>781</sup> Radio Dabanga, [RSF Militia Sows Terror in Kalma Camp, South Darfur](#), 29 January 2015.

<sup>782</sup> Radio Dabanga, [Abductions by Security Forces, Militiamen in Darfur](#), 1 May 2015.

<sup>783</sup> Radio Dabanga, [Militia Take Carts and Donkeys From Firewood Collectors - Darfur](#), 22 June 2015.

<sup>784</sup> World Food Programme, [North Darfur, Food Security Monitoring, February 2015](#), 28 February 2015.

<sup>785</sup> UN News Centre, [Ongoing Violence in Darfur having 'Devastating' Impact on Civilians, Security Council Told](#), 10 June 2015.

<sup>786</sup> Radio Dabanga, [About 15,000 Displaced After Attacks on Villages in Tawila, North Darfur](#), 1 January 2015.

<sup>787</sup> Radio Dabanga, [Militiamen Attack Cars, Camp in North Darfur](#), 30 January 2015.

<sup>788</sup> Radio Dabanga, [Militiamen Assault and Rob Displaced Men, North Darfur](#), 25 June 2015.

<sup>789</sup> Radio Dabanga, [Passengers Robbed, Driver Shot in Tawila, North Darfur](#), 14 July 2015.

to El Fasher to discuss the security situation with police, stating that “the police has not moved so far to attempt saving the child”.<sup>790</sup>

❖ Situation for internally displaced women

Also see [10.2. Sexual and gender-based violence \(SGBV\)](#).

The U.S. Institute of Peace states that throughout the conflict in Darfur, violence has been “sexualised”, and because most of the activities carried out by women, such as fetching water, collecting firewood and farming, take place outside the camps, “women are easy targets for rape, assault, and harassment”.<sup>791</sup> Furthermore, the Institute adds, “Most rape cases remain unreported because of the social stigma, lack of awareness of rights, and lack of cooperation from responsible institutions. Additionally, due to the increase of food insecurity and lack of natural resources, women are having to venture even further away from the relative safety of camps in search of firewood and water, which increases their vulnerability to attack”.<sup>792</sup>

The U.S. Department of State’s annual human rights report covering events in 2014, recorded the following:

[...]Sexual and gender-based violence continued throughout Darfur. In her June presentation to the UN Security Council, the prosecutor of the International Criminal Court (ICC) noted an increasing pattern of gang rapes of women and girls. Authorities often obstructed access to justice for rape victims. IDPs reported perpetrators of such violence were often government forces or militia members. Assailants assaulted, raped, threatened, shot, beat, and robbed women... Between April and May, UNAMID also identified 58 cases of sexual and gender-based violence involving 103 victims, including 27 minors. Of the 58 cases documented by UNAMID, 30 reportedly were perpetrated by government security forces. The government initiated investigations in 19 cases, leading to 10 arrests. The majority of the victims were IDPs.

[...] Government restrictions, harassment, and the threat of expulsion resulted in the continued interruption of gender-based violence programming. While such programming was included in humanitarian efforts, reporting and outreach were limited (see section 1.g.). Some UN agencies were able to work with the Darfur governor’s advisers on women and children to raise awareness of gender-based violence and response efforts.<sup>793</sup>

In August 2014, in response to a UN report on conditions in El-Salam IDP camp, Eric Reeves wrote in the Sudan Tribune that “There are modest reporting improvements in this quarterly report: it has a brief section on sexual violence (the subject was omitted entirely from two reports from 2013), but the figures used are those provided by UNAMID and vastly understate the scale of this critical issue. Ban reports, for example, that “there were 58 cases of sexual and gender-based violence, involving 103 victims.” This is a preposterously low figure; Kalma camp alone suffered 39 rapes in the months of April and May of this year”.<sup>794</sup>

On 4 August 2014, a report by Caritas cited an interview with an internally displaced woman from Khamsa Dagaig camp, the smallest of Zalingei’s three camps in Central Darfur, who stated: “When I leave the camp to collect wood, I face great difficulties. I have to cross into the valley, and there you find men with guns who demand that you pay them before you can collect the wood. If you refuse, they threaten to harm you with their guns”.<sup>795</sup>

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<sup>790</sup>Radio Dabanga, [Thuggery in North Darfur: Five People Killed, Boy Abducted](#), 10 July 2015.

<sup>791</sup>U.S. Institute for Peace, [Darfur Women: the Most Vulnerable in Conflict](#), undated [accessed 26 August 2015].

<sup>792</sup>U.S. Institute for Peace, [Darfur Women: the Most Vulnerable in Conflict](#), undated [accessed 26 August 2015].

<sup>793</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, *Section I: Use of Excessive Force and Other Abuses in Internal Conflicts [Darfur]*.

<sup>794</sup>Sudan Tribune, [El-Salam IDPs Camp, a Prism for all Darfur](#), 11 August 2014.

<sup>795</sup>Caritas, [Darfur Voices: Vulnerable Families](#), 4 August 2014.

In their Trafficking in Persons Report for 2015, the U.S. Department of State also stated that “Sudanese women and girls, particularly those from rural areas or those who are internally displaced, and labor migrants and refugees are vulnerable to domestic servitude”.<sup>796</sup>

In May 2015, the UN Security Council reported that “An increasing trend of sexual and gender-based violence targeting women and children was also recorded during the reporting period. In most of the incidents, the victims were engaged in livelihood activities, while the perpetrators were not arrested. On 9 March, a female internally displaced person returning from farming activities was raped by an unknown man near Tawila, Northern Darfur [...] On 13 April, a female internally displaced person from Rwanda camp near Tawila was beaten and raped by two unidentified men dressed in military uniform. In a similar incident, armed Arab men, on 15 April, attempted to rape four Massalit female internally displaced persons near Sisi camp. A male internally displaced person intervened and, in the process, one perpetrator was injured. A group of armed Arab men besieged the camp and claimed compensation of SDG 5,000 for the treatment of the injured perpetrator. Lack of confidence among the victims and their families in the Government’s capacity to conduct proper investigations, the absence of Government police in some areas, fear of retribution and the social stigma attached to being subjected to sexual violence continued to cause under-reporting of cases of sexual and gender-based violence”.<sup>797</sup>

Non-exhaustive, illustrative examples of violence against displaced women throughout Darfur include:

- 23 November 2014, four unidentified men abducted four internally displaced women in the vicinity of Labado, South Darfur, raping two of them and assaulting and severely injuring the other two.<sup>798</sup>
- 4 December, two female IDPs were physically attacked and one raped by two unidentified armed men in the Um Kudus area near Kalma camp in South Darfur.<sup>799</sup>
- January 2015, militiamen men raped a school-age girl from Abu Suraj camp in West Darfur for “several hours”.<sup>800</sup>
- February 2015, a woman was raped by militiamen while tending her tomato farm in Wadi Sharafa in North Darfur, before being transferred to Shadad IDP camp.<sup>801</sup>
- May 2015, a school girl from Rwanda camp in Tawila raped by six men; in East Jebel Marra, government militia gang rape three women out collecting firewood.<sup>802</sup>
- 6 June 2015, two females, aged 16 and 19 respectively, from Kassab IDP Camp were attacked and raped while out collecting firewood by members from a Janjaweed militia. On the same day, five females from Tawila IDP Camp were attacked and severely beaten by members from a Janjaweed unit. Four of whom were left injured on the ground, whilst the fifth, Aisha Mohamed Hussein, was abducted.<sup>803</sup>

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<sup>796</sup>U.S. Department of State, [Trafficking in Persons Report 2015 – Country Narratives - Sudan](#), 27 July 2015.

<sup>797</sup>UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 May 2015, p. 5/23 para. 15

<sup>798</sup>UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 6/19 para. 18

<sup>799</sup>UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 6/19 para. 18

<sup>800</sup>Radio Dabanga, [Ten Raped, Three Sheikhs Killed in Separate Incidents in Darfur](#), 23 January 2015.

<sup>801</sup>Radio Dabanga, [Woman Raped on Farm in North Darfur](#), 6 February 2015.

<sup>802</sup>Radio Dabanga, [Girl, Young Women Gang Raped in East Jebel Marra, North Darfur](#), 26 May 2015.

<sup>803</sup>SUDO UK, [Human Rights Violations from 25/05/2015 – 06/06/2015](#), 15 June 2015.

### 8.3. Access to basic services

#### ❖ Access

In its report covering events of 2014, the U.S. Department of State reported that “IDPs in Darfur had significant humanitarian needs. Government restrictions and security constraints continued to limit access to affected populations and impeded the delivery of humanitarian services”.<sup>804</sup>

A report by the UN Security Council in November 2014, stated that “Heavy rains and floods affected thousands of internally displaced persons in many parts of Darfur in August. According to the International Organization for Migration (IOM), approximately 9,300 people were displaced into Korma and Zam Zam camps and parts of El Fasher town in North Darfur, where heavy rains destroyed 2,894 homes, partially submerged three hospitals, and affected an estimated 16,600 people. At the request of the State Ministry of Health and the World Health Organization, UNAMID assisted with the draining of stagnant water from parts of the city to reduce mosquito-breeding areas. In El Salam camp (South Darfur), 203 homes were destroyed and another 595 damaged by flooding. Impassable roads also led to a reduction in patrols and armed escorts by the mission, including those for humanitarian partners delivering critical assistance to affected communities”.<sup>805</sup>

The report went on to state that while humanitarian access remained “problematic”, “some improvements were recorded during the reporting period, and several inter-agency field missions were undertaken in all five Darfur states to assess needs and deliver assistance. As at early November, humanitarian partners estimate that approximately 75 per cent of newly displaced persons had been provided with some form of assistance since the beginning of 2014. In total, humanitarian partners report having undertaken 187 field missions in Darfur from June to October. However, they continue to report challenges in securing sustained access that allows for systematic needs assessment, provision of assistance and protective services, and impact monitoring. The humanitarian response has been adversely affected by insecurity, with rising criminality and banditry representing key operational challenges. Bureaucratic impediments by the Government, impassable roads due to the rainy season, and shortfalls in capacity of humanitarian partners also affected the response, as did funding shortfalls. As at 15 November, funding for the humanitarian workplan for the Sudan stood at only 49 per cent”.<sup>806</sup>

According to an article in Sudan Tribune in December 2014, with the “expulsion” of foreign aid agencies, IDPs have concerns over the ability of national organisations to provide necessary resources: “The deputy secretary general of IDPs and refugees in Darfur, Adam Abdalla Gamhouri, told *Sudan Tribune* on Thursday that IDPs categorically reject HAC’s [Humanitarian Aid Commission] plan to expel foreign aid groups which continued to provide humanitarian assistance and basic services for them during the last ten years. He argued the move aims to starve IDPs and empty their camps and endanger their lives, saying the national aid groups don’t have any capabilities to provide assistance. Adam added that HAC always sought to empty the camps by any means, saying its personnel have not been able to enter some camps particularly the Kalma camp for ten years because IDPs don’t have confidence in HAC and national aid groups”.<sup>807</sup>

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<sup>804</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section II: Respect for Civil Liberties, including: Internally Displaced Persons (IDPs).

<sup>805</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 6/18 para. 24

<sup>806</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 November 2014, p. 8/18 para. 33

<sup>807</sup> Sudan Tribune, [IDPs Fear “Sudanization” of Humanitarian Work in Darfur](#), 25 December 2014.

In January 2015, Medecins Sans Frontieres/Doctors Without Borders' Belgian branch reported they were forced to close many of their activities in Sudan due to the Sudanese government's "systematic denial of access to people trapped in conflict areas".<sup>808</sup>

A further report by the UN Security Council published in February 2015 notes that during the reporting period, UNAMID assisted in provision of the following humanitarian support:

On 12 December, fire engulfed the Labado internally displaced persons' camp, resulting in the destruction of approximately 400 dwellings and the camp's market. The quick response of UNAMID to extinguish the fire saved lives. Injured camp residents were treated at the mission's Labado team site level one clinic.

Following clashes on 2 January in Tawilla, North Darfur, UNAMID provided initial support to newly displaced people, including the provision of water, food rations and basic health care in the Argo internally displaced persons' camp. Humanitarian partners, including the Office for the Coordination of Humanitarian Affairs and international non-governmental organizations provided shelter, food items and medical care.

On 14 January, internally displaced persons set-up camp around the Um Baru team site, North Darfur, in search of safety and protection due to ongoing conflict in the area. The numbers steadily grew over the subsequent weeks, and by early February, approximately 4,500 people were estimated to be accommodated at the site. UNAMID and humanitarian partners estimate that a further 20,000 persons in the surrounding areas are in need of protection. UNAMID is working closely with humanitarian actors in Um Baru to provide tents, water storage tanks, food, water and medical services. UNAMID established a "gender desk" at the site to help address the concerns of displaced women.<sup>809</sup>

Subsequently, the UN Security Council reported in March 2015 that "During the outbreak of violence between the Northern Rizeigat and Gimir tribes early in March 2014, an estimated 50,000 people fled to the UNAMID team site at Saraf Omra. [...] UNAMID also deployed a medical team to the site and set up an emergency clinic, delivered water and first aid to the displaced and evacuated 24 seriously injured individuals to El Fasher for medical treatment. A joint crisis management team comprising members of the UNAMID military, police and civilian components and selected members of the United Nations country team was mobilized at the sector level to respond to the crisis. UNAMID escorted 27 humanitarian vehicles with food and non-food items for those affected".<sup>810</sup> In its concluding paragraphs, the report also states that "While the operating environment for humanitarian actors was extremely challenging, significant assistance continued to be provided. Some 2.2 million people, mainly internally displaced persons, received food assistance".<sup>811</sup>

In May 2015, Eric Reeves reported that "To date, some 25 to 30 international relief organizations have been expelled by Khartoum or have withdrawn because of a lack of security. This has occurred against a backdrop of extreme malnutrition in many locations, a desperate lack of clean water and sanitation, and a rapidly collapsing system for providing primary medical care".<sup>812</sup>

A news item from IRIN on 2 June 2015 reported that around 1.5 million of those displaced in Darfur are living in "camp-like conditions": "The provision of basic services in these locations, relative to the rest of Darfur, is mostly adequate," Damien Rance, a spokesman for OCHA in Khartoum, told IRIN. "The quality of basic service delivery however has deteriorated over the years as the number of

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<sup>808</sup> Medecins Sans Frontieres/Doctors Without Borders, [Sudan: MSP-Belgium Stops Emergency Aid](#), 28 January 2015.

<sup>809</sup> UN Security Council, [Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 26 February 2015, p. 12/19 para. 49-51

<sup>810</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 4-5/18 para. 17

<sup>811</sup> UN Security Council, [Special Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#), 6 March 2015, p. 16/18 para. 70

<sup>812</sup> Eric Reeves (Washington Post), [The World's Abandonment of Darfur](#), May 2015.

displaced people continues to grow, fewer NGOs remain to deliver these services, reduced funding is being channelled to these services, and the political interest of the international community wanes”.<sup>813</sup> IRIN further cites that access to vulnerable populations, particularly in conflict zones, has been a “long-standing problem facing humanitarian agencies”.<sup>814</sup>

Reporting in June 2015 on ongoing conflict in North Darfur, Human Rights Watch stated that the “Sudanese government has denied UNAMID and all aid agencies access to the affected areas in Jebel Marra. The rainy season usually begins in June and is often a lean period as people await the harvest. Displaced people with no access to aid may face serious food shortages, and the Sudanese government should immediately allow access for independent aid agencies to the displaced communities”.<sup>815</sup>

On 2 August 2015, UNOCHA reported that “Some 38,000 IDPs taking refuge in villages in Central Darfur’s North Jebel Marra locality are in need of humanitarian assistance,”<sup>816</sup> further stating that access constraints prevented a recent polio vaccination campaign reaching children in the area.<sup>817</sup>

#### ❖ Health

Reporting on events in 2014, the US Department of State recognised that “Internally displaced children often lacked access to government services such as health and education due to their inability to pay related fees. In June UNICEF reported approximately 70 percent of IDPs were children. In North Darfur more than 265,000 of the 379,000 IDPs affected were under 18 and more than 66,000 were children under five. Of the 161 children recorded as unaccompanied, 11 were reunited with their families. More than 50 percent of the new arrivals from South Sudan who arrived after December were children”.<sup>818</sup>

In September 2014, an outbreak of hepatitis led to the death of 150 people (mainly women, children and the elderly) while infected a further 500 at Kalma camp; the Sudan Tribune reported that “the proliferation of the disease was caused by malnutrition and lack of adequate health services inside the camp, pointing that most of the infected people died at Nyala Teaching Hospital”.<sup>819</sup> In January 2015 UNOCHA reported that “At least 10 people, including six children, died in Sudan due to unusually cold weather over the past seven days, the media reported citing an IDP association. Most of the people killed by the cold were newly displaced people in Darfur who fled fighting around the Jebel Marra region, according to a spokesperson for the Darfur Displaced and Refugees Association”.<sup>820</sup>

On 23 June 2015, Radio Dabanga reported “The IDPs of Otash-camp in Nyala are complaining of an acute crisis of drinking water as a result of fuel shortages and disruption of pumps of a series of fuel and water stations”.<sup>821</sup>

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<sup>813</sup> IRIN, [Briefing: Darfur’s Deepening Conflict](#), 2 June 2015.

<sup>814</sup> IRIN, [Briefing: Darfur’s Deepening Conflict](#), 2 June 2015.

<sup>815</sup> Human Rights Watch, [UN: Civilians at Risk as Darfur Attacks Surge](#), 11 June 2015.

<sup>816</sup> UN Office for the Coordination of Humanitarian Affairs (UNOCHA), [Humanitarian Bulletin—Sudan](#), 2 August 2015.

<sup>817</sup> UN Office for the Coordination of Humanitarian Affairs (UNOCHA), [Humanitarian Bulletin – Sudan](#), 2 August 2015.

<sup>818</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, *Section VI: Discrimination, Societal Abuses, and Trafficking in Persons (Children)*.

<sup>819</sup> Sudan Tribune, [Hepatitis Outbreak Kills 150 in South Darfur’s Kalma IDP Camp](#), 3 September 2014.

<sup>820</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 02](#), 5 – 11 January 2015

<sup>821</sup> Radio Dabanga, [Minister of Water to Explain Water Crisis](#), 23 June 2015.

Also in June 2015, IRIN reported that “frequent population displacement and high rates of malnutrition as well as very low vaccination rates contributed to an outbreak of measles in April [2015]. The disease has since reached epidemic levels in 14 states, prompting UNICEF to launch a nationwide vaccination campaign. Of the 35 reported deaths so far, 25 have occurred in Darfur. UNICEF country representative Geert Cappelaere said about 50,000 children are being deprived of humanitarian aid, including essential vaccines, in the Jebel Marra area”.<sup>822</sup>

Conditions for the approximately 163,000 IDPs at Kalma camp in South Darfur have also been described as “dire”.<sup>823</sup> According to an article by Radio Dabanga dated 30 July 2015:

“Many children in the camp show signs of malnutrition as they depended on the food distributed by the World Food Programme (WFP). However, the organisation stopped its food rations two months ago,” Saleh Eisa, general coordinator of Kalma camp reported to Radio Dabanga on Wednesday.

“This exacerbates the already dire situation, as the people are also suffering from a proliferation of mosquitoes and flies during the rainy season. Most of the mosquito nets distributed two years ago have worn out.”

Eisa explained that “the poor sanitary conditions worsened after the latrines were flooded or entirely collapsed because of the rains”.

[...] On 16 July, heavy rains destroyed 761 homes in the camp. The flash floods filled the pits and pools at the camp to the brim. Two days later, two children drowned in one of the pits.<sup>824</sup>

According to an August 2015 article from Radio Dabanga, El Fasher Teaching Hospital, one of the main healthcare facilities for the region, is described as ‘deteriorating’ with frequent power shortages, “lack of beds in most of the wards and acute shortages of medical cadres and equipment,” where “three to four children admitted to the hospital have to share one bed”.<sup>825</sup> The same source reports that the camps in Sirba in West Darfur suffer from “severe” shortages in health services, with centres run by staff “whose qualification are not known”.<sup>826</sup> At El Salam camp in Nyala, when emergency cases occur, there is no ambulance to “save patients whose conditions amount to critical stages,” which in turn leads to “frequent deaths”.<sup>827</sup>

According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), reporting in August 2015, the humanitarian situation for the approximately 38,000 IDPs in villages in Jebel Marra, Central Darfur is “dire,” with many in need of “emergency shelter and household supplies, water, sanitation as well as health and education services.”<sup>828</sup> UNOCHA states that there are “no functioning health facilities in these areas of displacement” with displaced people having to “seek health services in El Fasher and Tawila towns, which are approximately 60km away.”<sup>829</sup> Basic amenities and access to water were also a problem, with no functioning latrines in the area and virtually no working hand pumps, thereby forcing people to collect water from unsafe sources such as the wadi and springs.<sup>830</sup>

## ❖ Shelter

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<sup>822</sup>IRIN, [Briefing: Darfur's Deepening Conflict](#), 2 June 2015.

<sup>823</sup>Radio Dabanga, [Floods Follow Hunger in South Darfur's Largest Camp](#), 30 July 2015.

<sup>824</sup>Radio Dabanga, [Floods Follow Hunger in South Darfur's Largest Camp](#), 30 July 2015.

<sup>825</sup>Radio Dabanga, [Poor Health Services in West and North Darfur](#), 3 August 2015.

<sup>826</sup>Radio Dabanga, [Poor Health Services in West and North Darfur](#), 3 August 2015.

<sup>827</sup>Radio Dabanga, [South Darfur Displaced Ask to Expand Health Services](#), 31 July 2015.

<sup>828</sup>UN Office for the Coordination of Humanitarian Affairs (UNOCHA), [Humanitarian Bulletin – Sudan](#), 27 July – 2 August 2015.

<sup>829</sup>UNOCHA, [Humanitarian Bulletin – Sudan](#), 27 July – 2 August 2015.

<sup>830</sup>UNOCHA, [Humanitarian Bulletin – Sudan](#), 27 July – 2 August 2015.

In February 2015, Oxfam reported “Families who fled their homes are now living in the open; the lucky ones have a tree for shelter,” says Sahar Ali, Oxfam Humanitarian Coordinator in Sudan. “We met with a group of women who had to flee from their villages and walk for three days to find safety. Their villages were looted of all their belongings, including their food, livestock, and harvests. Some families lost their children when they fled”.<sup>831</sup>

At Hassahissa camp in Central Darfur, as of July 2015, “62,000 camp residents are living in dire humanitarian conditions, after heavy rainfall on Sunday, Monday, and Tuesday turned the camp into a mud pool,” with at least 20 shelters and 170 tents collapsing and 340 toilets flooding, reported Dabanga.<sup>832</sup>

Heavy rains in the middle of 2015 brought considerable destruction to shelters within camps across Darfur; in July 2015 alone, 30 shelters collapsed at El-Salam and Forika camps, leaving the affected “living in the open” with reports of NISS agents taking “100 tarpaulins, 200 blankets, and 200 jerry cans from the displaced”<sup>833</sup>, 761 houses and shelters were partially or completely destroyed in Kalma camp, with residents requesting that “humanitarian organisations help them build barriers in the camp to minimise the damage caused by floods”.<sup>834</sup> Similarly, fires destroyed a number of shelters across several camps—in May 2015, 30 homes were destroyed and 22 others damaged by fires at Kalma camp, Radio Dabanga reported<sup>835</sup>, while shelters in El Doma<sup>836</sup>, Otash and El Salam also burned.<sup>837</sup>

#### ❖ Food

Human Rights Watch reported that “Between February and April 2014, the government’s Rapid Support Forces (RSF) burned scores of villages across much of South and North Darfur. The RSF is under the command of Sudan’s National Intelligence and Security Service (NISS) and is led by a notorious former militia commander, General Mohammed Hamdan “Hemmeti” Dongolo. RSF forces continued to attack civilians in 2015 in Jebel Mara. Tens of thousands of residents of Jebel Mara have been displaced to areas where they lack adequate food, water, and shelter.”<sup>838</sup>

In August 2014, IRIN stated that: “an estimated 5.3 million people in Sudan face Stressed (IPC Phase 2), Crisis (IPC Phase 3) or Emergency (IPC Phase 4) acute food insecurity... Conflicts in Darfur, South Kordofan, Blue Nile, and West Kordofan, have disrupted livelihoods and reduced household food access, especially for IDPs, while the persistent rise of staple food prices has reduced household capacity to meet minimum food requirements during the peak of the lean season when households are most market dependent”.<sup>839</sup> Furthermore, according to an article by Dabanga in July 2015, with the Darfur Regional Authority (DRA) and the government’s Humanitarian Aid Commission (HAC) taking over the distribution of humanitarian aid within IDP camps, there are concerns over food “going into the pockets of individuals, not to the displaced people”.<sup>840</sup>

According to the World Food Programme’s Food Security Monitoring System, 2015 has seen a slight decrease in acceptable food consumption levels for IDPs in South Darfur, an increase in levels in

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<sup>831</sup> Oxfam, [Villagers seek refuge from renewed violence in Darfur](#), 19 February 2015.

<sup>832</sup> Radio Dabanga, [Central Darfur Camp a Mud Pool After Heavy Rains](#), 30 July 2015.

<sup>833</sup> Radio Dabanga, [Rain Destroys 30 Homes, Relief Items Seized in South Darfur](#), 29 July 2015.

<sup>834</sup> Radio Dabanga, [Storms Destroy More Than 750 Houses in South Darfur Camp](#), 17 July 2015.

<sup>835</sup> Radio Dabanga, [Fire in South Darfur’s Kalma Camp Guts 30 Homes](#), 18 May 2015.

<sup>836</sup> Radio Dabanga, [Large Fire Displaces Family in South Darfur Camp](#), 30 May 2015.

<sup>837</sup> Radio Dabanga, [Fires Break Out in Various Parts of Darfur](#), 28 May 2015.

<sup>838</sup> Human Rights Watch, [UN: Civilians at Risk as Darfur Attacks Surge](#), 11 June 2015.

<sup>839</sup> IRIN, [Food Security Alarm for East, Central Africa](#), 13 August 2014.

<sup>840</sup> Radio Dabanga, [Displaced Refuse to Obey Darfur Authority and Leave Camps](#), 31 July 2015.

Central and East Darfur due to a good harvest season, while the situation deteriorated in North Darfur, largely due to increased conflict and “widespread displacement during the harvest period”.<sup>841</sup> The report also indicates that the main sources of livelihood for IDPs across Darfur is wage labour, charcoal/firewood, mining, crop production and some small business.<sup>842</sup> IRIN reports that “Militias allied with the government have long been accused of adopting “scorched-earth” tactics, destroying homes and livelihoods in rebel strongholds and thus contributing to high levels of malnutrition” and goes on to cite that “some two million Sudanese children under the age of five suffer from chronic malnutrition, of which 550,000 are severely malnourished and at risk of death”.<sup>843</sup>

In March 2015, a report by the Sudan Consortium states that: “Acute food insecurity persists: Despite improved harvests around much of Sudan, the benefits are not felt by IDP households, and, as such, large portions of the IDP population in Darfur will remain in Stressed (Phase 2) acute food insecurity through to March 2015”.<sup>844</sup>

## 9. Returnees

### 9.1. Security

#### ❖ Situation for internal returnees

A July 2014<sup>845</sup> International Refugee Rights Initiative report on ‘Ongoing Conflict in Sudan’s Darfur Region and Controversies over “Return”’ which is based on 119 interviews with individuals across the five states of Darfur states that:

The findings show that while most people remain in the camps for much of the year, people are moving to their villages temporarily or permanently – albeit in small numbers and in highly precarious circumstances. They are making rational decisions, but are doing so under enormous pressure due to the poor humanitarian conditions in the camps and the fear of losing their land.

In the view of those who have returned, the war is not over and much of Darfur remains insecure. Their return is complicated by a context in which much of the land left behind has now been appropriated by members of militia groups, referred to collectively as Janjaweed by most interviewees. It is also important to note that attacks on civilians have increased since the field research took place: the situation in Darfur has only become more rather than less dangerous.

Return – or rather, movement of displaced persons within Darfur – was described as happening in several ways. First, the most common type of return was described as “temporary return” in which the displaced move on a seasonal basis for the purpose of cultivation. This temporary “return” was seen by those interviewed to have been driven by reductions in humanitarian aid since 2008 rather than an improvement in conditions in return areas. Indeed, the findings show that inadequate access to food has forced many to take significant risks in order to feed their families. Many returnees described paying a “tax” to local militia, who they generally identified as Janjaweed. This arrangement for accessing land (either land that they see as their own, or land that belongs to other IDPs) is a product of the vulnerability of this population and risks making them even more vulnerable, as the tax is often crippling – between a quarter and a half of their harvested produce.

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<sup>841</sup>World Food Programme, [Food Security Monitoring System, February 2015](#), 1 February 2015.

<sup>842</sup>World Food Programme, [Food Security Monitoring System, February 2015](#), 1 February 2015.

<sup>843</sup>IRIN, [Briefing: Darfur’s Deepening Conflict](#), 2 June 2015.

<sup>844</sup>The Sudan Consortium, [Humanitarian Crisis in Sudan’s Two Areas and Darfur](#), March 2015.

<sup>845</sup>Although pre-dating the cut off point for research, this source has been included for its relevance and because it was not included in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014

Returnees also reported exploitation, intimidation and abuse, including women being raped on their farms. The tax also risks creating localised war economies that, although not explored in depth by the research, could sustain the conflict.

A second phenomenon was described as “tourist return”. In these cases, individuals have moved temporarily with the assistance of the government’s Humanitarian Aid Commission (HAC). Interviewees described this as a staged process of return whereby individuals are taken by truck to a specific area where they stay for up to a week. Local government officials allegedly arrange with IDP leaders for a number of IDPs to go to a nearby village, which is then labelled a “return area” and visited by outsiders, before returning to the IDP camps. Interviewees reported that the purpose of the exercise is to allow the government to demonstrate to the international community its progress in assisting return.

Third, incidents were reported in which representatives of groups of IDPs return to their home areas from time to time to check on their land, to see if those who took their land after they fled have left or are still there.

Finally, given that all of these returns are only temporary, the majority continue to spend most or all of the year in IDP camps, where the situation is precarious at best. Not surprisingly most interviewees placed little hope in the future.

The findings demonstrate that “return” is failing to take place “voluntarily, in safety and with dignity,” as required by the UN Guiding Principles on Internal Displacement (UN Guiding Principles).<sup>846</sup>

The report continues, citing statements from a number of interviewees:

The fact that those on the land [referred to as either *Janjaweed*, or ‘arabs’] are closely associated with the government that is pushing for the IDPs’ return – and that appears to be doing nothing to reallocate the land – makes return appear not only difficult, but dangerous. The same actors that created displacement have ensured the continuation of that displacement for ten years. With no significant changes in the local political context, therefore, returning home is likely to lead to renewed displacement.<sup>847</sup>

[...] Many of those interviewed in South Darfur State told of how their villages are considered by the government to be sites of return. Indeed, during the research, sheikhs accused government officials of extorting money from the donor community under the pretence of generating adequate conditions for return. Yet rebels are active in the area, and interviewees said that several clashes had recently taken place, as evidenced by the considerable presence of government armed forces. Not only have the promises of assistance proved to be false, but of greatest concern is the fact that most of those interviewed reported that their land had been occupied in their absence. Among those who have returned, stories of losing land were repeated over and over again, with people being forced to rent back the land they once owned. As a man who had returned home only to find his land occupied said: “My home is a place full of thieves and killers.”

A young woman whose family had considerable resources until her village was attacked in 2003, returned to find the “Janjaweed” had taken over her land. “If you want to farm you have to rent it from them although it is our land...We had to choose between security [in the IDP camp] and farming.” She has now decided to go back to the camp.

As another man said: “I returned to my exact area and I found my village has changed. New people who belong to Arab tribes from Niger and Mali live in it. Our houses were given to new unknown residents. Now I work as a worker not as farmer. My situation now is even worse than how it was in the camp. In the camp I used to be free but in the return area there is cruelty and mistreatment. They just want our money to buy arms and they rape our women. They just see us as slaves.”

The word “slave” was used by numerous interviewees. While there was no evidence that people were, literally, being held in slavery, at best the term refers to the concept of unpaid labour, and at worse it points to some of the subtle ways in which people are enslaved to those for whom they are forced to work in as much as they often have no choice. Not only have they lost their land, but when they do farm they are forced to pay a locally-negotiated “tax” to the local militia.

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<sup>846</sup>International Refugee Rights Initiative, [“It is a Joke”: Ongoing Conflict in Sudan’s Darfur Region and Controversies Over “Return”](#), 17 July 2014, *Report Summary*, p. 3-4.

<sup>847</sup>International Refugee Rights Initiative, [“It is a Joke”: Ongoing Conflict in Sudan’s Darfur Region and Controversies Over “Return”](#), 17 July 2014, *What Hope of Return*, p. 20.

In one village in West Darfur State, an agreement was apparently reached to allow temporary return in exchange for food: “We agreed with the Arab group who stayed in our village to allow us to plant during the rainy season and for that we have to give them two bags of grain for every ten harvested bags of sorghum. We are here to harvest our crops but then we will go back to the camp because it is safer than here. Also the state government failed to fulfil its commitment. They promised us shelter, food and the provision of security police, but none of that has happened for two years now. They are just talking and pushing us to come here while they are unable to remove the Arabs from our village...”

[...] Another returnee explained why she thought the “Arabs” had allowed them to return to cultivate: “Our local leaders agreed with the Arab militia to allow us to farm and on return we have to give them some of our harvested crops. The commissioner of the local government authority was witness to this agreement, which is why we are here for farming. The truth behind this agreement is also the Arabs felt their need for grain because they do not know how to farm; they have to allow us to farm for their own benefit. This practice has been going on for the last three seasons now, but still there are incidents of crop damage by the Arabs cattle without compensation or reducing the amount of grain we have to give them. The international NGOs have reduced the food ration they used to give us. That is why we have to find our means of living in the presence of humiliation.”

Most of all, return has not created safety. An elderly man who was a tribal chief in his area talked of his life when he returned: “Arms have spread, Janjaweed are controlling people, distributing the houses to the new residents and giving away other people’s land... My situation now is worse than in the camp. I work as a merchant, but the problem I face is that the Janjaweed take my goods without paying the price... The Janjaweed are bothering families who return and are abusing them. I regret coming back and now I’m thinking of going back to where I returned from. But when I tried to get back to the camp I couldn’t because the Janjaweed were controlling and detecting every move in the village.”

Another woman talked of the dangers she faces on a daily basis: “The lack of enough assistance [in the IDP camps] had pushed me to expose myself to dangers that degrade my humanity. We are threatened with death, or sometimes they say they will take us hostage if we try and stop them grazing their animals on our land. All that comes from the government armed militia.... These are the people who consider themselves above the law.”

There were also stories of women being vulnerable to sexual violence. One woman talked of her life since returning: “My main problem is a lack of freedom when travelling and also when working in the woods. Our honour is attacked by militias who harass women, with no-one to protect us. It the same government militias who made me displaced who are now the ones controlling my village. I can’t stay here. I will go back to the big camps – if they let me go. They control all your movement here.”

Even the possibility of returning to the IDP camps has become difficult for many, leaving them trapped in an untenable situation. In addition to the lack of freedom of movement noted above, many talked about the fact that they do not have the resources to return to the camps. One man came back to find his land occupied “by armed Arab groups with their cattle” but told of how he has no resources left to get himself back to the camp.

As another returnee said, “We used to enjoy freedom [in the IDP camps] even though we used to have a little. So now all I want is to go back to the camp.”<sup>848</sup>

Reporting on 8 August 2014, SUDO (UK) stated that on 24 July 2014, “15 members of the Janjaweed militia driving three land Cruiser cars attacked one of the voluntary return villages (Hashaba village/Gereida locality), killing three persons and looting six horses”.<sup>849</sup>

In September 2014, in an independent expert report on the situation in Sudan commissioned by the Human Rights Council, recorded that in North Darfur “The poor conditions in the IDP camps, the safety of IDPs and returnees, protection of civilians in the conflict areas, lack of security, general escalation of crime, and the impunity of some offenders were also mentioned as serious human

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<sup>848</sup>International Refugee Rights Initiative, *“It is a Joke”: Ongoing Conflict in Sudan’s Darfur Region and Controversies Over “Return”*, 17 July 2014, *Pushed to Return*, p. 22-24.

<sup>849</sup>SUDO (UK), *Systematic Attacks by the Janjaweed Militias on Darfuri Civilians*, 8 August 2014.

rights issues in the State”.<sup>850</sup> In relation to East Darfur, the report also stated “There is a large number of IDPs in East Darfur and the Independent Expert was informed that a village for IDP returnees, with facilities to encourage voluntary returns, was being developed near El-Daein with funding from the Government of Qatar”.<sup>851</sup>

On 25 September 2014, in a statement on the human rights situation in Sudan, Waging Peace asserted that the regime in Khartoum evacuates IDP camps “only to force them to return to their burnt villages before providing them with the necessary means for the voluntary return. Ironically, the IDPs are required to return to the same villages they fled earlier while these same villages are currently occupied by non-residents who are staunch foes to the IDPs themselves”.<sup>852</sup>

According to an article published by Radio Dabanga on 24 November 2014, “Governor Adam Mahmoud Jarelnabi announced on Saturday that displaced people are voluntarily returning to their residences, and that a phase of dismantling the camps has started. Kalma’s secretary-general criticised the speech. “The security situation is deteriorating, and pro-government militia members are still committing rape against displaced women.” Jarelnabi inspected the situation of returnees in the area of Abu Jabra, Gireida locality, on Saturday, to provide their needs during this phase of the voluntary return and reconstruction of model villages in all of Darfur. He said that these villages are currently enjoying stability”.<sup>853</sup>

On 25 November 2014, according to the US Department of State, “a group suspected to be a government-aligned militia opened fire on a truck transporting civilians, killing 15 and injuring 11, near the village of Hamada, South Darfur. The victims were reportedly visiting family members who had recently returned to Hamada. Some local sources believed the attack was intended to deter IDPs from returning to the area”.<sup>854</sup> The UN Secretary-General reports in his February 2015 report that “In West Darfur, crop destruction and cattle grazing on cultivated land resulted in an attack on 2 December on the Karya returnee village near Masteri by a group of approximately 60 armed Arabs. The incident resulted in the killing of one villager, looting of property and partial burning of the village. A similar pattern of attacks was reported in Kadadol returnee village on 3 and 5 December, when armed Arabs, mainly from the Awlad Ziad and Najaa subtribes, attacked Deliba following disputes between farmers and nomads”.<sup>855</sup>

On 14 December 2014, Radio Dabanga published an article, citing an incident at a village in Gireida locality, South Darfur:

On Saturday, nine villagers were killed, and their homes burned to ashes in an attack by militiamen on Abu Jabra in Gireida locality, South Darfur.

“About five weeks ago, the people of Abu Jabra had returned to their village, in the voluntary return programme organised by the Darfur Regional Authority,” an eyewitness from a neighbouring village told Radio Dabanga. “The formerly displaced had begun to settle themselves again at the place, located 20 km north of Gireida town.”

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<sup>850</sup> Human Rights Council, [Report of the Independent Expert on the Situation of Human Rights in the Sudan, Mashood A. Baderin](#), 4 September 2014, p.4 para. 9

<sup>851</sup> Human Rights Council, [Report of the Independent Expert on the Situation of Human Rights in the Sudan, Mashood A. Baderin](#), 4 September 2014, p.5 para. 10

<sup>852</sup> Waging Peace, [Statement on the Situation of Human Rights in Sudan](#), 25 September 2014, p. 3.

<sup>853</sup> Radio Dabanga, [Militiamen Kill Man in ‘Stable’ South Darfur](#), 24 November 2014.

<sup>854</sup> U.S. Department of State, [Annual Report on Human Rights in 2014: Sudan](#), 25 June 2015, Section I: Use of Excessive Force and Other Abuses in Internal Conflicts[Darfur].

<sup>855</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 February 2015, paragraph 22

“However, on Saturday afternoon, a large group of about 100 militiamen on camels and horses attacked the village, without any warning or clear reason. They fired at the people, killing nine instantly. After pillaging the entire village, they set it ablaze.”<sup>856</sup>

In January 2015, the UN Expert Panel on Sudan reported their findings on incidents at Birka camp in North Darfur, a “model village” designed to encourage voluntary returns to the area. The report stated the following:

Between 1430 and 1500 hours, a large number of Rapid Support Force vehicles, identified by unit signs, entered Birka from the same direction as the armed opposition. The forces then cordoned off the village.

At approximately 1700 hours, a search for the armed opposition group commenced. Witnesses reported looting and assaults by groups of 2 to 20 members of the Rapid Support Forces (RSF) during these searches, which continued for several hours. The soldiers were identified as “RSF”, “Arabs” or “non-Sudanese” based on the dialect spoken.

During the night, a man was killed by the Rapid Support Forces while protecting his daughters from a possible rape. Following this death, a Commander of the Rapid Support Forces visited the house and apologized for the death caused by his men.

[...] The Panel finds that it is almost certain that the Rapid Support Force Commanders attempted to prevent attacks against civilians and civilian property, but that the soldiers committed violations whenever they were outside the direct oversight of the commanders.

On 21 March 2014, the Rapid Support Forces left Birka. Later that evening, and for several days after, an armed group under the leadership of an identified “Arab” leader in the region, arrived in Birka and surrounding areas. The group looted livestock and other household goods over the next few days, set fire to the huts and compelled villagers to leave the area.

[...] The Panel interviewed victims and witnesses from Birka in El Fashir, Khartoum and Korma. The Panel did not visit Birka because the 150 families resident in Birka were all displaced as a result of the attack.<sup>857</sup>

According to an article by Sudan News Agency on 7 March 2015, “Over eighty thousands Internally Displaced Persons (IDPs) have returned to their home areas in North Darfur State, the Commission for Voluntary Return and Resettlement of the Darfur Regional Authority announced on Friday,” with the Head of the relief distribution committee, Sadiq Sharif Dousa stating that “more than 5,000 sacks of lentils and over 10,000 jerry canes of edible oil as well as 800 sacks of salt and 18,000 of mats have been distributed among the returnees in the region’s various localities” and that the distribution “targeted 47 villages in thirteen localities of North Darfur state”. Dousa said “this distribution of assistance materials was within the context of backing efforts exerted for the voluntary return of IDPs and refugees to the state”.<sup>858</sup>

On 21 July 2015, Radio Dabanga reported that those currently in camps in Central Darfur are refusing the voluntary return being offered by the Darfur Regional Authority, “because the reasons for their displacement still exist”, citing that “militiamen and foreigners started to settle in abandoned villages, sometimes protected by militia members, and attacked people who had returned to their areas of origin”.<sup>859</sup>

Also on 21 July 2015, Radio Dabanga reported that in the areas of Tawila and Jebel Marra, people who have attempted to return home have found that “abandoned villages have since been inhabited by new settlers, who use violence to repel the returnees”. In the same article, the relative of a 14 year-old girl who was raped by militiamen, stated “When a woman goes out to cultivate her land,

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<sup>856</sup>Radio Dabanga, [Militia Kill Nine, Torch ‘Voluntary Return’ Village in South Darfur](#), 14 December 2014.

<sup>857</sup>UN Security Council, [Letter dated 16 January from the Vice-Chair of the Security Council Committee established pursuant to resolution 1591 \(2005\) concerning the Sudan addressed to the President of the Security Council](#), 19 January 2015, p. 53/134.

<sup>858</sup>Sudan News Agency, [Voluntary Return of Over Eighty Thousand IDPs to North Darfur State](#), 7 March 2015.

<sup>859</sup>Radio Dabanga, [Displaced Refuse to Obey Darfur Authority and Leave Camps](#), 31 July 2015.

she may be subjected to rape and humiliation. While men who go out are also humiliated and subjected to beating, or even worse, killing,” she said. “At the hands of the militiamen who have inhabited our home areas in East Jebel Marra”.<sup>860</sup> A further article by Radio Dabanga, dated 21 July 2015, stated that with the start of the rainy season, many internally displaced people (IDPs) have felt the need to return home in order to work their farms, yet due to new militant settlers, women are often “exposed to sexual violence on a daily basis”.<sup>861</sup>

#### ❖ Situation for International Returnees

On 13 August 2014, the Delegation of the European Union to Sudan expressed their concern over the imprisonment of Dr Meriam Al Sadig al Mahdi upon her return from France, stating that she “was detained upon her arrival at Khartoum International Airport on 12 August and reportedly transferred to Women's Prison in Omdurman”.<sup>862</sup>

A report by Waging Peace/Article 1 published in September 2014 states that “Sudanese visa procedures impose restrictive rules and surveillance on national and international travellers who wish to enter or exit the country. All travellers must produce a valid entry visa upon arrival. In addition, Sudan is one of the few countries where you need an exit visa in order to leave. Travellers can obtain an exit visa from the Ministry of Interior’s main office in Khartoum or the transit office at Khartoum International airport. Travellers may be prevented from leaving the country and questioned about their future movements and activities”.<sup>863</sup> The same report, which includes interviews with 11, predominantly voluntary (though some involuntary), Sudanese returnees, notes that “Of those interviewed for the report, four were detained at Khartoum airport on arrival in Sudan and were then taken away to be questioned, three others were detained and questioned at Geneina Airport in Darfur sometime after arrival in Sudan. One interview was detained at a later time while in Sudan”.<sup>864</sup> The report documents the following responses:

*Excerpt from testimony of Mr U [...]* “When we landed at Khartoum airport the three British escorts handed me over to the Sudanese team at the airport. They told them that I was working illegally in UK and that the authorities deported me to my country of origin. The three British escorts left immediately as they did not want to miss their flight back to the UK with the same Qatar Airline. About five Sudanese NISS officers started asking what I had done in the UK and three security officers escorted me to an internal office at the airport. After interrogating me for a few hours they accused me of being a member of Girifna youth group. From the airport they took me to a place in South Khartoum and I spent six days without being able to see my family or even notify them that I had arrived in Sudan. I was beaten.”

[...]

*Excerpt from testimony of Mr W [...]* “I came to the UK on a valid tourist visa, arriving at Edinburgh airport. We stayed with my brother in Glasgow. During my stay I attended a meeting organised by a Darfuri civil society organisation, the Union of Darfur, in Scotland. I carried out no further political activities during my time in the UK. “A month later, I returned to Sudan with my father. I left the plane with my father but when we were standing in the queue at immigration I heard my name being called. The man calling me said that he would like to talk to me and asked me to follow him. When I asked the man who he was, he replied he was from NISS. There was another man associated with the first, who was standing further back. I followed the two security officers to a car which was waiting outside the airport.”

[...]

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<sup>860</sup> Radio Dabanga, [New Militant Settlers Rape Farmers in East Jebel Marra](#), 31 July 2015.

<sup>861</sup> Radio Dabanga, [New Militant Settlers Rape Farmers in East Jebel Marra](#), 31 July 2015.

<sup>862</sup> European Union Delegation to Sudan, [European Union calls for release of the political leader Meriam al Mahdi](#), 13 August 2014.

<sup>863</sup> Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Immigration and Diaspora Communities*, p. 5.

<sup>864</sup> Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Arrest in Sudan*, p. 15.

*Excerpt from testimony of Dr Sidgi Awad Kaballo [...]* "When I would return to Sudan, I would stay with my family for about two or three months. From 2009, I made many trips to Sudan, and in all this time I experienced no problems at all with the Sudanese government. During this time I was giving interviews to journalists and writing articles in newspapers. But in September 2013, when I arrived at Khartoum Airport and passed through the passport control, I saw that there was an additional security control behind the passport control. After I had scanned my hand luggage, they looked at my passport, entered my name in their computer and the person said to me, "You are wanted." He called a national security officer in charge of airport operations. In this office outside of the airport, they asked me why I came in with my Sudanese passport when I had a British passport. I told them that I was a politician coming to Sudan and practicing political activities, and therefore I did not want to link these activities to the British government. Then they transferred me to the security building in Khartoum North, near to the Shendi Coach Station."

[...]

*Excerpt from Ms A [...]* "I found work in a TV company based outside Sudan and I came to London in October 2012 to attend a media training workshop. This course lasted for two weeks. It was my first time in London. While I was in London, I did nothing political. I just went to my training workshop as I didn't know anyone in London at that time. The second time I came to London was in May 2013, for a sixweek training course on media and English language skills. I could only stay in London for twoweeks because of family responsibilities back in Sudan. I travelled over with a general visa for sixmonths, which I had no problem attaining. I flew back May 15 to Khartoum with Qatar Airways. We had a layover in Qatar airport on the way for one hour. When the plane landed in Khartoum, I walked off of the plane and into the airport. I had gone through security in the airport, and I had shown my passport. Everything seemed ok at this point. Then as I was going out to see my husband two men stopped me and told me to come with them. I asked them where they wanted to take me, and they said, 'You will know when we go there.' I said my children and husband were right outside and I wanted to see them. They told me, 'Not now.' I said to them, 'Let me see them and tell them that I will go with you. But let me see them at least.' They said no. I shouted for my husband but they forced me to get into a car without getting to speak to him. My family didn't know where they took me. From the airport, I was in the car for about 10-15 minutes before we arrived at the building. I think it was a Security Systems Building [...]

[...]

*Excerpt from testimony of Afaf Mohamed [...]* "On 1 January 2012, my three boys and I were at El Geneina airport, about to get on our flight to Khartoum. Then a man came up to me and asked, "Are you Afaf Mohammed?" and I said yes. He said, "We need you." And I said, "Why? What did I do?" He said again, "We need you." He asked for my passport. I asked him what he needed me for. I didn't have any criminal record in Sudan so I didn't understand why he had stopped me. I told him I had come legally into the country, and that I had registered when I arrived. I showed him my travel visa and I asked him what was wrong. He said only, "We need you in the security office." I said, "Do you have any paper from the court that says you can arrest me?" and he replied, "No." Then he started trying to look through my stuff, and I told him, "That's not allowed." He also tried to go through my phone but he wasn't able to unlock it. He said to me, "I know that when you left Sudan, you got a new passport." He said I was Sudanese, and I said that I was not Sudanese and my passport showed that I was not Sudanese. I told him he had to bring a paper from the court; otherwise he could not take me. He told me he did not care, and he tried to take my bag. He was also shouting at me and not talking nicely. My kids were standing behind me this whole time. I refused to go back to the office with him because I told him I didn't know what he would do to me there; maybe he would hurt me or kill me."

[...]

*Excerpt from testimony of Mr Z [...]* "When I was at Khartoum Airport [during my most recent trip in 2012] to take my flight back to the UK I was challenged by a member of the security apparatus. I was asked for money which I said I did not have. Upon saying no, I was taken to an office in the airport. There I was asked for money again which I again refused. I was asked where I was going. I said to Manchester. The security guard said that they knew all about people in Manchester and what they look like. I was allowed to leave but I was told that this was a warning."

[...]

*Excerpt from testimony of Mr Y [...]* "When we arrived to Khartoum Airport there were two men and one woman. They removed their ID badges from around their neck and while they greeted me they said they could not let me leave until I met with NISS. Then they asked a security guard where the

main office for NISS was. He pointed it out to them and a huge man from the UK came up to me and told me go fast. "Don't hurt me," I said. Then the huge man talked to the head of the security force and they talked for about 30 minutes. They then gave my passport and details about me. After that the people from UK left and the head of NISS sent someone from the security force to take me to their office, with two people also from NISS. In total there were three men and they pushed me inside the office and closed the door. The boss kept looking at me, and I looked at his face. He looked irritated, racist, frightening, and spiteful. He asked me why I went to the UK, and I said to study. He asked me if I had a student visa, and I said yes. He asked me why I spent more time in the UK and I said that I had not had enough money to return. He asked why I had not completed my course in the UK. He asked me, "Which province and tribe are you from?" I said I was from Darfur. They asked me again, "You're from Darfur?" I said yes and they all continued provoking me by laughing at me. He asked me for my mobile phone. I gave it to him, they searched through it and when they didn't find anything, they returned it to me. They told me to write down my full address. The boss said, "You will leave your passport, and after two days, you collect it from the Head Office of the National Security." Then he hit the table in anger and said, "Get stupid out of my office!" They brought me a paper and took down my name, passport number and all my details. They gave me the paper and told me that when I go to National Security I should give them this paper."<sup>865</sup>

The same report states that "interrogators showed great interest in the presence and activities of Sudanese within Europe, especially where the activities were perceived as posing a threat to the Sudanese government", that seeking asylum in itself is considered as "damaging Sudan's international reputation" and in some cases, "it is apparent there has been Sudanese surveillance at meetings and protests about Sudanese political issues which have been held in the UK or Europe".<sup>866</sup> The report provides the following further responses:

*Excerpt from testimony of Ms A*

"We arrived at the security building, less than 15 minutes' drive from the airport. The men took me to see another officer who was waiting for me. He asked me where I was coming from. I said I was coming from London. He said to me, "Why did you go there?" I said for training. He hit me hard and said, "Don't lie to me." I said I was not lying, but still he did not believe me. He showed me a photo of me in London with my JEM friend. The photo showed us at a coffee shop on a street near to Westfield shopping centre in Shepherd's Bush. There was me, my friend, and his friend that he had brought with him whom I had not met before. I said those were just my friends. He also showed me a photo of me at the SRF event in London. My JEM friend had also been at this event with me. I think that whoever had taken these photos had maybe been following my JEM friend.

They were always asking me about London when they showed me the photos of me in London at this café meeting and at the SRF event. They showed me many photos of everyone at this event. They asked me for information about the other people at the event. I said I didn't know anyone else, and that it was only my second time in London and I was there for training, so I didn't have lots of time to meet up with people. They said to me that I was lying and that I went to London because I was from Darfur and I wanted to overthrow the government of Sudan. They said they would not let this happen, that they would kill the Darfurians.

They kept me there from 7 in the morning until 7 in the evening. They put me in a room and were hitting me. They asked me again what I had been doing in London. Again I said I hadn't done anything in London that was wrong."

[...]

*Excerpt from AFaf Mohamed*

"He also asked me a lot about the UK, like what I did for work there, and if I had any links to human rights organisations there. I said yes, but I refused to tell him which ones. He questioned me about the UK for about one hour 25 minutes. The questions were about what activities I did there, and if I got any support from the organisations I was connected to. He asked if I was an active Darfuri and I said that I was. I would not give him any details on how I was active. He also asked me if I represented

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<sup>865</sup>Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Arrest in Sudan*, p. 15-20.

<sup>866</sup>Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Questioning About the UK and Europe*, p. 24.

any rebel group. I said I did not. He asked specifically about Darfur Union. I told him that with Voice of Darfur Women, I visited refugee camps, and I helped form women groups. I was very honest, but I did not give him many details about Darfur Union. I told him I was a human rights activist, and that was why I tried to support women in Darfur at the refugee camps.<sup>867</sup>

Waging Peace/Article 1 state that “Individuals who have lived, received education or simply spent time in Europe, are monitored and treated with suspicion on their return to Sudan and they are at risk of persecution for this reason. The various ethnic backgrounds of those interviewed shows this risk applies not only to people of Darfurian origin, but also to members of other groups”.<sup>868</sup>

The report also documented a response from UK Foreign Office in relation to any known ill-treatment of returnees; the response from the Deputy Head of Mission, British Embassy, Khartoum, stated: “We contacted the office of the United Nations High Commission for Refugees in Khartoum, as well as the German and Netherlands Embassies. None were aware of any cases of returnees being mistreated on return to Sudan, although they do not actively monitor every case of Sudanese being returned from their countries. However there is evidence from domestic and international human rights groups to show that those who openly oppose the Government from abroad will likely be arrested on return”.<sup>869</sup>

Also in September 2014, Human Rights Watch released a report documenting ‘Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel’ which states that “Some Sudanese who returned to Sudan have faced persecution. One Sudanese returnee told Human Rights Watch security officials interrogated and tortured him on his return to Sudan about his membership in Darfuri opposition groups while two others said they were interrogated and held for weeks at times in solitary confinement. One man was charged with treason for traveling to Israel and one returnee’s relative said his brother disappeared on return to Khartoum. Four others said they were interrogated and then released”.<sup>870</sup> The report went on to cite statements from two Darfuri interviewees; the first, a 36 year-old man returned to Khartoum in 2013 who describes being tortured by National Security officials upon arrival in Khartoum:

I was in Israel for almost three years but I left because the police arrested me in October 2012, took me to Saharonim and said I would never get out. They put me on a plane to Cairo where I waited for four hours and then I flew to Khartoum.

Security officers checked my passport at passport control. They asked me why I only had an entry stamp for Egypt and no exit stamp. I didn’t answer. Then they asked me why I had been to Israel. And then they said ‘you are black, so why are you coming back to Sudan?’

They took me to another room and some other officers from Interpol asked me questions about Israel. They asked me for the names of Sudanese people in Israel who support the Sudanese Liberation Army (SLA). Then they read a list of names and said I should tell them what each of the people was doing exactly to try and overthrow the authorities in Khartoum.

Then they took me to National Security Intelligence just outside the airport where they held me for four months. They tortured me during the first ten days. They beat me with big sticks and poured boiling water over me and gave me electric shocks. They shouted abuse at me, saying I was against the government because I was from Darfur and had been to Israel. They asked me repeatedly for the names of Sudanese people in Israel plotting against Khartoum. I think they stopped torturing me when they realized I had nothing to tell them.

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<sup>867</sup>Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Questioning About the UK and Europe*, p. 24-25.

<sup>868</sup>Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Conclusions*, p. 28.

<sup>869</sup>Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Monitoring of Voluntary Returnees*, p. 27.

<sup>870</sup>Human Rights Watch, [“Make Their Lives Miserable”: Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel](#), 9 September 2014, *The Fate of Eritreans and Sudanese Returning Home* p. 42.

After four months they released me. They said they would charge me with going to Israel but they have still not given me a court date. For the past four weeks I have had to report every few days to National Security to show them I have not left Khartoum.<sup>871</sup>

The second statement is from a 32 year-old man from Darfur who returned to Khartoum from Israel in February 2014, describing his eight-week detention and interrogation which began on arrival in Khartoum:

After almost six years in Israel, I decided to leave in February [2014] after the government said they would detain any Sudanese person in Israel who had been there for more than three years. I knew that they would detain me for an unlimited amount of time and that is a form of mental and physical imprisonment.

When I arrived in Khartoum, security officials held 125 of us coming from Israel on the same flight and then handed us over to National Security who took us to their building in Khartoum's Sahafa District. There they interrogated me about my political history in Darfur and my support for one of the groups opposing the government there. They knew I had participated in public protests in Israel and asked me about that. The next day they took me to another National Security office near Khartoum's Shandi bus station, which the officers there called "the hotel." There they threatened to beat me if I didn't tell the truth.

On the third day, they took me to Kober prison in Khartoum and put me in a cell with 28 other people who had also come back from Israel. They held me there for eight weeks including about 20 days in solitary confinement. National Security interrogated me many times in the building they called "the hotel." It was always the same questions about my political views on the conflict in Darfur, which groups I supported there and why I had gone to Israel.

At the end of the eight weeks they took me to the prosecutor who charged me with treason for going to Israel. He then released me on bail after my family sold all their land and paid \$ 40,000. They confiscated my passport and banned me from travelling for five years.<sup>872</sup>

On 20 October 2014, an article in the Telegraph cites that many activists believe Sudan's National Congress Party operates an "active web of spies"<sup>873</sup> in London and other British cities that have become "centres of opposition to the regime".<sup>874</sup> The article described the experience of Saira Ahmed [not her real name], who was detained at Khartoum airport by Sudanese officials after a two-week trip to Darfur: "They had photographs of me meeting my friend for coffee opposite Shepherd's Bush Green," recalled Mrs Ahmed. "It was such a tight little shop and very dark. I remember having to squint to see the coffee cakes. But the photographs were extremely sharp. I remember thinking how strange it was that I did not notice this person spying on me. He or she must have been very close". The article went on to cite the details of Mrs Ahmed's detention:

She was locked in one of the bedrooms with bars on the window and a hard mattress for a bed. Questioning sessions over the first two days lasted for 12 hours. Then for the next three days, Mrs Ahmed was set a number of arduous physical tasks, cleaning the rambling residence and moving furniture.

"I was five months pregnant and they knew this. They had questioned me night and day and given me very little to eat," she told The Telegraph. "Then they ordered me to start cleaning and stopped asking questions.

"I thought I was going to be a slave for ever. I was terrified and cried all the time. I was so fearful for my baby."<sup>875</sup>

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<sup>871</sup>Human Rights Watch, ["Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel](#), 9 September 2014, *The Fate of Eritreans and Sudanese Returning Home*, p. 43-44.

<sup>872</sup>Human Rights Watch, ["Make Their Lives Miserable": Israel's Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel](#), 9 September 2014, *The Fate of Eritreans and Sudanese Returning Home*, p. 44-45.

<sup>873</sup>Telegraph, [The Sudanese 'Spies' in London Starbucks](#), 20 October 2014.

<sup>874</sup>Telegraph, [The Sudanese 'Spies' in London Starbucks](#), 20 October 2014.

<sup>875</sup>Telegraph, [The Sudanese 'Spies' in London Starbucks](#), 20 October 2014.

## 9.2. Access to documentation

According to a report by Waging Peace and Article 1, “In May 2011 the Khartoum regime introduced a new civil register requiring all citizens to obtain and carry identity cards in order to qualify for various services such as driving licenses, university entrance and land ownership. Citizens need to confirm various aspects of their identity such as their place of birth, tribe and provide proof of identification like a birth certificate, passport, residency certificate, letter of employment etc. to receive a National Number with which they can then use to apply for a National Identity Card. In practice, vulnerable and marginalised groups do not have access to these documents and/or cannot get to registration centres. They therefore have difficulty obtaining the National Identity Card, leaving themselves vulnerable to persecution and unable to access services”. The same report notes that “Those Sudanese who are outside Sudan without identification and who are forced to return to Sudan are required to go through a process of re-documentation whereby their nationality is confirmed and they are given documents with which to travel”. The report cited “significant procedural inadequacies in the re-documentation procedure of Sudanese asylum seekers in the UK” where asylum seekers were “re-documented by the UK Border Agency before their right to appeal the refusal of refugee status was exhausted”, a process during which “Sudanese embassy officials asked asylum seekers for personal information which was far in excess of what was required to verify nationality and obtain travel documents, including details about the whereabouts of their family members in Sudan”.<sup>876</sup>

A September 2014 report by Human Rights Watch on Israel’s coercion of Eritrean and Sudanese asylum seekers to leave Israel, states the following:

Many, if not most, of the Sudanese entering Israel through Egypt’s Sinai peninsula entered Egypt through official border posts and therefore have Egyptian entry stamps in their passports. However, when they crossed into Israel without passing through an official border post they did not get Egyptian exit stamps or Israeli entry stamps.

When those same people agreed to return to Sudan from Israel in 2013 and 2014, they flew back via Egypt, Jordan or Turkey. While in the Cairo, Amman or Istanbul airports, they do not leave the transit area, because those countries have no obligation to allow Sudanese to enter, which means they are forced to travel onward to Sudan and therefore do not get any additional entry or exit stamps.

As a result, when the Sudanese authorities in Khartoum review their passports, they are able to deduce from the presence of an Egyptian entry stamp but the absence of an Egyptian exit stamp—given to anyone leaving Egypt through Cairo airport—that the passport holder has been to Israel.<sup>877</sup>

## 9.3. Access to basic services

In a July 2014<sup>878</sup> report by International Refugee Rights Initiative on the ‘Ongoing conflict in Sudan’s Darfur region and controversies of “return”’, based on 119 interviews with individuals across the five states of Darfur, one interviewee stated the following in relation to their return:

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<sup>876</sup>Waging Peace/Article 1, [The Long Arm of the Sudanese Regime](#), 1 September 2014, *Immigration and Diaspora Communities*, p. 5.

<sup>877</sup>Human Rights Watch, [“Make Their Lives Miserable”: Israel’s Coercion of Eritrean and Sudanese Asylum Seekers to Leave Israel](#), 9 September 2014, *The Fate of Eritreans and Sudanese Returning Home* p. 42-43.

<sup>878</sup>Although pre-dating the cut off point for research, this source has been included for its relevance and because it was not included in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014.

“I came back because the government said everybody who returns will be given a donkey-driven cart (Karro) and 5,000 Sudanese pounds, in addition to agricultural equipment and security will be maintained. But we have received nothing. All the promises turned out to be nonsense... When I went to my home, I found nothing. I did not find any help. I face problems of housing, ways to eke living. I want to go back [to the camp] but I have no resources to do so.”<sup>879</sup>

In September 2014, UNOCHA reported that according to community leaders, “34,000 returnees in nine villages in Central Darfur’s Um Dukhun locality are in need of humanitarian assistance. Primary needs include emergency household supplies, water, sanitation and hygiene assistance as well as education, food security and livelihood assistance. These people returned after they had been displaced by fighting between the Misseriya and Salamat tribes in April 2014 [...] The International Organization for Migration (IOM) will start the registration of these returnees after the Eid al Adha holiday. Once the registration results are made available, aid agencies will develop response plans accordingly. In the meantime, health and nutrition sector partner organisations have started providing access to health services via mobile clinics and screening for malnutrition amongst children under the age of five. Aid agencies report it is not clear yet what the Government response plans for these returnees are”.<sup>880</sup>

In an update in January 2015 on Um Dukhun locality, UNOCHA stated that the IOM had registered 43,500 Misseriya returnees to their rural locality: “These people fled their homes because of fighting between the Misseriya and Salamat tribes in June 2014 over access and control of resources, mainly land...In September 2014, an inter-agency assessment identified their needs as food, emergency household supplies, water, sanitation and hygiene assistance as well as education, food security and livelihood assistance. As the IOM registration exercise has been completed humanitarian organisations can now start providing these people with food and emergency household assistance”.<sup>881</sup>

Also in January 2015, Qatar Charity provided an update on the organisation’s projects in Sudan, stating that “Much of Qatar Charity's work in Sudan is focused on facilitating voluntary return in Darfur, through raising awareness and providing stability and rehabilitation of the villages of the displaced, providing basic services through income-generating projects that rebuild social cohesion and harmony. Among these projects, one focuses on the cultivation of 1500 acres of land that has directly benefited more than 1400 people in Darfur. This project comes in light of the importance of agriculture in Darfur, where thousands of people depend on agricultural products as their sole source of income and their only chance to improve their standard of living. Project activities involve the training of farmers in different agricultural processes, providing them with ploughing equipment, seeds, sterilizers, hand tools and other associated items, in addition to pest control aids such as pesticides and spray pumps. The project aims to contribute to the economic and social development of rural areas through the alleviation of poverty and improvement of food security and stability for 200 poor families in South Darfur state. To date, the project has contributed significantly to the voluntary return of a number of displaced people who had been forced to leave their villages and take refuge in camps”.<sup>882</sup>

In April 2015, a report by UNOCHA states that “HAC [Humanitarian Aid Commission] West Darfur requested international humanitarian organisations operating in West Darfur to support and facilitate the return of an estimated 3,500 IDPs (700 families) from Forobarang and Um Khair to their areas of origin – Joroko, Mamoon, Kainjo, Waigo and Dairo in Forobarang locality. According to HAC, these

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<sup>879</sup>International Refugee Rights Initiative, *“It is a Joke”: Ongoing Conflict in Sudan’s Darfur Region and Controversies Over “Return”*, 17 July 2014, *Pushed to Return*, p. 22.

<sup>880</sup>UNOCHA, *Humanitarian Bulletin—Sudan | Issue 39*, 22-28 September 2014, p. 12-13.

<sup>881</sup>UNOCHA, *Humanitarian Bulletin—Sudan | Issue 2*, 11 January 2015, p. 14.

<sup>882</sup>Qatar Charity, *Qatar Charity’s Recovery and Voluntary Return Program in Sudan*, 28 January 2015.

displaced people expressed their intention to return to their villages in a letter addressed to HAC. UNHCR requested HAC to provide the detailed list of the displaced people willing to return. After the list is made available, UNHCR will conduct return intention/voluntariness assessments and recommend further steps accordingly. According to the UNHCR, there are major gaps in the basic services available in return villages, particularly water, sanitation and education services. Officials from the Ministry of Education said that the ministry has no plans to support educational infrastructure in the return villages in its 2015 work plan.<sup>883</sup> A further report by UNOCHA in the same month states that “Some national NGOs providing health services in camps for internally displaced persons (IDPs) in South Darfur will be forced to shut down services due to lack of funding. [...] RHF [Rufaida Health Organisation] reportedly did not receive funding from the Common Humanitarian Fund (CHF) this year and they have no other source of funding. [...] In Um Dafug, RHF is the only health service provider for some 7,000 displaced people and 9,300 returnees in the area”.<sup>884</sup>

Also reporting in April 2015, UNAMID documented a series of visits designed to assess the needs of voluntary returnees in South Darfur. The report was as follows:

On 9 April 2015, as part of a series of visits to assess the situation of voluntary returnees in South Darfur, UNAMID’s Head of Office, Sector South, Imtiaz Hussain, accompanied by a team of engineers from the Nyala Water Corporation, visited Donki Dereisa village, located some 60 kilometres southwest of Nyala town.

The village and surrounding areas have been going through severe water shortages which have, according to the villagers, exacerbated clashes between farmers and cattle herders.

During the visit the delegation met with Sheiks and community elders in the village where the latter expressed their concern over the dwindling water resources, the security situation and basic facilities including healthcare and schooling.

[...] Earlier, on 1 and 2 April 2015, a team from UNAMID in Nyala, South Darfur, led by Mr. Hussain, visited Murraiaijangei and Babaa villages to assess the voluntary return of internally displaced persons (IDPs) in South Darfur.

During the visit to Murraiaijangei village, located some 50 kilometres from Nyala town, Mr. Hussain met with community leaders who briefed him on the needs and concerns of the returnees. During the meeting, the community leaders highlighted some of the challenges affecting the villages, including lack of water due to a broken water pump generator and the need for rehabilitation of the basic school, hospital and community centre.

Similarly, in Babaa village, community elders listed provision of security, especially during the rainy season when tensions between farmers and pastoralists increase. They also expressed concern over a broken dam, which was built to divert stream water to irrigate farms, which was destroyed by heavy rains leaving the farms dry.

Additionally, community leaders revealed that the hospital in the area was understaffed and not equipped to meet the health needs of the local population in the area. They also said that most returnees lack livelihood projects and requested creation of job opportunities for youth, clubs and women’s centres.<sup>885</sup>

Reporting on 21 June 2015, Qatar Red Crescent Society documented the organisation’s efforts in “early recover and encouragement of voluntary return” stating that “10 artesian wells were dug and equipped with manual pumps to provide clean drinking water for the returnees in three towns”.<sup>886</sup>

Also in June 2015 UNOCHA noted that “An estimated 15,000 people have returned to their homes in Central Darfur’s Um Dukhun locality, according to findings of a needs assessment mission conducted in 10 villages (Sur, Soufalawin, Muraya, Teratear, Magola, Muradaf, Magaun Giwageen, Malla and Dango) on 17 June. [...] According to the mission findings, people returned to these villages from internally displaced persons (IDP) camps in Um Dukhun locality between May – June 2015. All the

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<sup>883</sup> UNOCHA, *Humanitarian Bulletin—Sudan Issue 14*, 30 March—5 April 2015

<sup>884</sup> UNOCHA, *Humanitarian Bulletin—Sudan Issue 16*, 19 April 2015

<sup>885</sup> UNAMID, *UNAMID Visits Voluntary Returnees in South Darfur*, 13 April 2015.

<sup>886</sup> Qatar Red Crescent Society, *Development Projects in West Darfur*, 21 June 2015.

villages lack basic services such as healthcare, water and sanitation, and education. The people require emergency shelter and household supplies, as the majority of returnees are living in temporary shelters constructed from grass. Agricultural supplies are also required so the cultivation of farms can begin, according to the findings”.<sup>887</sup>

## 10. Women

### 10.1. Female genital mutilation/cutting (FGM/C)

Among the sources consulted within the reporting period little information was found on the situation of female genital mutilation/cutting (FGM/C) in Darfur. This section therefore also includes general information on the situation of female genital mutilation/cutting (FGM/C) in Sudan:

#### ❖ Prevalence

The 2014 US Department of State annual report states on the occurrence of FGM/C in Sudan that:

FGM/C is traditionally practiced in the country. According to UNICEF and the UN Population Fund (UNFPA), the national prevalence of FGM/C among girls and women 15-49 years old was 88 percent. Within the country prevalence varies geographically and depends on the custom of local ethnic groups. The 2010 Sudan Household Health Survey indicated considerable variations in the practice of FGM/C from one region to another, from 99.4 per cent in the Northern State compared with a rate of 68.4 per cent in Western Darfur.

Girls are generally cut when they are five to 11 years old. Comprehensive figures were not available for the year. The government and UNICEF reported a shift in attitudes towards FGM/C and observed downward trends in the prevalence of FGM/C between the household health surveys in 2006 and 2010. The 2010 survey concluded 34.5 percent of girls ages five to nine were cut, as compared with 41 percent in 2006. Of girls and women ages 15-19, 37 percent favored FGM/C in 2010, compared with 73 percent in 2006.<sup>888</sup>

Freedom House reported in its Freedom in the World 2015 report (covering 2014) that “Female genital mutilation is widely practiced”.<sup>889</sup> A joint Redress and African Centre for Justice and Peace Studies report dating October 2014 states that “Certain types of female genital cutting/mutilation are not criminal offences. According to a recent UNICEF household survey in 2010, 34.5 % of girls aged 5 to 9 have been subjected to FGM”.<sup>890</sup>

An October 2014 report by the international independent organization Equal Rights Trust states that “Female genital mutilation (FGM) remains a significant problem in Sudan. According to most recent authoritative estimates, in 2013, 12.1 million women and girls, amounting to 88% of all women and girls in Sudan, had undergone FGM. According to these statistics, Sudan shared with Sierra Leone the seventh place in the list of the countries affected by this harmful practice”.<sup>891</sup>

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<sup>887</sup> UNOCHA, [Humanitarian Bulletin Sudan Issue 26](#), 22 – 28 June 2015

<sup>888</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 6, *Children-Female Genital Mutilation/Cutting*

<sup>889</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>890</sup> REDRESS; African Centre for Justice and Peace Studies, [56th Session of the Committee on Economic, Social and Cultural Rights - Pre-Sessional Working Group on Sudan](#), 1 October 2014, p. 8

<sup>891</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 133

A March 2015 article by the independent, non-profit research foundation Chr. Michelsen Institute (CMI), states that “After decades of efforts to end female genital mutilation (FGM) in Sudan, the prevalence of the practice is still staggering. A household survey conducted in 2010 shows that 88 percent of adult Sudanese women, 83.7 percent of girls between 15 and 19, and 72.2 percent of girls between 10 and 14 years have been circumcised”.<sup>892</sup>

A UN News Service article dating May 2015 reports on the statement issued by Rashida Manjoo, the UN Special Rapporteur on violence against women, following a visit to Sudan: “Of particular concern, she said, was female genital mutilation and early marriages.” Traditional, cultural and social norms,” Ms. Manjoo explained, “prevent disclosure and the seeking of assistance from persons outside of the family unit.” She therefore called on the focus on reconciliation with accountability, for crimes against women and girls”.<sup>893</sup>

#### ❖ Legislative instruments and state response

The US Department of State (USDOS) annual report of June 2015 (covering 2014) notes with regards to Female Genital Mutilation/Cutting (FGM/C) that “There is no national law prohibiting FGM/C. The states of South Darfur and Red Sea passed laws prohibiting FGM/C as a harmful practice affecting the health of children”.<sup>894</sup>

A June 2015 Radio Dabanga article reports on the legal debate concerning FGM in Sudan stating that: “Legal experts have demanded the formulation of a national law that prohibits female genital mutilation (FGM) in all states of Sudan. The Sudanese government had claimed to be working on such legislation in 2012. The experts also called for incorporating the fight against FGM and its harms in the public education curriculum, at a workshop held in Khartoum on Wednesday, organised by the Center for Community Studies under the name of The Legal Framework for FGM. Legal expert Awatif Abdelkarim expressed his hopes that the concealment of the FGM practice will be considered a crime soon. He called for increasing the number of midwives, and banning traditional midwives from practicing FGM”.<sup>895</sup>

The US Department of State (USDOS) annual report of June 2015 (covering 2014) notes on the state response to Female Genital Mutilation/Cutting (FGM/C) that:

The government attempted to curb the prevalence of FGM/C and made public awareness campaigns on the subject a top priority. In 2008 the National Council on Child Welfare, with support from UNICEF, launched the National Strategy to Abolish FGM/C in Sudan (2008-18). Under the strategy the government introduced “Saleema,” a public awareness campaign to counter FGM/C, which received significant attention through local media.

The government agreed to a three-year program with UNICEF [United Nations Children’s Fund], the UNFPA [United Nations Population Fund], and the WHO [World Health Organization] to seek to end FGM/C in the country. In October the government hosted a conference in Khartoum to promote the “Saleema” campaign and anti-FGM/C initiatives.<sup>896</sup>

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<sup>892</sup>Samia al-Nagar& Liv Tønnessen (Chr. Michelsen Institute), [Criminalizing FGM in Sudan: A never ending story?](#), 5 March 2015

<sup>893</sup> UN News Service, [Dialogues needed to tackle violence against women, 'accountability deficit' in Sudan – UN expert](#), 27 May 2015

<sup>894</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 6, *Children-Female Genital Mutilation/Cutting*

<sup>895</sup>Radio Dabanga, [Legal experts demand Sudanese law against female circumcision](#), 26 June 2015

<sup>896</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 6, *Children-Female Genital Mutilation/Cutting*

The UK Foreign and Commonwealth Office (FCO) annual human rights report covering 2014 states with regards to female genital mutilation that “DFID [Department for International Development] took an active role in working with the government of Sudan to address Female Genital Mutilation (FGM) and supported various initiatives. The government of Sudan participated in the UK Prime Minister’s Girl Summit, and signed the summit charter on ending FGM and child, early and forced marriage”.<sup>897</sup>

A March 2015 article by the independent, non-profit research foundation Chr. Michelsen Institute (CMI) notes the debate in Sudan on criminalizing FGM practices:

The discussions reached a climax in 2009, when the draft of the National Child Act was announced. Article 13 criminalized FGM in all its forms, and the arguments for criminalization were rooted in Islam.

The initiative to criminalize FGM came from the National Council for Child Welfare, under the Ministry of Welfare and Social Security (the ministry responsible for women’s affairs) as part of the preparations for a national child act. Pressure from civil society, international organizations and UN agencies played a major role. At the forefront were arguments about the detrimental health effects of FGM and its impact on Sudan’s high maternal mortality rates. Women inside and outside of the government were deeply concerned about the high prevalence rates of FGM after decades of efforts to eradicate the practice through awareness raising and other means.

But also Islamic arguments played an important role in the process. The main Islamic argument used against FGM was that the Quran prohibits human beings from changing the creation of God (khalqulla). According to interviewees conducted during our fieldwork in Khartoum in February 2015, “Islam forbids to do harm and there is medical evidence of the extensive damage FGM causes to women’s bodies and minds”.

The draft law was met with a massive counter-mobilization by the conservative Salafi movement in the country. They called for eradication of the pharaonic circumcision which they regarded as backwards and un-Islamic, but claimed that the Sunna version is Islamic and that criminalizing it would be in opposition to sharia. Those advocating for criminalization, including Islamist women, were framed as blindly following the ‘West’ and a foreign agenda even among their peers in the Islamist ruling party.

Despite the fact that the President signed a national strategy to eradicate FGM, he ordered article 13 to be removed from the final version of the law.<sup>898</sup>

Equal Rights Trust similarly states with regards to the criminalization of FGM in Sudan that “It should be noted that the federal Child Act, which was passed in 2010, did not in fact criminalise FGM throughout Sudan”.<sup>899</sup>

The same report further notes that “To date, the practice has been made unlawful in only four states: South Kordofan (FGM/C Act, 2008), West Darfur (State Child Act 2008), Gadarif (State Child Act 2009) and Red Sea (State Child Act 2011). The Sudanese government’s 2012 report to the UN HRC asserted that one of the priorities in the National Strategy for the Elimination of FGM in the Sudan (2008–2018) is to “enact legislation and laws prohibiting FGM and criminalizing anyone who practises any type of FGM””.<sup>900</sup>

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<sup>897</sup> UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015

<sup>898</sup> Samia al-Nagar & Liv Tønnessen (Chr. Michelsen Institute), [Criminalizing FGM in Sudan: A never ending story?](#), 5 March 2015

<sup>899</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 134

<sup>900</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 134

## 10.2. Sexual and gender-based violence (SGBV)<sup>901</sup>

### ❖ Legislative instruments

The Interim National Constitution of the Republic of the Sudan of 2005 sets out in Article 15 on “Family, Women and Marriage”:

(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.

(2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life.<sup>902</sup>

Article 32 of the Interim National Constitution contains the following provisions relating to the rights of women and children:

(1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.

(2) The State shall promote woman rights through affirmative action.

(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

(4) The State shall provide maternity and child care and medical care for pregnant women.

(5) The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.<sup>903</sup>

The Doha Document for Peace in Darfur (DDPD) of 2011 stipulates in its paragraph 4 (part of Article 1 entitled “Promotion and Protection of Human Rights and Fundamental Freedoms”):

4. The Parties shall ensure that all persons enjoy and exercise all of the rights and freedoms provided for in this Agreement, in the National Constitution of Sudan and international and regional human rights instruments to which Sudan is a party without discrimination on any grounds including sex, race, colour, language, religion, political or other opinion, national or social origin or social status. Women, children and men shall be guaranteed the equal enjoyment of all rights enshrined in the international human rights and humanitarian law instruments to which Sudan is a party.<sup>904</sup>

In paragraphs 333 and 335 of Article 62, the same document lists the following general principles for a permanent ceasefire and final security arrangements:

333. Civilians in Darfur have the right to protection, including provision of specific measures for vulnerable groups such as women and children taking into account their special status in international law, and in recognition that they have suffered disproportionately during the conflict;

[...] 335. The imperative to refrain from all acts of violence against civilians, in particular vulnerable groups such as women and children, and from violations of human rights and international humanitarian law.<sup>905</sup>

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<sup>901</sup>Selected COI in this subsection reproduced with permission from ACCORD as cited in:

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014, 10.2 Sexual and gender based violence (SGBV)

<sup>902</sup>[Interim National Constitution of the Republic of the Sudan](#), 10 July 2005, Article 15

<sup>903</sup>[Interim National Constitution of the Republic of the Sudan](#), 10 July 2005, Article 32

<sup>904</sup>[Doha Document for Peace in Darfur \(DDPD\)](#), 2011, Article 1, paragraph 4

<sup>905</sup>[Doha Document for Peace in Darfur \(DDPD\)](#), 2011, Article 62, paragraph 333 and 335

Paragraph 340 (part of Article 63 entitled “Prohibited Activities and Positive Undertakings”) sets out that “the Parties agree to immediately cease and refrain from any [...] [a]cts and forms of gender-based violence and sexual exploitation”.<sup>906</sup>

The Darfur Peace Agreement (DPA) of 5 May 2006 also contains provisions relevant to violence against women, including paragraphs 27 and 28 (part of Article 3 entitled “Human Rights and Fundamental Freedoms”), as well as paragraphs 275 to 279 (part of Article 26, “Protecting IDPs and Humanitarian Supply Routes”).<sup>907</sup>

Article 149 of the Criminal Act of 1991 defines rape as an act of sexual intercourse, “by way of adultery, or sodomy”, without consent and prescribes penalties including the death sentence:

- (1) There shall be deemed to commit the offence of rape, whoever makes sexual intercourse, by way of adultery, or sodomy, with any person without his consent.
- (2) Consent shall not be recognized, where the offender has custody, or authority over the victim.
- (3) Whoever commits the offence of rape, shall be punished, with whipping a hundred lashes, and with imprisonment, for a term, not exceeding ten years, unless rape constitutes the offence of adultery, or sodomy, punishable with death.<sup>908</sup>

The provisions relating to adultery (zina) and sodomy are found in Articles 145 (“Adultery (Zina)”), 146 (“Penalty for adultery”), 147 (“Remittance of the penalty of adultery”) and 148 (“Offence of sodomy”) of the 1991 Criminal Act.<sup>909</sup>

Liv Tønnessen, senior researcher at the independent, non-profit research foundation Chr. Michelsen Institute (CMI), states in an April 2015 article that “One major obstacle for women who seek an abortion after rape rests on the very definition of “rape” in article 149 of Sudan’s Criminal Code of 1991. Rape is categorized as zina (that is, sexual intercourse before and outside of marriage) without consent. At the same time, though, Sudan criminalizes zina and, building on the Islamic hudud penalties, this crime is punished with 100 lashes (if the person is unmarried) and capital punishment by stoning (if the person is married)”.<sup>910</sup> The article continues:

This creates a dilemma for a rape victim. In order to prove rape, the victim must prove that someone has forcibly committed sexual intercourse with her. The burden of proof falls on the rape victim. Only physical injuries and bruises are regarded as evidence for the lack of consent in Sudanese courts, unless the victim of rape is a child. If the police do not document such injuries on Form 8 (the form used to report a violent act, which is then used as evidence in court), an accusation of rape may lead to the victim’s incrimination for zina. This is especially likely to occur if the victim is an unmarried woman or girl who becomes pregnant as a result of the rape, since her pregnancy will serve as clear evidence that sexual intercourse occurred.<sup>911</sup>

A joint Redress and African Centre for Justice and Peace Studies report dating October 2014 states with regards to the legal definition of rape that “Article 149 of the Criminal Act of 1991 defines rape with reference to adultery, which creates confusion over evidentiary requirements for a prosecution (adultery requires four male eye-witness of the act) and puts a woman at risk of facing prosecution for adultery if she cannot prove rape. The definition of rape is narrow in scope and does not reflect

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<sup>906</sup> [Doha Document for Peace in Darfur \(DDPD\)](#), 2011, Article 63, paragraph 340

<sup>907</sup> [Darfur Peace Agreement \(DPA\)](#), 5 May 2006, paragraphs 27, 28 and 275-279

<sup>908</sup> [Criminal Act](#), 1991, Article 149

<sup>909</sup> [Criminal Act](#), 1991, Article 145-148

<sup>910</sup> Liv Tønnessen, [Women’s right to abortion after rape in Sudan](#), Bergen: Chr. Michelsen Institute (CMI Insight no. 2), April 2015, p. 2

<sup>911</sup> Liv Tønnessen, [Women’s right to abortion after rape in Sudan](#), Bergen: Chr. Michelsen Institute (CMI Insight no. 2), April 2015, p. 2

legislative reforms and best practices elsewhere. There is only one offence covering all other forms of sexual violence, which carries an inadequate maximum punishment of two years imprisonment".<sup>912</sup>

An April 2015 Thomson Reuters Foundation article states that Article 149 of the Criminal Act was amended and a new definition of rape was introduced:

Sudan has overhauled a law that led to rape victims being put on trial for adultery, a crime punishable by jail, flogging or even stoning. The change comes a year after a young Ethiopian woman in Sudan was convicted of committing indecent acts after being gang-raped, a case which sparked international outrage. Lawyers say that when a woman in Sudan reports rape it is often seen as an admission of zina - the crime of sex outside marriage.

They say the new law introduces a precise definition of rape as a penetrative sexual act involving physical or psychological force. "In the past the law was confusing and very problematic. In most cases when a woman complained she had been raped she would be tried for adultery," said Hikma Ahmed, a Sudanese lawyer who helped defend the Ethiopian woman. "This amendment is very helpful for rape victims or survivors seeking justice, and it is also helpful for us lawyers who are supporting these women in court." The change follows more than a decade of campaigning by local and international rights organisations.

[...] Equality Now [international rights group] said the amendment was signed by the president two months ago but that it had only recently received a copy. Sudan's Ministry of Justice confirmed the law was changed in February.<sup>913</sup>

A Sudan Tribune article dating March 2015 quotes the European Union's ambassador to Sudan's reaction to the changing of the Criminal Law:

The European Union's ambassador to Sudan, Tomas Ulicny, said it is following with interest the recent amendments in Sudanese criminal law aiming to address cases of sexual violence against women urging the full implementation of these provisions.

He further expressed concern over repeated allegations of sexual violence in conflict zones and took careful note of the recent changes in the Criminal Law which for the first time defines the crimes of rape and sexual harassment.

"This is an important step to protect the rights of women and girls in Sudan. We expect to see full implementation of these provisions to ensure that victims are provided with access to justice and perpetrators held to account," he said. On 21 January 2015, the Sudanese legislators adopted a number of changes in the Criminal Law, criminalising rape and sexual harassment.

Sudanese civil society and human rights groups call since several years to incorporate the international crimes of genocide, crimes against humanity and war crimes in the Criminal Code and to make female genital mutilation (FGM) a criminal offence.<sup>914</sup>

The May 2015 UN Security Council report on conflict-related sexual violence covering 2014 also noted the changes brought to Article 149 stating that "In a series of constructive steps, the Sudan has amended section 149 of its Criminal Act (1991) to more clearly define the crime of rape and align it more closely with international standards".<sup>915</sup>

The UN Special Rapporteur on violence against women provided an overview on the legal framework pertaining to women's rights in a statement dating May 2015:

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<sup>912</sup> REDRESS; African Centre for Justice and Peace Studies, [56th Session of the Committee on Economic, Social and Cultural Rights - Pre-Sessional Working Group on Sudan](#), 1 October 2014, p. 7-8

<sup>913</sup> Thomson Reuters Foundation, [Sudan changes law that left rape victims punished for adultery](#), 24 April 2015

<sup>914</sup> Sudan Tribune, [EU envoy calls on Sudan to fully implement provisions on sexual violence](#), 9 March 2015

<sup>915</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 57

The Government of Sudan has taken concrete legal measures towards addressing women's human rights. The interim Constitution of 2005 contains key provisions relevant to women's human rights, including Article 31 and 32, to ensure non-discrimination and equal treatment of women in all spheres of life; the adoption of affirmative action policies in favour of women, which through the Electoral Law 2014 raised the quota for participation of women from 25% to 30% in all spheres of public life; the enactment of the Trafficking in Persons Act and the Asylum Act in 2014; the amendment of article 149 of the Criminal Law which provides clarity on the distinction between rape and adultery; and also the inclusion of a new provision on sexual harassment in the Criminal Law, among others. Sudan is also party to the International Conference on the Great Lakes Region (ICGLR), Protocol on the Prevention and Suppression of Sexual Violence against Women and Children.<sup>916</sup>

❖ Prevalence of SGBV in Darfur

The US Department of State (USDOS) annual report on human rights in 2014, published in June 2015, covers the legal and de facto situation regarding sexual and gender-based violence, including domestic violence and spousal rape, as follows:

While the law prohibits violence in general, it does not specifically prohibit domestic violence. Violence, including spousal abuse, against women was common. There were no reliable statistics on its prevalence. Women who filed claims of domestic violence were subjected to accusations of lying or spreading false information, harassment, and detention. Consequently, many women were reluctant to file formal complaints, although such abuse constituted grounds for divorce. Police normally did not intervene in domestic disputes. Statistics on the number of abusers prosecuted, convicted, or punished were not available.<sup>917</sup>

The Internal Displacement Monitoring Centre reported in July 2014 that

For many years there have been reports of rape and other instances of gender-based violence (GBV) in Darfur, indeed earlier this year the UN Secretary General reported that GBV is one of the dominant characteristics there, and continues to be extensive. Despite considerable international advocacy for enhanced protection, displaced women and girls are still being attacked inside camps and also targeted while searching outside for firewood and other natural resources (SG, April 2014). GBV crimes are committed by both the government forces and armed groups (UN, March 2014). GBV survivors are left with poor or no psychosocial or legal support. Reporting perpetrators remains very difficult as complaints procedures are hard to access despite considerable efforts by the humanitarian community to promote the rule of law (Radio Dabanga, February 2014).<sup>918</sup>

The UK Foreign and Commonwealth Office (FCO) annual human rights report covering 2014 states that "There were continuing reports of rape being used as a weapon of war in both Darfur and the Two Areas. Prevention of sexual violence is a priority area for the UK's human rights work and we have raised our concerns with the Sudanese government. However, it has not endorsed the UN Declaration on the Prevention of Sexual Violence in Conflict."<sup>919</sup> The May 2015 UN Security Council report on conflict-related sexual violence covering 2014 noted that "Sexual violence perpetrated by State actors or armed groups associated with the State remains of grave concern in countries

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<sup>916</sup> United Nations Office of the High Commissioner on Human Rights (UN OHCHR), [Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences](#), 24 May 2015

<sup>917</sup> US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section 6, *Discrimination, societal abuse and trafficking in persons*

<sup>918</sup> Internal Displacement Monitoring Centre, [Sudan: Other crises distract attention from tremendous needs of IDPs](#), 9 July 2014

<sup>919</sup> UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015

such the Sudan (Darfur), South Sudan, the Syrian Arab Republic and the Democratic Republic of the Congo".<sup>920</sup>

The May 2015 UN Security Council report on conflict-related sexual violence covering 2014 stated with regards to the incidence of sexual violence targeting women in Darfur that:

Conflict-related sexual violence, including rape, attempted rape, abduction for the purposes of sexual exploitation, indecent assault, sexual humiliation and serious injuries or killings following rape, remains a dominant feature of the conflict in Darfur. In 2014, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) documented 117 incidents involving 206 victims, as compared with 149 cases involving 273 victims in 2013. Victims ranged in age from 4 to 70 years; 204 of the victims were female and 2 were male (boys). In two incidents, six women were killed in connection with attempted rape and 30 per cent of the recorded rape survivors sustained serious physical injuries. The United Nations also documented one case of a child conceived following rape, which resulted in the marriage of the victim (aged 14) to the perpetrator as a form of traditional settlement. These numbers must be interpreted against the backdrop of a highly insecure environment.<sup>921</sup>

The same report further noted with regards to the profiles of victims and perpetrators of sexual violence that:

Most sexual assaults (71 per cent), affecting 147 victims, occurred while women and girls were carrying out essential sustenance and livelihood activities, such as farming and the collection of grass and firewood, often in isolated areas. Twenty-eight victims were attacked in their homes, inside or in the vicinity of camps for internally displaced persons. The proliferation of small arms in such settlements, as well as in towns and villages, contributed to the prevalence of sexual violence: in 60 per cent of all reported cases, involving 119 victims, the alleged perpetrator(s) were armed. The majority of perpetrators were described by victims and witnesses as being armed men from Arab tribes targeting non-Arab women, with accounts indicating that the perpetrators sought to humiliate victims and their families to reinforce a sense of powerlessness. In 27 cases, the alleged perpetrators were identified as members of the Government's security and law enforcement apparatus.<sup>922</sup>

Following a country mission in Sudan the UN Special Rapporteur on violence against women noted the following findings in May 2015:

Reports and interviews reflect the existence of violence in the family and the community, including against women and girl children, whether physical, psychological, sexual or economic. However, during the visit, the majority of interlocutors focused largely on two issues linked to girl children i.e. female genital mutilation and early marriages. The silence and the denials, whether by state authorities or many civil society participants, regarding the subject of violence as experienced by women, is a source of concern.

I have also received reports of the increase in trafficking of women and girls, particularly of asylum seekers and refugees, and the violence that they are subjected to whether in the source country, during transit or in the destination country. Sexual and gender based violence in the context of conflict remains a source of concern, with rape and sexual harassment/humiliation continuing to be reported by different interlocutors.<sup>923</sup>

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<sup>920</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 5

<sup>921</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 52

<sup>922</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 55

<sup>923</sup> United Nations Office of the High Commissioner on Human Rights (UN OHCHR), [Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences](#), 24 May 2015

A June 2015 report of the UN Secretary-General on the protection of civilians in armed conflict stated with regards to sexual violence in Darfur that “There were continued reports of sexual violence in Darfur, although the United Nations has had difficulty in gaining access in order to investigate those and other alleged human rights violations”.<sup>924</sup>

❖ October 2014 mass rape in Tabit, North Darfur

In an article dating November 2014 Radio Dabanga reported that a mass rape of more than 200 women by Sudanese soldiers occurred in Tabit in North Darfur:

"More than 200 women and girls" were collectively raped in their village on Friday evening, reportedly by Sudanese soldiers belonging to a military garrison south of El Fasher in North Darfur. At least 80 of the victims were minors. The residents of Tabit have not been able yet to transfer the wounded to other towns or medical centres. One of the elders in Tabit village told Radio Dabanga that the commander of the military garrison, located half a kilometre north of Tabit, came to the village on Friday morning, claiming that one of his soldiers went missing on Thursday evening. He gave the villagers until sunset to retrieve the missing soldier.

"We were caught by surprise when soldiers surrounded Tabit at 8 pm," the village elder told. "They beat the people with rifle butts and chased all of the men outside the village. Then they started to rape about 200 women and girls, which lasted from Friday evening until 4 am on Saturday.

Eight out of the 80 raped minors were basic school children, he claimed. He said that 105 girls were unmarried; the other victims were married women.

"They also prevented us from transferring the wounded to El Fasher city, the Unamid [African Union-United Nations Hybrid Operation in Darfur] base, or to Shangil Tobaya," the witness stressed.<sup>925</sup>

In a February 2015 report Human Rights Watch documented the allegations regarding the mass rape in Tabit in North Darfur and concluded that:

Over the course of 36 hours beginning on October 30, 2014, Sudanese army troops carried out a series of attacks against the civilian population of the town of Tabit in North Darfur, Sudan. The attacks included the mass rape of women and girls and the arbitrary detention, beating and ill-treatment of scores of people. The government of Sudan has denied that any crimes occurred and has prevented the African Union-United Nations Hybrid Operation in Darfur (UNAMID) from carrying out a credible investigation of the incident.

From research conducted remotely in November and December 2014, this report documents 27 first-hand accounts of rape, often by multiple perpetrators, and credible information about an additional 194 incidents of rape.<sup>926</sup>

The May 2015 UN Security Council report on conflict-related sexual violence covering 2014 stated on the same incident that “Serious allegations were levelled against the Sudanese armed forces regarding a mass rape of some 200 women and girls in Tabit, north-east of El Fasher, North Darfur, over a period of 36 hours beginning on 30 October 2014. Despite several attempts by UNAMID [African Union-United Nations Hybrid Operation in Darfur] to reach the area, government authorities granted access on only one occasion (9 November). The presence of Sudanese armed forces and members of military intelligence, observed during interviews with members of the community, may have influenced their reticence. The Government subsequently launched its own investigation and the Special Prosecutor for Darfur, who visited amid a large government presence,

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<sup>924</sup> UN Security Council, [Report of the Secretary-General on the protection of civilians in armed conflict](#), 18 June 2015, paragraph 23

<sup>925</sup> Radio Dabanga, [Mass rape of "200" in North Darfur](#), 2 November 2014

<sup>926</sup> Human Rights Watch, [Mass Rape in Darfur](#), February 2015

reported to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in December that the allegations could not be substantiated”.<sup>927</sup>

❖ Non-exhaustive, illustrative examples of sexual violence incidents from August 2014-August 2015 include:

The UK Foreign and Commonwealth Office (FCO) noted that in an update published October 2014 that “Reports of rape by armed combatants in Darfur remain widespread, as do allegations of incidents within IDP [internal displaced persons] camps on the outskirts of Khartoum. For example, on 20 September [2014], there was a reported gang rape of two young women in East Jebel Marra by five men wearing military uniforms, and a reported rape of three women by three armed militiamen in Fina”.<sup>928</sup>

A September 2014 Radio Dabanga article reports on the rape of 45 women in East Jebel Marra region in Darfur stating that “Residents of East Jebel Marra informed Radio Dabanga that 45 women, including 12 minors, have been raped in the period between 1 July and mid-August. They added that the “government-backed militiamen” are often not satisfied with raping alone. “They humiliate the victims even more, by shaving their heads, and mutilate their bodies”. “The 12 minors, who were raped, suffer from genital problems. Only four of them have been treated, for fistula, at El Fasher Teaching Hospital”.<sup>929</sup>

Radio Dabanga reported in a November 2014 article that “Four women from Kalma camp in Bielel locality, South Darfur, were raped on Saturday, while other members of their group were beaten by militiamen. Saleh Issa, the Secretary-General of the camp told Radio Dabanga that a group of about 24 displaced women left the camp to collect firewood on Saturday. They were accosted by militiamen who stripped and raped four of them, aged between 30 and 50. The men also stole their mobile phones and four donkeys, and beat ten other members of the group. The women were then chased back into the camp”.<sup>930</sup>

Radio Dabanga reported in December 2014 on the rape of a pregnant woman in South Darfur stating that “A group of gunmen gang raped a displaced woman near the town of Kass in South Darfur on Sunday afternoon. In Kass locality, 17 people are ‘missing’ for more than a month. The woman, several months pregnant, and her husband were intercepted by militiamen in the area of Feras, in the vicinity of Kass town, the head of Women Issues of the Kass camps reported to Radio Dabanga. “They beat the husband with their whips, seriously injuring him, before they raped the woman alternately. Both were taken to a hospital in Kass. The doctors there found that the foetus had died”.<sup>931</sup>

In a January 2015 article Radio Dabanga noted several incidents involving the rape of women in Darfur:

Militiamen have killed three sheikhs and raped ten women, among them four minors, in separate events in Darfur on Thursday and Friday. Sudanese Rapid Support Forces (RSF) killed the three sheikhs on Friday, following a rape incident in Bir Zinkiya, 20 km north-west of Dubo El Omda, East Jebel Marra region. A relative of one of the rape victims told Dabanga that six women had gone out

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<sup>927</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 53

<sup>928</sup> UK Foreign and Commonwealth Office (FCO), [Sudan - Country of Concern: latest update, 30 September 2014](#), 16 October 2014

<sup>929</sup> Radio Dabanga, [Gang-rapes in Darfur; 45 women raped in East Jebel Marra in 45 days](#), 18 September 2014

<sup>930</sup> Radio Dabanga, [Firewood collectors raped, beaten in South Darfur](#), 18 November 2014

<sup>931</sup> Radio Dabanga, [Pregnant woman gang-raped, 17 'missing' in Kass, South Darfur](#), 11 December 2014

early in the morning to fetch drinking water from the Bir Zinkiya well. Members of the RSF overpowered the women there, and took them close to their military post. The six women, including one 17-year-old girl, were raped from 7 am until the afternoon. In another incident on Friday, militant herders attacked and raped three minor girls, of 12, 14, and 17 years old. The girls were working on a watermelon farm in Kochonga, 15 km south of Tabit, North Darfur. The herders threatened them and raped them alternately, a relative of one of the girls reported.<sup>932</sup>

Radio Dabanga reported in February 2015 on an incident concerning a pregnant woman in North Darfur:

One of the army personnel in Tabit area, North Darfur, beat a pregnant woman into a coma on Thursday. The beatings caused her serious injuries and haemorrhage, for which she is being treated at an external health clinic. A relative of the victim told Dabanga Sudan that one of the army personnel beat her with rifle butts. The woman is several months pregnant. The relative added that she is one of the victims of the mass rape by Sudanese soldiers in Tabit on 31 October and 1 November last year. After obtaining the form for medical evidence at the police station, Form 8, she was transferred to El Fasher Teaching Hospital on Thursday, still comatose. The teaching hospital transferred her to another hospital, after which she was transferred to an external clinic for medical examinations and X-rays. The relative explained that although the family reported the incident to the authorities, the latter did not yet take action against the perpetrator.<sup>933</sup>

A March 2015 Radio Dabanga article stated that “Two basic school students were raped and eight others are missing after an attack in West Jebel Marra today. “Government troops attacked a group of 17 basic school students at 9 am as they walked from Golo to Nierteti, in Central Darfur, to sit for their final exams,” a parent told Dabanga. “The group of Class 8 students included 10 girls and seven boys,” he explained. “Two of the girls, aged 15 and 14, were found in a ditch after they had been raped. “Eight girls disappeared. As of Wednesday evening, we have not found any trace of them. We retrieved five boys and two girls in the area of Dogi Ja, west of Golo”.”<sup>934</sup>

In an article dating March 2015 Radio Dabanga reported on the rape of two girls in Central and West Darfur stating that:

“A 13-year-old West Darfur girl was repeatedly raped by three men for five hours on Sunday. In a separate incident, four militiamen gang raped a 14-year-old girl in western Jebel Marra, Central Darfur. A sheikh of Tendelti camp in El Geneina locality told Radio Dabanga that three members of a government-backed militia in military uniforms attacked four young women and girls, when they were collecting firewood in the area north of the camp on Sunday afternoon.

“They grabbed one of them, and repeatedly raped her from 1pm until 6pm. She was taken to Tendelti hospital in very bad condition.”

The sheikh added that a rescue team managed to apprehend one of the alleged perpetrators, and handed him to the police. He stressed that the rapists “deserve the heaviest punishment possible, to deter others from committing such atrocious crimes”.<sup>935</sup>

Radio Dabanga reported in an April 2015 article on the rape of two women by paramilitary troops in Central Darfur stating that “Members of the Rapid Support Forces (RSF) raped two young women in the area of Jildo, Nierteti locality, on Tuesday. They further robbed a number of people at gunpoint. One man was seriously injured. A villager told Radio Dabanga from Jildo that the paramilitary RSF troops, commanded by the security apparatus, are wreaking havoc and molesting people living in the area during the past two days. “The most recent assaults were the gang-rape of two young women, aged 20 and 17, and the robbery of a number of people from the neighbouring villagers on

<sup>932</sup>Radio Dabanga, [Ten raped, three sheikhs killed in separate incidents in Darfur](#), 23 January 2015

<sup>933</sup>Radio Dabanga, [Military staff beats pregnant woman in Tabit, North Darfur](#), 20 February 2015

<sup>934</sup>Radio Dabanga, [Two raped, eight missing in Darfur school group attack](#), 4 March 2015

<sup>935</sup>Radio Dabanga, [Gang-rapes in West and Central Darfur](#), 24 March 2015

their way to the Jildo market,” he reported. “Omar Karam sustained critical injuries, when he confronted the robbers”<sup>936</sup>.

Radio Dabanga reported in May 2015 on the rape of three women in North Darfur stating that “An unknown number of villagers were injured, others disappeared, and at least three young women were raped in an attack by paramilitary Rapid Support Forces (RSF) on seven villages in the southern part of Tawila locality, North Darfur, which is popularly known as East Jebel Marra, on Sunday and Monday. Speaking to Radio Dabanga, fleeing villagers reported that a large group of RSF troops riding in more than 75 heavily armed vehicles, raided the villages of Abu Zereiga, Sharafa, Humeida, Dolma, Nemra, Masaleet, and Tokomari. “They beat us with batons and whips, before they robbed us of our money, belongings, and our livestock,” they said. “At least three young women, aged 17, 19 and 21, of Humeida village were gang-raped”<sup>937</sup>.

In a June 2015 article Radio Dabanga reported several incidents of sexual violence occurring in North Darfur noting that:

Several incidents involving rape occurred in East Jebel Marra, in North Darfur, over the weekend. Fourteen women in total were sexually assaulted at the hands of militiamen, witnesses told Radio Dabanga. Pro-government militiamen, moving in three vehicles and on camels, attacked a group of women inside Hillet Ahmed, 6km south of Tabit, on Sunday. At about 8pm, they took six women out of their home and the village and raped them. The women, four of them married and two unmarried, were not released until early next morning, a witness reported to Radio Dabanga.

On Saturday, government-backed militiamen riding on camels assaulted seven women who were out to fetch water west of Hillet Ahmed. All of them were raped at the water well.

The mother of one of the rape victims told Radio Dabanga that the victims and their relatives in the village went out to report both incidents to the military garrison in Tabit. But the soldiers did not respond, nor move to chase down the perpetrators.<sup>938</sup>

Radio Dabanga reported in a July 2015 article that “Militia members reportedly sexually assaulted three women, including a girl, at Tankarara area in North Darfur, on Thursday. The sexual offence is the third in a row in Hillet Ahmed. The seven men used force of arms to rape their victims. A family member of one of the women told Radio Dabanga that the assault took place in daytime, when the three went out of Hillet Ahmed to fetch hay. They are aged 17, 25 and 27 years”<sup>939</sup>.

In a July 2015 article Radio Dabanga reported several incidents concerning the rape of women in Darfur:

Armed men raped three women including one minor on Monday near Dolma, in East Jebel Marra. The perpetrators reportedly belong to a group of new militant settlers in the area.

A relative of one of the victims informed Radio Dabanga that four militant settlers on camels discovered four women tilling their farm close to the village of Dolma. They threatened three of them, aged 17, 27, and 31, and raped them.

On Sunday, three militiamen raped a young woman of 17 near Tabit, Tawila locality, in broad daylight. A witness reported that troops from the military garrison in Tabit pursued and arrested one of the alleged perpetrators, after receiving a report about the incident. The perpetrator is being detained in Tabit.

As reported by Radio Dabanga last week, on 19 July, militiamen who recently settled in the abandoned Dawaa, southeast of Tabit, raped three women displaced from the village who were attempting to retrieve some of their belongings from their homes.<sup>940</sup>

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<sup>936</sup>Radio Dabanga, [RSF militia troops rape two women, rob villagers in Central Darfur](#), 30 April 2015

<sup>937</sup>Radio Dabanga, [RSF militia attacks villages in Darfur's East Jebel Marra](#), 19 May 2015

<sup>938</sup>Radio Dabanga, [Fourteen women raped by militants in North Darfur](#), 15 June 2015

<sup>939</sup>Radio Dabanga, [Militiamen target, rape women of village in North Darfur](#), 3 July 2015

<sup>940</sup>Radio Dabanga, [Multiple rapes in Darfur's Jebel Marra](#), 28 July 2015

### 10.3. State response to SGBV

The US Department of State (USDOS) annual report of June 2015 (covering 2014) states with regards to justice for victims of rape in Sudan that:

In most rape cases courts made convictions a matter of public record. Observers believed sentences often were less than the legal maximum. Because there was no official tracking of rape cases, no information was available on the number of persons prosecuted, convicted, or punished for rape. Instances of rape of women and girls continued to be a serious problem throughout the country, especially in conflict areas. International agencies and government agencies assisting rape victims estimated that rape cases were underreported due to victims' fear of reprisal and stigmatization. Investigative and prosecuting authorities often obstructed access to justice for rape victims. By law a woman who accuses a man of rape and fails to prove her case may be tried for adultery. Victims sometimes refused to report their cases to family or authorities due to fear they would be punished or arrested for "illegal pregnancy" or adultery.<sup>941</sup>

The same report further notes with regards to the situation in Darfur that "Authorities often obstructed access to justice for rape victims. IDPs [Internal Displaced Persons] reported perpetrators of such violence were often government forces or militia members. Assaultants assaulted, raped, threatened, shot, beat, and robbed women".<sup>942</sup>

Following a country mission in Sudan the UN Special Rapporteur on violence against women noted in a May 2015 statement that "Sexual and gender based violence in the context of conflict remains a source of concern, with rape and sexual harassment/humiliation continuing to be reported by different interlocutors".<sup>943</sup> The statement further continues on the state response to violence against women in Sudan:

Despite the existence of laws, policies and programs, I have observed that violence against women is an issue of concern in Sudan. A large number of women and girls live in a context of deep inequality, underdevelopment, poverty and conflict, and this is exacerbated by violence in both the public and private spheres, whether at the hands of state or non-state actors. Unfortunately it is impossible to verify the true extent in relation to any of the manifestations, whether occurring in public or private spaces, due to a range of factors. These include the limited existence of disaggregated data; social stigma and silences surrounding certain manifestations of violence; the lack of or the underreporting of cases; an unresponsive, and sometimes hostile environment, when the issue of violence against women is raised; traditional, cultural and social norms that prevent disclosure and the seeking of assistance from persons outside of the family unit; and the focus on reconciliation, at the expense of accountability, for crimes against women and girls.<sup>944</sup>

The US Department of State (USDOS) annual report of June 2015 (covering 2014) highlights with regards to sexual violence against women that "There were continuing reports government security

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<sup>941</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section6, *Discrimination, societal abuse and trafficking in persons*

<sup>942</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section1, g. *Use of Excessive Force and Other Abuses in Internal Conflicts*

<sup>943</sup> United Nations Office of the High Commissioner on Human Rights (UN OHCHR), [Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences](#), 24 May 2015

<sup>944</sup> United Nations Office of the High Commissioner on Human Rights (UN OHCHR), [Special Rapporteur on violence against women finalizes country mission to Sudan and calls for more open and constructive dialogues on violence against women, its causes and consequences](#), 24 May 2015

forces, progovernment and antigovernment militias, and other armed persons raped women and children”.<sup>945</sup> The same report further noted that “Between July and November [2014], UNAMID [African Union-United Nations Hybrid Operation in Darfur] recorded 66 cases of sexual and gender-based violence involving 99 victims, among them 30 minors. Rape accounted for 55 cases and 88 victims, including 28 minors. In 21 cases, involving 32 victims, the perpetrators were alleged to be members of the Sudanese Armed Forces”.<sup>946</sup>

Radio Dabanga reported in March 2015 with regards to the investigation of the “alleged mass rape” in Tabit, North Darfur that:

According to an investigation carried out by the Special Prosecutor for Crimes in Darfur, the “alleged mass rape” in Tabit, North Darfur, in late October last year, “never took place”.

Esameldin Abdelgader, the Sudanese Undersecretary of Justice, explained in his briefing of the UN Human Rights Council in Geneva last week on the outcome of the inquiry, that women of 88 families in Tabit were questioned. They all denied to having been raped. Only four women said they had been sexually assaulted, but this happened in other parts of the region.

Human Rights Watch, in an elaborate report in February, stated that army troops raped at least 221 women and girls in a Tabit over 36 hours last October. It called upon the UN and the AU to take urgent steps to protect the civilians from other violations in Tabit.<sup>947</sup>

Human Rights Watch noted in a June 2015 report the developments in the case of the Tabit rape in North Darfur stating that “In February 2015, Human Rights Watch documented the mass rape of up to 221 women and girls by Sudanese forces during a 36-hour period in late October and early November 2014 in the town of Tabit, North Darfur. The government has denied UNAMID [African Union-United Nations Hybrid Operation in Darfur] access to Tabit to carry out a credible investigation. In May 2015, Rashida Manjoo, the UN special rapporteur on violence against women, called on the government of Sudan to establish a commission of inquiry “to look into the reports of allegations of mass rapes in different regions, including recent allegations regarding the village of Tabit””.<sup>948</sup>

The UN Committee on the Elimination of Racial Discrimination similarly noted in May 2015 that “Despite the responses provided by the delegation concerning allegations of mass rape by soldiers of the Sudan Armed Forces of women belonging to the Fur ethnic group in Thabit village of North Darfur in late October 2014, the Committee remains concerned that these allegations have not been thoroughly and effectively investigated. The Committee further expresses its concern about the reported reoccurrence of similar cases of sexual violence in conflict areas, and that the perpetrators remain at large unpunished”.<sup>949</sup>

The UK Foreign and Commonwealth Office (FCO) annual human rights report covering 2014 also noted that “The issue of violence against women was highlighted by reports of an alleged mass rape of over 200 women and children by members of the Sudanese Armed Forces in Tabit in North Darfur on 31 October. The full facts around this case are still to be established and the government of

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<sup>945</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section1, g. *Use of Excessive Force and Other Abuses in Internal Conflicts*

<sup>946</sup>US Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, section1, g. *Use of Excessive Force and Other Abuses in Internal Conflicts*

<sup>947</sup>Radio Dabanga, [Prosecutor for Crimes in Darfur denies Tabit mass rape](#), 8 March 2015

<sup>948</sup>Human Rights Watch, [UN: Civilians at Risk as Darfur Attacks Surge](#), 11 June 2015

<sup>949</sup> UN Committee on the Elimination of Racial Discrimination (CERD), [Concluding observations on the combined twelfth to sixteenth periodic reports of Sudan \[CERD/C/SDN/CO/12-16\]](#), 15 May 2015, paragraph 11

Sudan continues to refuse UNAMID [African Union-United Nations Hybrid Operation in Darfur] further access to Tabit to investigate the allegations”.<sup>950</sup>

The May 2015 UN Security Council report on conflict-related sexual violence covering 2014 noted with regards to state response to cases of sexual violence in Darfur that:

Of 63 incidents reported to the Sudanese police, representing 53 per cent of the cases documented, UNAMID [African Union-United Nations Hybrid Operation in Darfur] has seen investigations initiated in 20 cases to date, with 14 arrests made and, in 2 cases, trials resulting in convictions completed. In terms of legal redress, underreporting of cases, owing to the limited reach of law enforcement and justice institutions, is the first hurdle in the fight against impunity. Of the documented cases, apart from the 63 cases that were reported, 44 cases (38 per cent) were not reported and 3 cases (5 per cent) were settled in a traditional manner. Even when cases are reported, the authorities generally fail to take action to bring perpetrators to justice. In 12 cases (10 per cent), victims pointed to the absence of police as a reason for non-reporting; in 16 cases (14 per cent), victims cited a lack of trust and confidence in the authorities; and in 6 cases (5 per cent) victims said that they did not report the incident because of the social stigma associated with sexual violence and for fear of reprisal attacks by the alleged perpetrator. Moreover, where cases concern members of the national security forces, immunity from prosecution for acts committed in the course of operational duties has provided a basis for delaying and denying justice. On 18 September, a Sudanese court in El Fasher convicted a man for raping a UNAMID police officer on 10 April 2014.<sup>951</sup>

An October 2014 report by the Equal Rights Trust notes that cases of sexual violence targeting women tend to go “largely unreported” in Sudan due to a number of factors:

Research on violence against women in Sudan is hampered by the fact that many women are either unable or unwilling to speak about the treatment to which they have been exposed, particularly where sexual offences are involved, with the result that reliable statistics on gender-based violence are not available. It appears that incidents of sexual and other forms of violence against women in conflict zones go largely unreported, and reporting is not helped by the severe restrictions on access to certain parts of the country where armed conflicts are ongoing. More broadly, crimes of rape and sexual violence go unreported, both as a result of fear of reverse prosecution for adultery, and because of the stigma attached to women who have had sex outside marriage, irrespective of whether they had consented. Regarding domestic violence, women are generally reluctant to file formal complaints against their husbands, even though this is a legal ground for divorce, while the police do not normally intervene in domestic violence cases.<sup>952</sup>

The November 2014 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur (covering July-November 2014) stated with regards to cases of conflict-related sexual violence that “UNAMID recorded 66 cases involving 99 victims (30 minors) of conflict-related sexual violence. Thirty-six of these were reported to Government police, and only nine were investigated, leading to four arrests. Rape accounted for 55 cases and 88 victims (28 minors) while there were 11 cases and 11 victims (two minors) of attempted rape. In 45 cases (67 victims), the alleged perpetrators were described by the victims as unidentified armed men, while in 21 cases (32 victims), the perpetrators were alleged to be members of the Sudanese armed forces, Rapid Support Forces and Government police”.<sup>953</sup>

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<sup>950</sup> UK Foreign and Commonwealth Office (FCO), [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015

<sup>951</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 56

<sup>952</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, p. 121-122

<sup>953</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 54

The same report also noted that “Instances of under-reporting and non-reporting remain a major challenge in the fight against impunity. Victims feared stigma and reprisals and in some cases refused to file complaints against members of security forces, proxy armed forces and paramilitary forces. Many victims also refused to appear in court, resorting instead to out-of-court settlements, sometimes against legal advice. There is a prevailing lack of confidence in law enforcement agencies to take action, particularly when perpetrators belong to armed groups. Many police stations are ill-equipped to act on civilians’ complaints”.<sup>954</sup>

The May 2015 report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur notes with regards to sexual and gender-violence targeting women that:

An increasing trend of sexual and gender-based violence targeting women and children was also recorded during the reporting period. In most of the incidents, the victims were engaged in livelihood activities, while the perpetrators were not arrested. On 9 March, a female internally displaced person returning from farming activities was raped by an unknown man near Tawila, Northern Darfur. In the same locality, two other girls were raped on 17 March by two armed men. On 13 April, a female internally displaced person from Rwanda camp near Tawila was beaten and raped by two unidentified men dressed in military uniform. In a similar incident, armed Arab men, on 15 April, attempted to rape four Massalit female internally displaced persons near Sisi camp. A male internally displaced person intervened and, in the process, one perpetrator was injured. A group of armed Arab men besieged the camp and claimed compensation of SDG 5,000 for the treatment of the injured perpetrator. Lack of confidence among the victims and their families in the Government’s capacity to conduct proper investigations, the absence of Government police in some areas, fear of retribution and the social stigma attached to being subjected to sexual violence continued to cause under-reporting of cases of sexual and gender-based violence.<sup>955</sup>

The May 2015 UN Security Council report on conflict-related sexual violence covering 2014 provides an overview of the legislative changes pertaining to sexual violence in Sudan and their implementation:

The Minister of the Interior committed to deploy at least six women police investigators to West Darfur to investigate sexual violence cases. In East Darfur, a state committee on gender-based violence was established in March. The Government has conducted joint protection patrols with UNAMID [United Nations African Union Mission in Darfur] in East and Central Darfur. In South Darfur, a joint Government of the Sudan/United Nations early warning and intervention committee was established in December and is expected to identify imminent threats to civilians, including sexual violence, and measures to mitigate them. The early-warning indicators of conflict-related sexual violence have been adapted to the situation in Darfur and proven useful in informing such strategies.<sup>956</sup>

#### **10.4. Trafficking of women**

Among the sources consulted within the reporting period little information could be found on the situation of trafficking of women in Darfur. This section therefore also includes general information on the situation of trafficking of women in Sudan:

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<sup>954</sup> UN, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 November 2014, paragraph 54

<sup>955</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 15

<sup>956</sup> UN Security Council, [Conflict-related sexual violence; Report by the Secretary-General \[S/2015/203\]](#), 23 March 2015, paragraph 57

The 2014 Walk Free Foundation's 'Global Slavery Index' ranks Sudan 8<sup>th</sup> on the countries with the highest estimated prevalence of modern slavery by population.<sup>957</sup> The same source further states that "There are very few countries with a history so intrinsically linked to slavery as Sudan. Today, modern slavery in Sudan takes many forms with the exploitation of women and children for domestic work, commercial sexual exploitation and forced child marriages. Sudanese women and children are exploited within Sudan's borders, as well as, being trafficked abroad to the Gulf countries and Europe, where they are subjected to forced labour and sexual exploitation in private houses and businesses".<sup>958</sup> With regards to trafficking of women the US Department of State annual report covering 2014 states that "Sudan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking occurs in Sudan, including in areas outside of the government's control. Sudanese women and girls, particularly those from rural areas or those who are internally displaced, and labor migrants and refugees are vulnerable to domestic servitude. [...] Sudanese women and girls are subjected to domestic servitude and sex trafficking abroad".<sup>959</sup>

A September 2014 Radio Dabanga article reported that "The Sudanese Minister of Interior, Lt. Col. Ismat Abdel Rahman, has acknowledged a significant increase in human trafficking in the country. The Minister said in a press statement on Monday that human trafficking did not exist in Sudan before 2007. He stated that the phenomenon is "becoming worrisome", in particular in the eastern Sudanese states of Kassala, El Gedaref, and Red Sea, and the five Darfur states. He announced that an international conference to combat human trafficking will be hosted by Khartoum in October".<sup>960</sup>

An undated article by the United Nations Office on Drugs and Crime (UNODC) states with regards to human trafficking that "As one of the largest countries in Africa, Sudan has become a transit hub of mixed migration flows from the Horn of Africa to North Africa and Europe. The irregular nature of many of these migrants often puts them in a very vulnerable position as they lack protection and are thus susceptible to being victimised through kidnapping, extortion and human trafficking".<sup>961</sup>

An October 2014 Radio Dabanga article noted that:

Human trafficking in eastern Sudan has increased lately, as well-organised networks are now operating in the region. In a press statement on Monday, Mohamed El Taher Ousham, Member of Parliament for Hameshkoreib constituency in Kassala state near the Eritrean border, welcomed the regional conference on human trafficking convened in Khartoum last week. "Finally a stone was thrown into the still pond."

Ousham said that human trafficking has increased lately, as well-organised networks are now operating in the three states of eastern Sudan. In addition, he accused "certain government officers" of "being more than lenient in dealing with vehicles used for smuggling operations". "After confiscation, they often return the vehicles to their owners for a low price."

The MP also demanded an investigation into the escape of a number of convicted human smugglers from eastern Sudanese prisons. Last week, Khartoum hosted a conference on human trafficking in the Horn of Africa, organised by the AU, the UNHCR, the International Organization for Migration (IOM), and the Sudanese government. Fifteen countries and EU representatives attended the meeting, during which a joint strategy and action plan to combat human trafficking was adopted.<sup>962</sup>

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<sup>957</sup> The Walk Free Foundation, [The Global Slavery Index 2014](#), undated, p. 18

<sup>958</sup> The Walk Free Foundation, [The Global Slavery Index 2014](#), undated, Sudan, p. 82

<sup>959</sup> US Department of State, [Trafficking in Persons Report 2015 - Country Narratives - Sudan](#), 27 July 2015

<sup>960</sup> Radio Dabanga, [Sudan acknowledges 'significant increase in human trafficking'](#), 30 September 2014

<sup>961</sup> United Nations Office on Drugs and Crime (UNODC), [UNODC Supports Sudanese Efforts to Curb Human Trafficking](#), undated

<sup>962</sup> Radio Dabanga, ['Human trafficking on the increase in eastern Sudan': MP](#), 21 October 2014

Freedom House reported in its *Freedom in the World 2015* report (covering 2014) that “While government officials have been accused of involvement, either through bribes or active engagement, in cases of human trafficking, Sudan has increasingly played a proactive role in addressing the problem. Following enactment of an anti-human trafficking law in March 2014, the government convened a regional conference to address the issue in October”.<sup>963</sup>

The UN Office for the Coordination of Humanitarian Affairs reported in November 2014 on the topic of human trafficking stating that “Human trafficking has become a serious concern to UNHCR, not only in Sudan but also in neighbouring countries. Since 2012, UNHCR has been working very closely with the Sudanese Government and the International Organization for Migration (IOM) to address the situation. Commitment by the Sudanese authorities to combat trafficking, with the support of UNHCR and IOM, has resulted in improved security in refugee camps, increased prosecution of people smugglers and better assistance for victims. UNHCR continues to witness a decrease in the incidence of new trafficking cases overall, with 24 newly reported cases since the beginning of the year in Sudan as compared to 63 cases in the same period last year”.<sup>964</sup>

The United Nations Office on Drugs and Crime (UNODC) provides an overview on the legal framework pertaining to human trafficking in Sudan stating that:

The Sudanese Government adopted a law to combat human trafficking on 3 March 2014, and on 2 December 2014 acceded to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime. Furthermore, Sudan recently established a National Committee for Combating Human Trafficking.

In support of these major steps and in the framework of the Arab Initiative to Build National Capacities to Combat Human Trafficking, UNODC undertook two activities in Sudan since November 2014. The first of which is a three-day training workshop held 3-5 November 2014 targeting members of the National Committee for Combating Human Trafficking, and other relevant practitioners. The training sought to raise awareness of the human trafficking crime and build national capacities to implement the national anti-human trafficking law.<sup>965</sup>

The legal provisions relating to human trafficking and the enforcement of these provisions are also addressed in the US Department of State (USDOS) annual report on human trafficking:

The government increased its anti-trafficking law enforcement efforts; however, it continued to lack effective implementation of anti-trafficking legislation. The government did not maintain comprehensive data on law enforcement efforts or make such information publicly available; however, to improve data collection, the government began in 2014 to require states to report trafficking statistics to Khartoum on a regular basis. The anti-trafficking law, enacted in March 2014, prescribes between three and 10 years’ imprisonment for acts of trafficking, between five and 20 years’ imprisonment for aggravated trafficking, and capital punishment in cases where the trafficking victim dies; these penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The legislation does not, however, criminalize all forms of human trafficking. Contrary to international law, it does not prohibit child prostitution in the absence of coercion and fails to adequately define “exploitation.” The Child Act of 2008 prohibits, but does not prescribe punishments for forced child labor, child prostitution, sex trafficking, and the recruitment of children under the age of 18 years into armed forces or groups; the act also includes provisions for the rehabilitation and reintegration of child victims.<sup>966</sup>

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<sup>963</sup> Freedom House, *Freedom in the World 2015 - Sudan*, 28 January 2015

<sup>964</sup> UN Office for the Coordination of Humanitarian Affairs (UN OCHA), *Humanitarian Bulletin; Sudan; Issue 46; 10 - 16 November 2014*, 16 November 2014

<sup>965</sup> United Nations Office on Drugs and Crime (UNODC), *UNODC Supports Sudanese Efforts to Curb Human Trafficking*, undated

<sup>966</sup> US Department of State, *Trafficking in Persons Report 2015 - Country Narratives - Sudan*, 27 July 2015

The same report further noted with regards to the implementation of legal provisions on human trafficking that:

Law enforcement and judicial officials struggled with understanding and appropriately applying the national anti-trafficking law throughout the reporting period; thus, authorities utilized other legal frameworks carrying lesser penalties to punish trafficking offenders, such as state-level anti-trafficking legislation. In some instances, victims were penalized under immigration laws and authorities charged perpetrators of other crimes, such as smuggling, under the national trafficking law due to the absence of a federal law specific to the crime that was committed.

[...]

The Ministry of Interior (MOI) reported it opened five trafficking cases in 2014 and eight cases in 2015 in Khartoum. UNHCR reported that, between January and April 2015, the government opened eight investigations into possible trafficking offenses in Kassala; all charges were made under Articles 7, 9, and 13 of the anti-trafficking law. During the reporting period, the government reported it conducted approximately 50 security operations targeting trafficking crimes. Authorities claimed to have rescued 374 vulnerable refugees, some of whom may be trafficking victims, but the government did not specify if any trafficking offenders were brought to justice as a result of the operations or if any of the individuals were prosecuted for immigration or other offenses.<sup>967</sup>

Regarding the protection and assistance for victims of human trafficking, the US Department of State report of July 2015 notes:

The government demonstrated limited efforts to identify trafficking victims, though it supported international organizations to do so; however, the government continued to lack the full capacity to protect victims and relied heavily on international organizations and domestic groups for these services. The government did not report statistics reflecting its efforts to identify trafficking victims in 2014, and few care facilities were accessible to trafficking victims. It did not practice systematic procedures to identify trafficking victims among vulnerable populations, including refugees and asylum seekers, nor did it consistently utilize a formal referral mechanism to refer victims to protection services. Authorities continued to treat foreign victims as illegal migrants and failed to systematically screen them for trafficking. During the reporting period, the government arrested, detained, prosecuted, or deported trafficking victims among vulnerable populations for unlawful acts committed as a direct result of being subjected to human trafficking, such as immigration and prostitution violations.<sup>968</sup>

The Council of the European Union notes in its annual human rights report (covering 2014) that “In 2014, Sudan was an active participant in the preparation of the EU-Horn of Africa Migration Route Initiative, now called the Khartoum Process which focuses on human trafficking and people smuggling. Sudan hosted an AU regional conference and senior officials meeting in October and is one of the core countries and a member of the steering committee agreed in November during the ministerial conference in Rome.”<sup>969</sup>

## 11. Children

### 11.1. Recruitment and use of children by government forces and armed groups

#### ❖ *Difficulties in monitoring human rights abuses against children in Darfur*

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<sup>967</sup>US Department of State, [Trafficking in Persons Report 2015 - Country Narratives - Sudan](#), 27 July 2015

<sup>968</sup>US Department of State, [Trafficking in Persons Report 2015 - Country Narratives - Sudan](#), 27 July 2015

<sup>969</sup> Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2014](#), 22 June 2015, p. 269

In its “Concluding observations on the fourth periodic report of Sudan” of 19 August 2014, the UN Human Rights Committee stated that “the Committee is concerned by reports indicating that children are still being recruited and used in armed conflict, and that efforts at monitoring this practice are insufficient (arts. 8 and 24).”<sup>970</sup>

The May 2015 Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur highlighted problems with access to monitor locations in Darfur:

[...] local authorities in Zalingei turned down a request by the European Commission Humanitarian Aid and Civil Protection Department to conduct monitoring visits on projects in deep-field locations. This is the third time this year that local authorities have denied donors access to monitor their projects in Central Darfur.<sup>971</sup>

As reported by the UN Secretary General to the UN Security Council in the June 2015 report on the protection of civilians in armed conflict:

Continued fighting in the Darfur region has involved widespread violations of international humanitarian law and human rights. Clashes in Darfur have seen deliberate or indiscriminate attacks on civilians perceived to be aligned with armed opposition groups and sporadic attacks on those perceived to be aligned with the Government. There were continued reports of sexual violence in Darfur, although the United Nations has had difficulty in gaining access in order to investigate those and other alleged human rights violations.<sup>972</sup>

The UN Secretary-General confirmed in June 2015 that the intensifying intertribal and intratribal clashes in Darfur complicated the verification of human rights violations against children. The report states:

Darfur continued to experience intermittent fighting between Government forces and non-signatory armed groups, with a spike from January to May and in December, following the launch of the Government’s “Decisive Summer” military offensive using the rapid support forces. Intertribal and intratribal clashes in which children were involved intensified. In that context, the verification of violations against children remained difficult.<sup>973</sup>

❖ *Recruitment of children into the armed forces by Government Forces in Darfur*

The US Department of State (USDOS), in its Trafficking in Persons Report for 2015 published in July 2015 and covering developments in 2014, states:

Government security forces recruited and used children as combatants and in support roles. In 2014, an international organization reported four children between the ages of 13 and 15 years were observed in Sudanese Armed Forces (SAF) uniforms carrying weapons. Non-governmental armed groups recruited and used children under 17 years old.<sup>974</sup>

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<sup>970</sup>UN Human Rights Committee: [Concluding observations on the fourth periodic report of the Sudan](#) [CCPR/C/SDN/CO/4], 19 August 2014

<sup>971</sup>UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#) [S/2015/378], 26 May 2015, para.30

<sup>972</sup>United Nations Security Council [Report of the Secretary-General on the protection of civilians in armed conflict](#) [S/2015/453], 18 June 2015 –para 23

<sup>973</sup>UN General Assembly, [Children and armed conflict; Report of the Secretary-General \[A/69/926 – S/2015/409\]](#), 5 June 2015, para. 179

<sup>974</sup>US Department of State (USDOS), [Trafficking in Persons Report 2015](#) – Country Narratives, Sudan 27 July 2015

The report recommended that the Sudanese government take steps to “prevent the recruitment of child soldiers by any group and demobilize all child soldiers from the ranks of government forces, aligned militias, and rebel groups and provide them access to protective services”.<sup>975</sup>

The 2014 USDOS Country Report on Human Rights Practices states that in Sudan:

The law prohibits the recruitment of children and provides criminal penalties for perpetrators. On July 21 [2014], the government enacted a law raising the age of conscription into the Popular Defense Forces from 16 to 18 years and establishing 18 as the minimum age for joining the national reserve service and the national service. In May the United Nations reported 405 children formerly associated with armed groups received reintegration support. Organizations working on Disarmament, Demobilization, and Reintegration (DDR) programs reported that the limited implementation of the Doha Document for Peace in Darfur (DDPD) created a challenging environment for traditional DDR actors. Consequently, organizations working on DDR problems, such as the UN Children’s Fund (UNICEF), adjusted their programs to take a more community-based approach targeting children at risk of joining armed conflict.

Many children lacked documents verifying their age. Children’s rights organizations believed armed groups, including the SAF, exploited this lack of documentation to recruit or retain children. The SAF continued to deny recruiting children and having children in its ranks.<sup>976</sup>

The report further states that in Darfur:

The UN SRSR for children and armed conflict reported four confirmed cases of recruitment by the SAF and 14 cases of recruitment by the Border Guards. Additional reports cited 17 cases of children allegedly recruited by the SAF, Border Guards, and the SLA-AW.<sup>977</sup>

The UK Foreign and Commonwealth Office Human Rights and Democracy Report, published in March 2015 covering events of 2014 states: “Gaps remain in Sudan’s implementation of the Child Act (enacted in 2010), which raises the age of criminal responsibility, criminalises child exploitation and abuse, and prohibits recruitment of children to armed groups. There were credible reports of the continued use of child soldiers, particularly by armed opposition movements in Darfur, South Kordofan, and Blue Nile”.<sup>978</sup>

In its report “Freedom in the World 2015 – Sudan” of March 2015, covering events in 2014, Freedom House stated that “The Sudanese military and Darfur rebel groups continue to use child soldiers”.<sup>979</sup>

In its ‘Concluding observations on the fourth periodic report of the Sudan’ of 19 August 2014, the UN Human Rights Committee stated that: “[w]hile recalling its previous concluding observations (see CCPR/C/SDN/CO/3, para. 17) and noting the efforts of the State party to prohibit the recruitment and use of child soldiers, the Committee is concerned by reports indicating that children are still being recruited and used in armed conflict, and that efforts at monitoring this practice are insufficient (arts. 8 and 24).”The UN HRC recommended that “The State party should redouble its efforts to detect and eradicate the recruitment and use of child soldiers as well as to ensure their

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<sup>975</sup>US Department of State (USDOS), [Trafficking in Persons Report 2015](#) – Country Narratives, Sudan 27 July 2015

<sup>976</sup>US Department of State [Country report on Human Rights Practices 2014- Sudan](#), 25 June 2015 *Section 1.g. Darfur - Child Soldiers*

<sup>977</sup>US Department of State [Country report on Human Rights Practices 2014- Sudan](#), 25 June 2015 *Section 1.g. Darfur - Child Soldiers*

<sup>978</sup>UK Foreign and Commonwealth Office, [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015, *Children’s Rights*

<sup>979</sup>Freedom House, [Freedom in the World 2015 - Sudan](#), 31 March 2015

prompt disarmament, demobilization and reintegration. It should also ensure that alleged perpetrators are brought to justice and, if convicted, adequately sanctioned”.<sup>980</sup>

The June 2015 report of the UN Secretary-General on ‘Children and armed conflict’ states that:

The country task force on monitoring and reporting verified three boys recruited and used by the armed forces and three by unidentified militias, a marked decrease compared with 2013. However, allegations of the recruitment of children continued to be received. In March, eyewitnesses reported the presence of boys between 15 and 17 years of age during a rapid support forces parade in Nyala, South Darfur. Another report mentioned that an estimated 37 children were seen carrying machine guns in El Daein, East Darfur. [...]

Eight incidents of abduction of 13 children (10 boys, 3) were reported and attributed to the rapid support forces (4), border guards (3), armed forces (1) and unidentified militias (5). Children were used in support functions or labour and sometimes were sexually abused.<sup>981</sup>

#### ❖ Impunity for military officials who recruit children into the armed forces

The USDOS ‘Trafficking in Persons Report 2015’ notes that impunity persists for military officials forcibly recruiting children into the armed forces:

The Sudan Armed Forces Act of 2007 prohibits members of the armed forces from recruiting children younger than 18 years, enslaving civilians, or coercing civilians into prostitution; the government has never used this statute to hold military officials accountable. In July 2014, the government enacted a law raising the age of conscription into the Popular Defense Forces from 16 to 18 years and establishing 18 years old as the minimum age for joining the national reserve service and the national service.<sup>982</sup>

The same report records that: “The government [...] continued to deny that forced labor, sex trafficking, and recruitment of child soldiers occurred in the country”.<sup>983</sup>

The UN Secretary General report on ‘Children and Armed Conflict’ of June 2015 states that:

Limited progress was observed in holding the perpetrators of violations against children accountable. Twelve cases of arrest were documented by the country task force on monitoring and reporting, of which 4 resulted in prosecution and 1 in a sentence of 20 years’ imprisonment for rape. I urge the Government of the Sudan to finalize and sign the action plan to address recruitment and use of children by its security forces.<sup>984</sup>

The May 2015 Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur highlighted issues of impunity for human rights abuses in general in Darfur:

The right to redress by victims of human rights violations continued to be affected by the reluctance of law enforcement authorities to pursue cases brought to their attention. This failure to address human rights violations perpetuates the insecure environment for civilians in Darfur and contributes

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<sup>980</sup> UN Human Rights Committee, [Concluding observations on the fourth periodic report of the Sudan](#) [CCPR/C/SDN/CO/4], 19 August 2014

<sup>981</sup> UN General Assembly: [Children and armed conflict: Report of the Secretary-General \[A/69/926 – S/2015/409\]](#), 5 June 2015, *Section on Darfur, para. 180, 185*

<sup>982</sup> US Department of State (USDOS), [Trafficking in Persons Report 2015](#) – Country Narratives, Sudan 27 July 2015, “Prosecution”

<sup>983</sup> US Department of State (USDOS), [Trafficking in Persons Report 2015](#) – Country Narratives, Sudan 27 July 2015, “Prevention”

<sup>984</sup> UN General Assembly: [Children and armed conflict: Report of the Secretary-General \[A/69/926 – S/2015/409\]](#), 5 June 2015 *Section on Darfur para.188*

to widespread impunity. For example, 30 of the 118 documented cases were reported by victims to the Sudan law enforcement authorities. However, only 7 cases have been investigated, resulting in 5 arrests, whereas in the remaining 23 reported cases, UNAMID confirmed with victims and/or witnesses that law enforcement authorities did not take any action. Government authorities have cited a lack of capacity of the law enforcement authorities and lack of information on the identity of perpetrators as reasons for the lack of progress in investigating cases. Victims and their families blamed lack of willingness on the part of the authorities to investigate cases.<sup>985</sup>

❖ Measures to prevent recruitment of children into the armed forces

The USDOS 'Trafficking in Persons Report 2015' covering events in 2014 notes that some measures have been taken to protect children's rights:

In 2014, the National Council for Children and Women (NCCW) established a National Coordinating Committee for Combating and Preventing Child Trafficking, headed by the Secretary General of NCCW; it includes representatives from more than 10 government ministries, international NGOs, and international organizations.<sup>986</sup>

The same report continues:

The SAF [Sudanese Armed Forces]'s Child Protection Unit continued to lead efforts to work with international organizations on child protection issues, including preventing the recruitment of child soldiers. Various other government entities were also mandated to address the recruitment of child soldiers, but lacked the financial resources or capacity to effectively carry out their mandates in this regard. In addition, the Ministry of Education worked with an international organization to with international organizations and NGOs on implementing standards for child protection, establish schools and develop initiatives to keep children in school to deter child recruitment by armed groups in Darfur. In February 2015, the government hosted a workshop organized including children associated with armed conflict or armed groups. International organizations, however, reported cooperation with the government on disarmament and demobilization programming remained challenging due to the government's limited resources. Sudan's Disarmament, Demobilization, and Reintegration Commission remained a weak entity that lacked capacity and financial resources to carry out its mandate.<sup>987</sup>

The UN News Service reported in December 2014 that:

The United Nations-African Union Hybrid Mission in Darfur (UNAMID) has launched a campaign throughout the western region of Sudan against the recruitment of children as soldiers with an event that was attended by more than 1,000 people.

Held in conjunction with the Sudan Disarmament, Demobilization and Reintegration Commission and the UN Children's Fund (UNICEF), the event saw performances of songs as a show of solidarity with issues related to the protection of children, and clothing was distributed bearing messages promoting peace and protection of children, and against the use of child soldiers.

"The protection of children will not be complete without peace in Darfur," said Boubacar Dieng, Head of UNAMID's Children Protection Unit, in his speech at the event. "We believe that with your continued support, child protection is in progress."

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<sup>985</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#) [S/2015/378], 26 May 2015 para. 56

<sup>986</sup> US Department of State (USDOS), [Trafficking in Persons Report 2015](#) – Country Narratives, Sudan 27 July 2015, "Protection"

<sup>987</sup> US Department of State (USDOS), [Trafficking in Persons Report 2015](#) – Country Narratives, Sudan 27 July 2015, "Prevention"

His view was echoed by the Head of UNAMID Sector North, Mohamed El-Amine Souef, who underlined the Mission's focus on protection of civilians, delivering humanitarian assistance and contributing to peace and reconciliation.

Sheikh Musa Hilal, a tribal leader, called on the humanitarian community, UNAMID and the UN agencies to engage in further activities in the field of development in the region. He reiterated a Command Order he issued on 26 July 2013 prohibiting communities under his leadership from using children in tribal clashes and underlined his commitment to a community-based Strategic Plan against child soldiering initiated by him on 6 October 2014.

The strategic plan establishes an implementation follow-up committee not only to raise awareness about the negative impact of using children as soldiers but also to identify children who have served as fighters in past ethnic conflicts and to work with relevant organisations to rehabilitate and reintegrate them into society including through access to education and vocational training skills.

The plan is supported by UNAMID, which expects that its successful implementation to foster relations between communities, contribute to ending tribal clashes and enhance protection of children.

"We are glad to witness that communities are taking the lead role in protecting children who are the future of Sudan. UNAMID will continue to support on-going efforts to rid Darfur of child soldiering and other grave violations against children," said UNAMID Acting Joint Special Representative and Joint Chief Mediator a.i., Abiodun Bashua.

Since 2009, six parties to the conflict in Darfur have established action plans to end recruitment and use of child soldiers, and nine have issued command orders prohibiting the practice. Meanwhile, more than 1,200 former child soldiers have been registered to benefit from reintegration programs with the support of Sudan's Disarmament Demobilisation and Reintegration Commission, UNICEF and UNAMID.<sup>988</sup>

The US DOS Country Report on Human Rights Practices in 2014 states in relation to Darfur that:

In October, Sheikh Musa Hilal initiated a community-based strategic plan to end the use of child soldiers in interethnic and intraethnic fighting. Leaders from the Abbala, Beni Hussein, Fur, Tamma, Gimir, and Awalad Janoub tribes in Kabkabiya, El Sereif, Saraf Umra, Al Waha, and Jebel Si in North Darfur endorsed the plan.<sup>989</sup>

The report of the Secretary General on the UNAMID operations in Darfur of May 2015 gives details of UNAMID initiatives to combat the recruitment of child soldiers planned for Darfur:

UNAMID will expand its partnership with the country team in community stabilization, including prevention of recruitment among youth, community violence reduction and arms reduction. The country team may complement these efforts through projects aimed at addressing the root causes of the conflict, particularly through the Darfur Development Strategy, if funding is available, including capacity-building of local mediation mechanisms, support to national reforms regarding access to, and use and management of, land and other natural resources and migration-related livelihood issues.<sup>990</sup>

The May 2015 Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur noted:

During the reporting period, UNAMID trained and sensitized national partners on child rights and child protection. The capacity-building programme was aimed at securing the community ownership

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<sup>988</sup> UN News Service, [Darfur: African Union-UN mission launches campaign against recruitment of child soldiers](#), 1 December 2014

<sup>989</sup> US DOS [Country report on Human Rights Practices 2014](#)- Sudan, Darfur

<sup>990</sup> UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#) [S/2015/378], 26 May 2015, para. 76

of the child protection agenda, and to strengthen monitoring, reporting, response and prevention of grave child rights violations.<sup>991</sup>

The UN Secretary General report on 'Children and Armed Conflict' of 5 June 2015 provides details of initiatives to combat recruitment of children into the armed forces:

On 26 November, UNAMID, UNICEF and the Sudan commission on disarmament, demobilization and reintegration launched the Darfurwide campaign entitled "No Child Soldiers — Protect Darfur" in Masseria, North Darfur. Training and awareness-raising activities on child protection were also conducted with civil society, religious and tribal leaders, state-level government personnel and the armed forces. 188. Limited progress was observed in holding the perpetrators of violations against children accountable. Twelve cases of arrest were documented by the country task force on monitoring and reporting, of which 4 resulted in prosecution and 1 in a sentence of 20 years' imprisonment for rape. 189. I urge the Government of the Sudan to finalize and sign the action plan to address recruitment and use of children by its security forces.<sup>992</sup>

#### ❖ Child recruitment by Armed Groups in Darfur

In its 2014 Country Report on Human Rights Practices report, the US Department of State sets out that:

During the year the Sudanese Liberation Army/Minni Minawi (SLA/MM), issued a command prohibiting child recruitment within its ranks. The Justice and Equality Movement (JEM) claimed to continue abiding by a similar command issued in 2012. Former jingawit leader Sheikh Musa Hilal issued a similar order to nomadic communities not to use children in conflicts. Eyewitness reports, however, indicated both the government and rebel groups employed child soldiers in conflict. Armed groups reported they did not actively recruit child soldiers; however, they did not prevent children who volunteered from joining their movements. The armed groups stated the children were primarily stationed in training camps and were not used in combat.<sup>993</sup>

The UN Security Council Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur of November 2014 states:

With regard to child protection, SLA-MM established an operational mechanism to end recruitment and use of child soldiers on 6 August. On 6 October, Musa Hilal initiated a community-based strategic plan aimed at ending the use of children to fight in inter- and intra-ethnic clashes in North Darfur. The plan was endorsed by tribal leaders of the Northern Rizeigat, Beni Hussein, Fur, Tama and Gimir in various areas in North Darfur.<sup>994</sup>

The UN Report of the Secretary-General on 'Children and armed conflict' of June 2015 states that:

The country task force on monitoring and reporting verified three boys recruited and used by the armed forces and three by unidentified militias, a marked decrease compared with 2013. However, allegations of the recruitment of children continued to be received. In March, eyewitnesses reported the presence of boys between 15 and 17 years of age during a rapid support forces parade

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<sup>991</sup>UN Security Council, [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#)[S/2015/378], 26 May 2015, paragraph 57

<sup>992</sup>UN General Assembly: [Children and armed conflict: Report of the Secretary-General](#) [A/69/926 – S/2015/409], 5 June 2015 Section on Darfur, paragraph 187

<sup>993</sup> US Department of State [Country report on Human Rights Practices 2014- Sudan](#), 25 June 2015 Section 1.g. Darfur - Child Soldiers

<sup>994</sup>UN Security Council: [Special report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur](#)[S/2015/378], 26 May 2015, paragraph 53

in Nyala, South Darfur. Another report mentioned that an estimated 37 children were seen carrying machine guns in El Daein, East Darfur. [...]

On 6 August, the Sudan Liberation Army-Minni Minnawi established an operational mechanism to end recruitment and use of children, following a command order issued in December 2013. UNAMID engaged in dialogue with tribal leaders and communities, which resulted in the adoption of a community-based strategic plan to end use of children in intercommunal violence in October. It followed the issuance of a command order by the leader of the Mahameed clan of the Northern Rezeigat.<sup>995</sup>

The Sudan Tribune news service reported on 28 May 2015:

Main rebel groups Thursday agreed on the need to exert more efforts to protect children in the conflict areas and to adhere to the existing international standards.

Leaders of the Justice and Equality Movement (JEM), Sudan Liberation Movement - Abdel Wahid al-Nur (SLM/AW) and Sudan Liberation Movement - Minni Minnawi (SLM/MM) made their commitment in at the end of a consultations meeting held in Stadtschlaining, Austria, on 27-28 May. As parties to the conflict we acknowledge that 'we also bear responsibility for the protection of children in Darfur/Sudan. We therefore pledge to continue to make every effort necessary to prevent members of our Movements from perpetrating any grave violations against children'. 'We hereby renew our commitment to adhere to the applicable international legal standards and norms including Security Council resolutions on children and armed conflict.'

The meeting was attended by the leaders of the three rebel groups Gibril Ibrahim for JEM, Abdel Wahid al-Nur and Minni Minnawi for the SLM groups.

It was organised by the Austrian Study Center for Peace and Conflict Resolution (ASPR) in coordination with the African Union-United Nations Mission in Darfur (UNAMID), the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG-CAAC).

The joint statement stressed that protecting children is an individual and collective responsibility and should be part of an early engagement and not await a formal comprehensive peace agreement by all parties to the conflict.

The rebel groups also expressed readiness to engage in follow up consultations until a comprehensive peace agreement is reached.

The parties are prepared to remain actively engaged in follow-up consultations including with the participation of other actors until a comprehensive peace agreement is realized.

In July 2010, the United Nations Children's Fund (UNICEF) signed a child protection agreement, which includes ending the recruitment of child soldiers in Darfur, with the Justice and Equality Movement.<sup>996</sup>

## 12. Individuals of diverse sexual orientations and/or gender identities

### 12.1. Legal framework

The 2015 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) 'World survey of laws: criminalisation, protection and recognition of same-sex love', sets out the following legislative instruments in Sudan that criminalise consenting adult same-sex sexual acts:

The Penal Code 1991 (Act No. 8 1991)

Section 148. Sodomy

"(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.

<sup>995</sup> UN General Assembly: *Children and armed conflict: Report of the Secretary-General [A/69/926 – S/2015/409]*, 5 June 2015, *Section on Darfur, para. 180, 187*

<sup>996</sup> The Sudan Tribune, *Rebel Groups Commit to protect children in Darfur*, 28 May 2015

(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.”

Section 151. Indecent Acts

“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.”<sup>997</sup>

The Equal Rights Trust details further discriminatory legal provisions:

Section 152(1) provides that:

Whoever commits, in a public place, an act, or conduct himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished with whipping not exceeding forty lashes or with a fine or with both.

An act is deemed to be contrary to public morality if it is so considered in the religion of the doer or the custom of the country where the act occurs (section 152(2)).

Similarly, section 154 provides for a general offence related to improper conduct which, while not focused on same-sex conduct, has been used as the basis for charges against LGB persons.

Section 154 states:

1. There shall be deemed to commit the offence of practising prostitution, whoever is found in a place of prostitution so that it is likely that he may exercise sexual acts, or earn therefrom, and shall be punished, with whipping, not exceeding hundred lashes, or with imprisonment, for a term, not exceeding three years.

2. Place of prostitution means any place designated for the meeting of men, or women, or men and women between whom there are no marital relationship, or kinship, in circumstances in which the exercise of sexual acts is probable to occur.<sup>998</sup>

The 2014 U.S. Department of State report notes that “Lesbian, gay, bisexual, and transgender (LGBT) persons are not considered a protected class under antidiscrimination laws. The law does not specifically prohibit homosexuality but criminalizes sodomy, which is punishable by death”.<sup>999</sup>

## **12.2. Treatment of individuals of diverse sexual orientations and/or gender identities**

### **12.2.1. By State actors**

No COI specific to the state treatment of the LGBTI community in Darfur was found amongst the sources consulted. COI is therefore presented on the state treatment of the LGBTI community more generally in Sudan.

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<sup>997</sup>International Lesbian, Gay, Bisexual, Trans and Intersex Association, [State Sponsored Homophobia 2015: A world survey of laws: criminalisation, protection and recognition of same-sex love](#), May 2015, Sudan p.64

<sup>998</sup>Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 2.6 *Discrimination and Inequality Based on Sexual Orientation* p.148

<sup>999</sup>U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 6.

The UK Foreign and Commonwealth Office report covering 2014, notes that “Homosexual acts are criminalised in Sudan and punishable through fines, flogging, stoning, prison sentences, and even the death penalty. Strict legal sanctions and social stigma created difficulties for the few organisations working to support the LGB&T community in Sudan”.<sup>1000</sup> The 2014 U.S. Department of State report similarly notes that “A few LGBT organizations existed but operated underground due to fear of official and societal discrimination”.<sup>1001</sup> In its ‘Freedom in the World’ report covering events in 2014 Freedom House reports that “Same-sex sexual acts are illegal, though the law does not appear to be applied”.<sup>1002</sup> The 2015 ILGA report notes that “The death penalty for same-sex sexual intimacy is currently codified as being in operation in eight UN States, but it appears to be implemented only in five: Iran, Mauritania, Saudi Arabia, Sudan, and Yemen”.<sup>1003</sup>

In an October 2014 report detailing suggestions for the list of issues to be adopted by the Committee on Economic, Social and Cultural Rights, the Equal Rights Trust reported that “Research undertaken by the Equal Rights Trust found that lesbian, gay and bisexual (LGB) persons in Sudan are at risk of – and experience – discrimination and a range of other serious human rights abuses because of their sexual orientation. Same-sex sexual activity between men is explicitly criminalised under section 148(1) of the Criminal Law Act 1991, while a number of other provisions criminalise same-sex sexual activities or activities deemed to be contrary to public morality and have been used to arrest, detain and charge LGB persons”.<sup>1004</sup>

A further October 2014 report by the Equal Rights Trust notes that it has “collected evidence which indicates that, while few people have been convicted under sections 148 and 151, other provisions of the Act have been used to arrest and charge LGB persons with criminal offences. In January 2014, the Equal Rights Trust met with a group of gay men, some of whom had been arrested in early 2013, for offences under sections 152 and 154 of the Criminal Law Act”.<sup>1005</sup> The report describes the incident as follows<sup>1006</sup>:

On 13 February 2013, at approximately 8pm, NISS and police officers raided the house of a well-known musician, Z., in Khartoum North. The musician and eight others who were present at the house were arrested and charged with violation of sections 77 (disturbance of the peace) and 152 (indecent dress) of the Criminal Law Act 1991. The nine were held by the NISS. While in detention, they were beaten, harassed and subjected to verbal abuse and degrading treatment. Their ill-treatment included being forced to pass by a line of men, with each one in turn hitting the victims on the back with truncheons.

On 19 February, the Al Sudani and Al Dar newspapers reported on the case, claiming that the nine men were in fact celebrating a gay wedding. Two days later, on 21 February, Al Intibaha newspaper (which is owned by Eltaiab Mustafa, the uncle of President al-Bashir, and which has a wide circulation) called for conviction of the nine men, on the basis of their perversion and corruption of Sudanese

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<sup>1000</sup> UK Foreign and Commonwealth Office, [Human Rights and Democracy Report 2014 - Section XII: Human Rights in Countries of Concern - Sudan](#), 12 March 2015

<sup>1001</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 6.

<sup>1002</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>1003</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association, [State Sponsored Homophobia 2015: A world survey of laws: criminalisation, protection and recognition of same-sex love](#), May 2015, *Same-sex sexual acts illegal (76 States) p.28*

<sup>1004</sup> Equal Rights Trust, [Suggestions for the list of issues to be adopted by the Committee on Economic, Social and Cultural Rights at its 54th Session \(pre-sessional working group\) in relation to the second periodic report submitted by: Sudan](#), October 2014, *Sexual Orientation paragraph 37*

<sup>1005</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, *2.6 Discrimination and Inequality Based on Sexual Orientation p.148*

<sup>1006</sup> Although this incident predates the research period for this report, it has been detailed here given that the incident was not reported in: Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur: COI Compilation](#), July 2014

society. The article demanded conviction on the basis that the men were gay, despite the fact that none had disclosed their sexuality.

On 22 February, the Attorney General's office called for the original charges to be amended, to include charges of practicing prostitution (section 154 of the Criminal Law Act, carrying a minimum penalty of two years) and running a place of prostitution (section 155). This request was granted on 5 March 2013.

In the following days, various newspapers began to call for the men to be stoned or given long prison sentences. At the same time, the police began to leak details of their identities. Some of the men were subjected to death threats and threats of other serious violence, which caused them to go into hiding, moving to secret locations. In at least one case, the family of the accused declared that they wanted to kill him.

On 20 August, the court of first instance dismissed charges against six of the men, and found the remaining three guilty only of breaching section 152 of the Criminal Code, because they were wearing shorts (even though this was inside a private home), which was judged to be indecent dress. On 26 September, the Appeal Court reversed this ruling, and released all nine men.

As of January 2014, some of the men continued to live in hiding, in constant fear for their physical safety. A section of the public has completely refused to accept the September 2013 verdict, and there have been calls for the execution of the men because of their sexuality. The men's identities are not protected, as a result of the various newspaper articles and the leaked information, placing all of them at risk.

At time of writing, four of the men have been granted asylum by Western countries.<sup>1007</sup>

The Equal Rights Trust report further states that it "met and talked with X., a lawyer providing pro bono legal assistance to LGB persons who have been charged with criminal offences connected with their sexuality. In the 2013 case of Z. and others, he had only been able to enter the proceedings at the court stage, as he had not been allowed to act for the accused during the pre-trial stage, in violation of an important due process provision".<sup>1008</sup> It further notes that:

Asked for an estimate of the number of cases brought against LGB persons using the various provisions of the Criminal Law Act referenced above (predominantly sections 148, 152 and 154), X. stated that in his opinion, there could have been approximately 900 cases in 2011, but as many as 3500 cases in 2012, and 5000 in 2013 throughout the country.<sup>399</sup> However, he noted that this estimate was based on limited information, given that many of those charged have been unable to secure legal representation, and the reporting of cases is therefore limited. A further challenge comes from the fact that civil society organisations in Sudan do not report on such cases, be it for fear of retaliation, or because they share the attitude of the authorities. The Equal Rights Trust was disappointed to hear opinions expressed in a safe space by civil society representatives to the effect that sexual orientation discrimination as such is not a human rights issue.<sup>1009</sup>

The 2015 Freedom House report further notes that "official and societal discrimination against LGBT (lesbian, gay, bisexual, and transgender) individuals are widespread".<sup>1010</sup> According to the 2014 U.S. Department of State report "There were no reports of official action to investigate or punish those complicit in LGBT-related discrimination or abuses".<sup>1011</sup>

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<sup>1007</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 2.6 *Discrimination and Inequality Based on Sexual Orientation* p.148

<sup>1008</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 2.6 *Discrimination and Inequality Based on Sexual Orientation* p.152

<sup>1009</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 2.6 *Discrimination and Inequality Based on Sexual Orientation* p.153

<sup>1010</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>1011</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 6.

### 12.2.2. By non-State actors

No COI specific to the societal treatment of the LGBTI community in Darfur was found amongst the sources consulted within the research period for this report. COI is therefore presented on the societal treatment of the LGBTI community more generally in Sudan.

In its 'Freedom in the World' report covering events in 2014 Freedom House reports that "... societal discrimination against LGBT (lesbian, gay, bisexual, and transgender) individuals are widespread".<sup>1012</sup> The 2014 U.S. Department of State report similarly notes that "Antigay sentiment was pervasive in society. LGBT individuals expressed concern for their safety and did not identify themselves publicly. A few LGBT organizations existed but operated underground due to fear of official and societal discrimination. Several LGBT persons felt compelled to leave the country due to fear of persecution, intimidation, or harassment".<sup>1013</sup>

The Equal Rights Trust notes in an October 2014 report that "There is effectively no openly homosexual population in Sudan, and international human rights and LGBT organisations have not had much to say about the situation facing this community. Even making contact with the underground LGB community in the country is a serious logistical challenge".<sup>1014</sup> The same source further notes in an October 2014 report detailing suggestions for the list of issues to be adopted by the Committee on Economic, Social and Cultural Rights that:

The severity of the legal regime, coupled with the extreme stigma and risk of violence faced by LGB persons mean that there is effectively no openly LGB population in the country. As a result, it is difficult to meet with members of the community and little independent research has been published by international organisations. The Equal Rights Trust undertook pioneering research to interview LGB persons inside Sudan.

While the Trust's research did not identify specific examples of discriminatory restriction of the economic, social or cultural rights of gay, lesbian or bisexual persons, the legal and social environment in Sudan is so hostile to them and the risks to their personal security are so great that they cannot be open about their sexual orientation. The Committee has stated that "[s]tates parties should ensure that a person's sexual orientation is not a barrier to realizing Covenant rights". However, the level of hostility in Sudan is such that to be openly gay, lesbian or bisexual would be a barrier to most, if not all, Covenant rights, and would risk arrest, detention, imprisonment and harassment.<sup>1015</sup>

A September 2014 article from 76 Crimes cited an interview between Sharon Wagiella of SOGI News and a leader of that community's anti-AIDS, pro-human rights group Rainbow Sudan, the following extracts from which detail societal treatment of the LGBTI community (original emphasis):

[...] **What problems do LGBTQI individuals face in Sudan?**

[...] [LGBTQI individuals face] legal challenges and social and religious impunity as well as psychological pressure as a result of isolation. ...

**Sudan did use to be more LGBTQI-friendly.**

The potential of intergenerational LGBTQI work is significant. The evidence shows that young and old LGBTQI individuals face distinct challenges and potential discrimination in everyday life. We also know the opportunity for younger and older LGBTQI people to interact and understand different stages of life has been historically limited.<sup>1016</sup>

<sup>1012</sup> Freedom House, [Freedom in the World 2015 - Sudan](#), 28 January 2015

<sup>1013</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 6.

<sup>1014</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, Executive Summary p. X

<sup>1015</sup> Equal Rights Trust, [Suggestions for the list of issues to be adopted by the Committee on Economic, Social and Cultural Rights at its 54th Session \(pre-sessional working group\) in relation to the second periodic report submitted by: Sudan](#), October 2014, Sexual Orientation paragraph 38-39

<sup>1016</sup> 76 Crimes, [Rainbow Sudan seeks LGBTQI rights in Sudan](#), 16 September 2014

## 13. Persons living with disabilities

### 13.1. Legal framework

The 2014 U.S. Department of State report notes that:

The law does not specifically prohibit discrimination against persons with disabilities, but it stipulates, “The state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education [and] employment, and participation in society.” [...] The government had not enacted laws or implemented effective programs to provide for access to buildings for persons with disabilities.<sup>1017</sup>

In an October 2014 report, the Equal Rights Trust reported that “persons with disabilities can rely on a number of legal provisions in respect of non-discrimination and equality at work”:

Article 12(2) of the Constitution prohibits the denial of access to any profession or employment on grounds of disability. Article 45(1) provides that the state shall guarantee inter alia access to “suitable education and employment” for “persons with special needs”. In addition to these provisions, section 24(7) of the Civil Service Act 2007 establishes a minimum allocation of 2% of jobs within the civil service to be provided to persons with disabilities. The National Disability Act 2009 also contains a number of provisions to support persons with disabilities in employment. For example, section 4(2)(g) requires employers to provide rehabilitation to employees with disabilities, albeit only where the disability was caused at the place of employment, and their transfer to work which is appropriate, bearing in mind the disability. Section 4(2)(h) requires employers to provide reasonable accommodation in the workplace for employees with disabilities which meets their particular needs.<sup>1018</sup>

In a further report the same source discussed the deficiencies of the 2009 National Disability Act:

The National Disability Act 2009 is the only piece of legislation in Sudan which specifically regulates the situation of a group exposed to discrimination. However, the Act is deficient in a number of ways. It does not explicitly prohibit discrimination on the grounds of disability; it also omits a general obligation to make reasonable accommodation, though a specific obligation on the competent authorities to enforce the provision of reasonable accommodation in the workplace is provided under section 4(2).<sup>29</sup> Thus, the Act falls well short of meeting Sudan’s obligations under the Convention on the Rights of Persons with Disabilities and under the Covenant, as interpreted by the Committee.<sup>1019</sup>

### 13.2. Treatment of persons living with disabilities

Limited COI specific to the situation for persons living with disabilities in Darfur was found amongst the sources consulted within the research period for this report; COI has also been included on the situation more generally in Sudan.

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<sup>1017</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 6.

<sup>1018</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, *Disability Discrimination in Employment* p.141

<sup>1019</sup> Equal Rights Trust, [Suggestions for the list of issues to be adopted by the Committee on Economic, Social and Cultural Rights at its 54th Session \(pre-sessional working group\) in relation to the second periodic report submitted by: Sudan](#), October 2014, *Disability* 32

In an October 2014 report, the Equal Rights Trust reported with regards to the number of people living with disabilities in Sudan that:

Government estimates of the number of persons with disabilities in Sudan, based on analysis of the data from the pre-secession 2008 census, suggest that approximately 4.8% of people in Sudan have some form of disability. Of this number, men made up a slightly higher proportion: 52.2% of persons with disabilities, as opposed to 47.8% women. The majority of persons with disabilities reside in rural areas (66.7%), with a smaller proportion in urban areas (26.3%); the remaining 7% of persons with disabilities were found among the nomadic population.<sup>1020</sup>

The website of Action on Disability and Development International notes that “Sudan's geography and history of conflict has made it difficult for disabled people to access healthcare and rehabilitation. They are often hidden away. With no rights to either an education or employment, they often depend on begging to survive”.<sup>1021</sup> It further notes that “In Sudan people with disabilities are often neglected, excluded from community life, have no access to social services and are often hidden away by families who considered them a ‘problem’”.<sup>1022</sup> In an October 2014 report, the Equal Rights Trust reported that:

[It] is concerned that cases of direct discrimination in both employment and education are widespread. The report finds little evidence of public or private actors taking reasonable accommodation measures, even where required to do so by law. What is missing from this section may be as important as that which is included: unfortunately, we have not been able to include information about the treatment of persons with mental disabilities. These are the invisible victims who should have been, but are not, highlighted in this study. While this omission reflects the invisibility of this group in Sudanese society, it also creates an obligation for the Equal Rights Trust to return and focus on them in a future initiative.<sup>1023</sup>

The report goes on to note that “there is excessive dependency on non-governmental organisations and foreign funding in service provision, and the rights of persons with mental disabilities are not sufficiently promoted”.<sup>1024</sup>

UNICEF identifies the following negative and positive factors that describe the current situation of children with disabilities in Sudan:

**Negative:**

Social stigma and negative social perceptions attached to disability

Social pressure leads to children with disabilities attempting to "pass for normal" or over-compensating

Medical treatment presents an array of challenges, in terms of the burden of cost and transportation, but also by treating disability as a pathology and focusing only on the path to medical 'cure'.

Gap in and lack of access to services for children with disabilities compounded by lack of trained and skilled professionals to address disability issues

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<sup>1020</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 2.5 *Discrimination and Inequality Based on Disability* p.140

<sup>1021</sup> Action on Disability and Development International, [Sudan The Forgotten](#), undated [accessed 7 August 2015]

<sup>1022</sup> Action on Disability and Development International, [Our Partners in Sudan](#), undated [accessed 7 August 2015]

<sup>1023</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, *Executive Summary* p. X

<sup>1024</sup> Equal Rights Trust, [In Search of Confluence Addressing Discrimination and Inequality in Sudan](#), October 2014, 2.5 *Discrimination and Inequality Based on Disability* p.140

**Positive:**

Children with disabilities naturally bloom when they are included in their society and partake in regular activities

Parents play a pivotal role in increasing their children's chances for accessing rehabilitation, education and social inclusion opportunities. They find supportive allies in unions of persons with disabilities and civil society centres and organisations. Government of Sudan has enacted a new National Disability Act (2009), calls for the establishment of the National Council for Persons with Disabilities and a national disability fund and ratified the Convention on the Rights of Persons with Disabilities

'Special Education' departments have been established in State Ministries of Education, and action taken on a national strategy for inclusive education.

Through the National Council for Persons with Disabilities, themed groups and networks work to design strategies to mainstream issues of children and persons with disabilities in all aspects of government structure.<sup>1025</sup>

The 2014 U.S. Department of State report notes with regards to the treatment of persons with disabilities that:

Although the law, including the interim constitution, provides protection for persons with disabilities, social stigma and a lack of resources hindered the government from enforcing compliance with the law. [...]

In November 2013 the Ministry of Social Welfare, Women, and Child Affairs and the National Council for Persons with Disabilities launched an initiative to improve access to public sector jobs and encourage respect for the constitutional rights of persons with disabilities. The Ministry of Education also established a special education department. Children with disabilities attended public schools, and there were some other educational institutions for persons with disabilities, including two schools for the blind. In November 2013 the Ministry of Education launched a national education strategy for 2013-16 that included special provisions for children with disabilities.

Social stigma and lack of resources often prevented government and private entities from accommodating persons with disabilities in education and employment. Appropriate supports were especially rare in rural areas.

In July the governor of Khartoum announced the city would allocate 5 percent of government jobs to 211,000 persons with special needs and issue persons with special needs health insurance cards. The Ministry of Social Development stated it would provide financial assistance to 3,000 persons with disabilities and supply hearing aids to 50 persons monthly. Social stigma and official apathy towards the needs of persons with disabilities, however, often limited the resources allocated to those facilities, and accommodations for persons with disabilities were rare in most rural areas.

[...] Persons with disabilities reported it was difficult to access or afford necessary equipment, such as wheelchairs.

Several NGOs advocated on behalf of persons with disabilities. From November 3 to November 5, local NGOs participated in a workshop to develop an advocacy strategy for women with disabilities.<sup>1026</sup>

The International Committee of the Red Cross (ICRC) annual report covering events in 2014 reports with regards to its physical rehabilitation activities in Sudan that:

When its activities were suspended, the ICRC temporarily halted its support for the National Authority for Prosthetics and Orthotics (NAPO); however, NAPO continued to function at a reduced capacity until late May, when a lack of resources brought its operations to a standstill. NAPO was able to resume its services in October after the ICRC began to provide it with raw materials again.

Nearly 2,700 patients, including 547 women and 819 children, received prostheses/orthoses and physiotherapy at centres in Khartoum and Nyala, which were run by NAPO with ICRC material/technical support. Transport, food and accommodation costs for particularly vulnerable patients were covered during their treatment. People also benefitted from such services at five

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<sup>1025</sup> UNICEF, Analysis of the situation of children with disabilities in Sudan, undated [accessed 1 September 2015]

<sup>1026</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014 - Sudan](#), 25 June 2015, Section 6.

satellite centres in Damazin, Dongola, Gedaref, Kadugli and Kassala, and at a mobile clinic that went on outreach missions to al-Obaid and Port Sudan. An association of disabled people in al-Fashir, with ICRC support, facilitated the referral of patients.

Physical rehabilitation centre for disabled children opens a new prosthetic/orthotic workshop  
Children were fitted with orthoses at the Khartoum Cheshire Home's limb-fitting workshop, which the ICRC supplied with raw materials. In December, the Cheshire Home furnished its new prosthetic/orthotic workshop with ICRC-donated equipment. NAPO staff worked with ICRC specialists to enhance service provision, notably by improving the centres' facilities, clarifying the roles of technical staff and considering better management practices. A technician from Nyala returned to Sudan after completing his ICRC-sponsored studies at a prosthetics and orthotics school in India. Two other technicians from Khartoum continued their studies at the same school.

In cooperation with a local university and with ICRC encouragement, NAPO secured the approval of the Ministry of Higher Education for establishing a prosthetics and orthotics school in Sudan.<sup>1027</sup>

#### ❖ Situation in Darfur

UNAMID reports in an October 2014 article that the Centre for the Deaf in Zalingei Central Darfur which has 60 students is the only facility of its kind providing formal education for deaf students in the area.<sup>1028</sup> It further notes that "Many children with such disabilities were not accepted in formal education and even after their graduation no one would hire them so they had to return to their lands to farm".<sup>1029</sup> The May 2015 Report of the UN Secretary-General on the African Union United Nations Hybrid Operation in Darfur notes with regards to possible future assistance for survivors of unexploded ordnance and persons living with disabilities in Darfur:

In an effort to strengthen national capacity, UNAMID has trained and equipped a national organization to conduct explosive ordnance clearance activities in Darfur. At the request of the Government police, UNAMID refurbished three weapons and ammunition storage facilities for Government Police in El Fasher. Further assistance is planned for the four remaining Darfur States. Training on weapons and ammunition management will be provided to Government police personnel. Planning is ongoing to provide sustainable income generation activities for survivors of unexploded ordnance accidents and people with disabilities across the five Darfur States.<sup>1030</sup>

## 14. Persons living with HIV/AIDS

A September 2014 study by the World Bank and University of New South Wales (NSW) Australia in HIV allocative efficiency cited, amongst its key findings, the following:

- Sudan experiences a low-level concentrated HIV epidemic with an estimated 6,376 new HIV infections acquired in 2013
- HIV incidence in 2013 is estimated at 0.44% for FSW [female sex workers], 0.35% for MSM [men having sex with men] and 0.1% for SW clients [clients of sex workers], and at <0.05% in all age and sex strata of the general population
- 31% of all new infections were directly associated with sex work (incidence in sex workers and their clients)

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<sup>1027</sup> International Committee of the Red Cross (ICRC), [Annual Report 2014 - Sudan](#), 9 June 2015

<sup>1028</sup> United Nations-African Union Mission in Darfur (El Fasher), [Sudan: Providing Education for Central Darfur's Deaf Community](#), 4 October 2014

<sup>1029</sup> United Nations-African Union Mission in Darfur (El Fasher), [Sudan: Providing Education for Central Darfur's Deaf Community](#), 4 October 2014

<sup>1030</sup> UN Security Council, [Report of the Secretary-General on the African Union United Nations Hybrid Operation in Darfur](#), 26 May 2015, paragraph 51

- Half of all incident HIV infections occurred in the general adult population (70% of which among females), but many of these indirectly arise from sex work-linked transmission events
- FSW are “net transmitters” whereas female adults in the general population are all “net receivers”. All male populations are “net transmitters” including sex work clients and MSM (the latter therefore suggesting that MSM also transmit to female partners, and a proportion of MSM are indeed married).<sup>1031</sup>

According to UNAIDS, in 2014, there were between 41,000 and 69,000 people in Sudan living with HIV – around 49,000 male adults, 23,000 female adults and over 4,000 children respectively, with approximately 2,900 AIDS-related deaths.<sup>1032</sup>

In May 2015, a UNAIDS-led initiative providing an ‘Overview of HIV and AIDS in Darfur, Sudan’, citing amongst its key facts and figures, the following:

- Adult HIV prevalence in Sudan is 0.24%, with an estimated 50,800 people living with HIV.
- Scarce information on HIV epidemiology, control and response in humanitarian settings but many risk factors exist.
- Statistical facts pointing to a concerning HIV situation in Darfur: HIV prevalence amongst pregnant women attending ANC [Ante Natal Clinics] reaches up to 1.2% in some North Darfur sites.
- HIV prevalence in refugees camps in Kassala and IDP camps in Darfur states is 0.22% is higher than urban residents of Sudan (0.17%), but it is comparable to the prevalence among the general population of Sudan (0.24%).<sup>1033</sup>
- Sudan faces a concentrated HIV epidemic with an estimated 50,795 persons living with HIV and an overall prevalence of 0.24%.<sup>1034</sup>
- Prevalence rates are much higher among key populations, reaching up to 7.7% among female sex workers and up to 6.3% for men who have sex with men in the eastern region of the country. Average HIV prevalence among FSWs [female sex workers] is 1.5% and 2.1% for MSM [men who have sex with men].<sup>1035</sup>
- HIV prevalence in one of the IDP camps in West Darfur was 0.58% compared to the 0.24% national average. HIV prevalence among pregnant women in North Darfur was the highest in the country, exceeding 1%.<sup>1036</sup>
- Even though injecting drug use is not a major risk factor in Sudan, one study found 5% of FSWs inject in North Darfur, above the national mean of 0.9%, and 3.9% of MSM inject in South Darfur, above the national mean of 2.1%. North Darfur state had the highest injecting drug use in the country at 5%.<sup>1037</sup>

#### 14.1. Legal framework

<sup>1031</sup> World Bank/UNSW, [Sudan’s HIV Response: Value for Money in a Low-Level HIV Epidemic – Findings from the HIV Allocative Study](#), September 2014, *Executive Summary*.

<sup>1032</sup> UNAIDS, [Sudan – HIV and AIDS Estimates 2014](#), undated [accessed 7 September 2015].

<sup>1033</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan’](#), May 2015, *Executive Summary*, p.7.

<sup>1034</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan’](#), May 2015, *Returnees, Refugees and Asylum Seekers*, p.15.

<sup>1035</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan’](#), May 2015, *Returnees, Refugees and Asylum Seekers*, p.15

<sup>1036</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan’](#), May 2015, *Returnees, Refugees and Asylum Seekers*, p.16.

<sup>1037</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan’](#), May 2015, *Epidemiology of HIV in Darfur*, p. 16-17.

UNAIDS lists Sudan as a country which maintains laws that both criminalise aspects of sex work and make same-sex sexual activities between consenting adult males punishable by death.<sup>1038</sup> The U.S. Department of State's human rights report covering events in 2014 cites that "Law and regulations prohibit discrimination regarding race, sex, gender, disability, tribe, and language. They do not protect classes according to sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not always effectively enforce those laws and regulations".<sup>1039</sup>

In August 2014, the UN Human Rights Committee regarding observations of Sudan with respect to the International Covenant of Civil and Political Rights (ICCPR), stated that "The Committee is concerned by the lack of comprehensive anti-discrimination legislation prohibiting discrimination on grounds such as age, sexual orientation, gender identity and health status (in particular people living with HIV/AIDS) (arts. 2 and 26)".<sup>1040</sup>

In October 2014, Equal Rights Trust published a report on 'addressing discrimination and inequality in Sudan', stating in relation to those living with HIV/AIDS that:

The government has made some efforts to improve the situation for persons living with HIV. The Ministry of Health's response to the spread of HIV and AIDS was to launch the Sudan National Aids Programme (SNAP) in 1987, soon after the official identification of the first case of HIV back in 1986. SNAP's work in its early years focused on preventing an increase in the prevalence of HIV (currently estimated by SNAP to be approximately 0.53%) amongst the general population, while its new strategy is expected to prioritise and target the most-at-risk populations.

In 2005, the government drafted legislation protecting the rights of persons living with HIV and AIDS. In its progress report for 2008, SNAP stated that the draft legislation was awaiting final approval from the Ministry of Justice before being presented to the Cabinet for its endorsement. Disappointingly, in its 2011 report, SNAP stated that the draft legislation had not yet been adopted by the Cabinet, despite the lapse of three years. In July 2014, the Sudanese authorities informed the UNHRC that a bill on the rights of persons living with HIV and AIDS "has been tabled to the Parliament for consideration", giving no further detail on the proposed timetable for legislation to be enacted.<sup>1041</sup>

In terms of the legal and policy framework relating to equality and in particular, discrimination, the Equal Rights Trust points out that Sudan has a "poor record of participation in the major UN human rights treaties"<sup>1042</sup> and a "mixed record in relation to international treaties which have a bearing on the rights to inequality and non-discrimination"<sup>1043</sup>. The report continues by providing analysis of the role of Sudan's Bill of Rights, which provides the second part of the National Constitution and the "most significant part of the Constitution in respect of the protection of rights to equality and non-discrimination".<sup>1044</sup> Of particular note is the following:

Article 31 of the Constitution concerns the rights to equality and non-discrimination, though providing only limited protection of both. It states:

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<sup>1038</sup> UNAIDS, [AIDSinfo](#), undated [accessed 7 September 2015].

<sup>1039</sup> U.S. Department of State, [Country Report on Human Rights Practices 2014: Sudan](#), 25 June 2015, *Section VII: Discrimination with Respect to Employment or Occupation*.

<sup>1040</sup> UN Human Rights Council, [Concluding Observations on the Fourth Periodic Report of the Sudan](#), 19 August 2014, p. 4 [para. 11].

<sup>1041</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *Discrimination and Inequality Based on Health Status*, p. 154.

<sup>1042</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *Major United Nations Treaties Relevant to Equality*, p. 162.

<sup>1043</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *Other International Treaties Relevant to Equality*, p. 169.

<sup>1044</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *National Law*, p. 181-82.

*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

[...] Article 31 of the Constitution enumerates a short closed list of grounds on which such discrimination is prohibited. Thus, the guarantee of equal protection of the law provided by the Constitution is limited by reference to a specific group of characteristics, restricting the ability of an individual to challenge any denial of equal protection which arises on another basis, such as disability, age or sexual orientation.

[...] A central problem in understanding the scope of protection provided by Article 31 is the lack of clarity about what the phrase “equal protection of the law” means, in the Sudanese legal context. To date, this question has not been considered by the courts in Sudan, leaving significant room for speculation about the extent to which different actors, and different actions, are subject to an obligation of non-discrimination.

[...] A further potential problem may be created from the lack of explicit prohibition in Article 31 of both direct and indirect discrimination. The UNCESCR [UN Committee on Economic, Social and Cultural Rights] has stated that the prohibition on discrimination in Article 2(2) of ICESCR [International Convention on Economic, Social and Cultural Rights] includes both direct and indirect discrimination, and both are also included in the definition of discrimination in the Declaration of Principles on Equality. In the absence of jurisprudence or clear state practice indicating that Article 31 does effectively prohibit both forms of discrimination, there is ground for concern that the Constitution would only extend protection to acts of direct discrimination. In addition, the Constitution does not explicitly prohibit harassment or failure to make reasonable accommodation, though the latter is partly compensated for, in respect to disability, by limited provisions in the National Disability Act 2009.

The personal scope of protection provided by Article 31 is also severely limited. The Article provides protection from discrimination only on the basis of the characteristics or grounds which are explicitly referred to in the text: race, colour, sex, language, religious creed, political opinion and ethnic origin. While this list includes six of the grounds which are listed in Articles 2(1) and 26 of the ICCPR [International Covenant on Civil and Political Rights] and Article 2(2) of the ICESCR, it omits several others which are well recognised under international law. The list omits five characteristics which are explicitly listed in both the ICCPR and the ICESCR: national or social origin, other opinion (apart from political), property and birth. Moreover, it omits all those grounds which the HRC [Human Rights Commission] and the CESCR [Committee on Economic, Social and Cultural Rights], in interpreting the ICCPR and the ICESCR respectively, have recognised as falling under “other status”, within the meaning of Article 2 of the relevant Covenants: civil and family status, nationality, economic status, sexual orientation, gender identity, age, disability and health status.<sup>1045</sup>

[...] The provisions of the Constitution examined above provide, in theory at least, for some degree of protection from discrimination. However, no real effort has been made to translate the provisions in the Bill of Rights into legislation, with the exception of the National Disability Act 2009 and limited provisions in some other areas of law. There has also been no effort made to review legislation which pre-dates the Constitution in order to determine its compliance with the latter. Although a special committee was expected to be formed for this purpose, there is no indication that it has been established”.<sup>1046</sup>

[...] Sudan has made little progress towards discharging its obligations to provide effective protection from discrimination in its legal system. Indeed, beyond the constitutional provisions discussed above, there is very limited legal protection from discrimination. Sudan lacks comprehensive anti-discrimination law or equality enforcement bodies. It also lacks specific laws prohibiting discrimination on grounds such as race, sex or disability. In its 2014 review of Sudan’s compliance with its obligations under the ICCPR, the HRC expressed concern at the “lack of comprehensive anti-

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<sup>1045</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *National Law*, p. 182-186.

<sup>1046</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *National Law*, p. 192.

discrimination legislation prohibiting discrimination on grounds such as age, sexual orientation, gender identity and health status” and stated that Sudan should “consider adopting comprehensive anti-discrimination legislation”.<sup>1047</sup>

Regarding Sudan’s National Policy on HIV/AIDS (2004), the Equal Rights Trust states the following in its October 2014 report:

The National Policy on HIV/AIDS was published by the Office of the Minister of Health in 2004. The Policy was designed, in part, to support the National Strategic Plan for HIV/AIDS prevention and control for the period 2003–2007 which had been developed by a task force set up by the Sudan National AIDS Program (SNAP). The National Strategic Plan had four objectives:

1. to curb the transmission of HIV/AIDS infection through appropriate strategies and interventions;
2. to reduce morbidity and mortality due to HIV/AIDS and to improve the quality of life for persons living with HIV/AIDS;
3. to build the capacity of the different partners involved in the prevention and control of HIV/AIDS; and
4. to mobilise and coordinate national and international resources for the prevention and control of HIV/AIDS.

[...] The Policy sets out twenty specific policy areas and issues to address, a number of which are relevant to equality and non-discrimination. Most importantly in this context, priority area two relates to “[s]tigma, discrimination and rights of people living with HIV/AIDS”. The Policy notes that stigma and discrimination associated with HIV/AIDS are “the greatest barriers to preventing further infections, providing adequate care, support, treatment and alleviating impact”. The Policy therefore calls for safeguarding the rights of people living with HIV/AIDS so as “to improve the quality of their lives and minimize stigma” through the observance of the United Nations Guidelines on Human Rights and HIV/AIDS.

Other relevant priority areas include priority nine, covering legislation and legal issues, priority ten, which covers gender, and priority fourteen, which discusses transmission prevention. In respect of priority nine, the Policy calls for future legislation and law reform relating to HIV/AIDS to protect and safeguard the rights of persons living with HIV and AIDS, while also enhancing efforts towards their community mobilisation. Priority ten notes that gender roles and relations “powerfully influence the course and impact of the HIV/AIDS epidemic” and that women are more likely to become infected, and are more often adversely affected by HIV/AIDS. The Policy envisages a gender-based response to HIV/AIDS, addressing the vulnerability of girls and women, and gender sensitivity in the provision of care and services.

Priority fourteen deals with prevention of transmission, with a sub-section focused specifically on special risk groups, defined as sex workers, injecting drug users and homosexuals. The Policy notes that there is a lack of data on HIV/AIDS in certain groups considered to be “fuelling the epidemic”, with a main obstacle being stigma against persons in those groups. The Policy therefore considers that the response should be comprehensive and recognise and involve working with such groups. This is a potentially important provision, given the extreme vulnerability of such groups.

Unfortunately, despite the promise evidenced by the inclusion of these four priorities in the National Policy – and the steps which Sudan has taken in responding to HIV/AIDs generally – there is little apparent progress in any of these key areas. A 2012–2013 Progress Report published by SNAP in 2014 finds that “[s]ince 2011, Sudan has made marked strides in the AIDS response in HIV prevention and working with populations that drive the HIV epidemic” but shows little evidence of progress in respect of priorities 2, 9, 10 and 14 of the National Policy.

In respect of priority area two, the report states that “HIV stigma reduction activities have been a cross cutting component in all HIV activities”, but makes no reference to policy measures designed to address discrimination. In respect of the priority concerning legislation, the report notes that “the existing draft legislation for PLHIV [people living with HIV] protection is yet to be endorsed by the Cabinet”. The Progress Report is largely silent on priority area 10, which envisages a gender-based response to HIV/AIDS, with the exception of the issue of prevention of mother to child transmission,

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<sup>1047</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *National Law*, p. 194.

where the state has made good progress. Finally, in respect of most at risk populations – one of the focal points of priority 14 of the Policy – the report indicates that the government is taking measures to reach these communities for testing and preventative purposes, in particular through work with civil society organisations. However, the report notes that: “[p]revention of HIV among key populations continues to be challenging with existent criminalising laws and HIV stigma among decision makers”.<sup>1048</sup>

On 3 April 2015, Sudan Tribune reported that

Sudan is in the process of drafting a law to protect the rights of those living with HIV/AIDS and ensure that they receive medical and psychological care [...] The bill, which is being drafted by legal experts, people living with HIV/AIDS, physicians and officials, will also criminalise the intentional transmission of the disease. [...] The draft law would state that people living with HIV/AIDS enjoy all the rights guaranteed by the constitution and international conventions ratified by Sudan. It prohibits any form of discrimination based on HIV status that would lead to the degradation of their dignity or erosion of their rights or exploitation. [...] Furthermore, the draft bill gives the patients the right to housing, access to goods and services and prohibits subjecting any citizen to HIV check as a condition for employment or dismissing employees who contract the virus unless it is proven through a medical report that they are incapable of performing their job functions [...] For children living with the virus, they would have the right of access to health care and medical counseling and cannot be dismissed or transferred from their schools [...] Court trials can be held in a closed setting if one of the parties involved has HIV/AIDS, the law says [...] But the law also obliges patients to take the necessary steps including seeking medical help to prevent transmission of the virus to others. Failing to do so would be punishable by law.<sup>1049</sup>

## 14.2. Treatment of persons living with HIV/AIDS

The U.S. Department of State’s human rights report covering events in 2014 cites that “There was societal discrimination against persons with HIV/AIDS. The conservative nature of society made discussion of sex out of wedlock and related issues difficult, particularly for activists and members of the international community addressing these topics”.<sup>1050</sup>

In October 2014, the Equal Rights Trust published a report designed to “highlight and analyse discrimination and inequality in Sudan” and explore “long-standing human rights problems” by providing evidence of the “lived experience of discrimination”.<sup>1051</sup> In relation to those living with HIV/AIDS, it states:

[...] persons living with HIV experience stigma and prejudice, with the effect that they might conceal their status. Despite the difficulties in identifying persons living with HIV who would be willing to discuss their experience, the Equal Rights Trust spoke with such persons in a number of locations, and heard testimony of various forms of discrimination and disadvantage, including in access to health care and employment. For example, interviews and group discussions in Kassala state showed that the concept of the rights of people living with HIV is not well understood. Efforts devoted to combating HIV/AIDS have focused on prevention rather than on awareness or education, with the result that the community sees HIV-positive persons as contagious “carriers” and therefore excludes them socially. F., a woman from the Alshaabia neighbourhood of Kassala, gave the following testimony:

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<sup>1048</sup> Equal Rights Trust, *In Search of Confluence: Addressing Discrimination and Inequality in Sudan*, 1 October 2014, *National Law*, p. 215-217.

<sup>1049</sup> Sudan Tribune, *Sudan Preparing Draft Law to End Discrimination Against HIV/AIDS Patients*, 3 April 2015.

<sup>1050</sup> U.S. Department of State, *Country Report on Human Rights Practices 2014: Sudan*, 25 June 2015, *Section VI: HIV and AIDS Social Stigma*.

<sup>1051</sup> Equal Rights Trust, *In Search of Confluence: Addressing Discrimination and Inequality in Sudan*, 1 October 2014, *Introduction*, p. 1.

*I feel very angry and I curse my husband who has transferred this disease to me. A woman refused to drink water after me. (...) I feel embarrassed and hide my disease. (...) If people knew then they would run away from me. (...) I know a woman who had AIDS and died. No one wanted to wash her body until one woman did after a lot of effort.*

[...] In the absence of a legal instrument, in 2004, the government did adopt a National Policy on HIV/AIDS, which includes, among its twenty priorities, a focus on “stigma, discrimination and rights of people living with HIV/AIDS”. This part of the policy recognises that stigma and discrimination associated with HIV/AIDS are “[t]he greatest barriers to preventing further infections, providing adequate care, support, treatment and alleviating impact”. It goes on to call for safeguarding the rights of people living with HIV/AIDS so as “to improve the quality of their lives and minimise stigma”. In recent years, the government has taken steps in combating stigma and exclusion of persons living with HIV and AIDS, and the media have run positive stories, featuring such persons and showing they can form families and have healthy children.<sup>1052</sup>

In a further section on the ‘discrimination of access to healthcare, employment and education on the grounds of health status’, the same report went on to state:

Widespread stigma attached to HIV and AIDS has a direct impact on access to healthcare for persons living with the condition. In Khartoum state, Equal Rights Trust researchers conducted interviews with persons living with HIV and representatives of the Sudanese Association for the Care of People Living with HIV/AIDS. Those interviewed stated that persons living with HIV and AIDS are denied medical treatment and that some have had to file complaints in order to receive the necessary treatment. In one case, a doctor completely refused to perform a surgical procedure because the patient had AIDS. The Equal Rights Trust interviewed Dr B., a senior medical professional working on issues of HIV prevention and treatment, who said that he was aware of many examples of people being pre-tested for HIV prior to any other medical examination, diagnosis or treatment and then refused treatment if found to be positive. Dr B. stated that, while pre-testing is not provided for in Sudanese laws, it is a widespread practice.

Focus group participants in Kassala spoke of other problems facing persons living with HIV and AIDS in accessing healthcare. For example, the widespread use of “health cards” carrying details of a person’s HIV status were causing embarrassment which discouraged some from accessing health services. Participants also highlighted difficulties in acquiring health services other than in hospitals, which presents a practical obstacle for many of those affected. They stated that when someone needed an injection or intravenous therapy, they had to go to a hospital because staff in other health care centres are afraid to deal with patients with HIV.

The Equal Rights Trust also found cases illustrating that persons living with HIV and AIDS can face difficulties in accessing employment and education as a result of prejudice and ignorance. Focus group participants in Khartoum said that they were forced to conceal their condition so that their children are allowed to go to schools. In one case a primary school student was expelled when the school found out that his father had HIV. S., a teacher from Kassala state, commented on the impact of stigma and prejudice on her employment:

*I am a secondary school teacher. I was diagnosed with AIDS and because of ignorance I was suspended from my job. My own private institute of education excluded me for the same reason. I was so frustrated and depressed. I contacted the association of people living with HIV in Kassala, which helped and supported me until I got my job back. (...) I am not the only one who has suffered from the ignorance of the people. I have a friend who also had to go through what I went through. (...) All the people I know went through difficulties like this and some have not returned to their work yet.*<sup>1053</sup>

On 2 December 2014, Radio Dabanga cited the Minister of Health in Khartoum, who stated that approximately 1,500 new cases of HIV/AIDS were recorded in the state that year, with 19,000 cases in the state to date, and that “They are treated in some 70 special health centres set up in Khartoum

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<sup>1052</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *Discrimination and Inequality Based on Health Status*, p. 153-55.

<sup>1053</sup> Equal Rights Trust, [In Search of Confluence: Addressing Discrimination and Inequality in Sudan](#), 1 October 2014, *Discrimination and Inequality Based on Health Status*, p. 156-57.

for this purpose. The authorities are exerting great efforts to reduce the spread of AIDS in the state”.<sup>1054</sup>

An article from the Sudanese News Agency, dated 4 December 2014, cites that

The World Health Organization and the Sudanese AIDS control network, have inaugurated a new confidential and free HIV/AIDS test center providing services to all citizens of Khartoum South quarters [...] The center, which is located in Mandela quarter of Jabal Awliya locality, is considered a new addition to the plans set for spreading and expanding AIDS centers in the state [...] The Executive Director of the project, Ustaza Samia Mohamed, the executive secretary of the International Health Institutions, has pointed out that HIV/AIDS test is the first means to prevent oneself against AIDS, saying such a test is good for the individual, the mother and its baby. She said the institution is about to submit a draft bill that calls for mandatory test [*sic*] before completion of marriage contract. She said many of the people who carry the virus are not aware that they were infected with the disease, as it has a long incubation period [...] The Heads of the society for people living with HIV/AIDS, said his organization now groups over 1500 men, women and children and that they want to attract more people to register with the institution.<sup>1055</sup>

On 31 March 2015, Radio Dabanga cited the director of the Ministry of Health’s HIV/AIDS department as stating that of the 61 per cent of the country’s approximately 52,000 recorded cases of HIV/AIDS, “only 9 per cent of them regularly visit the centres”.<sup>1056</sup>

Reporting on the ‘Progress, Challenges and Outlook’ of disarmament in North Darfur, the Centre for Security Governance stated in May 2015 that “The demobilization process commenced on 2 November at the demobilization site in North Darfur State, and was completed on 20 November 2014. During the demobilization process, a total of 534 ex-combatants from JEM-Sudan and affiliated movements were verified, registered and profiled into the DDR database to plan for their subsequent reintegration into civilian society. They were medically screened with the assistance of UNAMID, and received reintegration briefing from the United Nations Development Programme (UNDP) as well as HIV/AIDS counselling by the State Ministry of Health (SMoH)”.<sup>1057</sup>

On 29 May 2015, Sudan Tribune reported “Last March, the societal police also interrogated several journalists for publishing stories and statistics pertaining to the HIV/AIDS and the sex workers in Khartoum”.<sup>1058</sup>

In May 2015, a UNAIDS-led initiative providing an ‘Overview of HIV and AIDS in Darfur, Sudan’ documented that “Despite genuine efforts exerted by humanitarian actors in Darfur to make available and provide the emergency, basic and essential health care services, it was found that HIV is not integrated into primary health care (PHC)”.<sup>1059</sup> Notably, in terms of epidemiology of HIV in Darfur, the report also documented the following:

Comprehensive knowledge among sex workers is low at 7.7% in North Darfur, 10.1% in South Darfur and 18.2% in West Darfur. However, knowledge among this group is far better than among the female general population which ranges between 1% and 10.8%. Levels of comprehensive knowledge among MSM [men who have sex with men] subpopulations appear to be better at 14% in South Darfur compared to the national average of 20.2%. High illiteracy rates in the country and particularly

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<sup>1054</sup> Radio Dabanga, [About 19,000 HIV/AIDS Cases in Khartoum State, Sudan](#), 1 December 2014.

<sup>1055</sup> Sudanese News Agency, [New Centres for AIDS Test and Treatment Inaugurated in Jabal Awliya Locality](#), 4 December 2014.

<sup>1056</sup> Radio Dabanga, [Three-Year Programme to Combat HIV/AIDS in Sudan](#), 31 March 2015.

<sup>1057</sup> Centre for Security Governance, [DDR in Darfur: Progress, Challenges, Outlook](#), 7 May 2015.

<sup>1058</sup> Sudan Tribune, [Sudanese Journalists to Discuss Press Freedoms with Security Services](#), 29 May 2015.

<sup>1059</sup> UNAIDS, [Overview of HIV and AIDS in Darfur, Sudan](#), May 2015, *Operational Priorities*, p. 29.

among sex workers, double stigma towards HIV and “at risk” groups, and the difficulty of reaching key populations are negatively affecting the performance of the country in realizing better outcomes [...] TB [tuberculosis]/HIV co-infection is a serious concern since it carries double worries. Patients face some challenges in accessing TB treatment and even more difficulties in getting HIV testing and counseling. There is an increase in testing TB cases for HIV from 7% in 2008 to 17% in 2013, with a decrease in the positivity rate reflecting that those cases referred for HIV testing were either suspected for HIV or have started to develop AIDS symptoms.<sup>1060</sup>

In relation to ‘HIV vulnerabilities and risk factors’, the UNAIDS-led report went on to state the following:

There are multiple factors that drive the increased vulnerability to HIV transmission during humanitarian crises. In Darfur, existing gender inequalities are further exacerbated, rendering women and children more vulnerable to HIV. As a direct effect of the conflict, insecurity and mass displacement resulted in a loss of social integrity and have created many female-headed households. Therefore women and children bear the burden of being the bread winner of the family in a protracted conflict situation, increasing their risks to HIV and possibly using negative coping strategies. Due to loss of livelihoods and a lack of employment opportunities they become more vulnerable to sex work and sexual exploitation. Separation of family members and the breakdown of community cohesion also disrupt social and sexual norms that regulate behaviors. Women and children may be used by armed groups and are particularly vulnerable to HIV infection and many other sexually transmitted infections as a result of sexual violence and exploitation.<sup>1061</sup>

[...]In Central Darfur, though IDPs were identified as being at higher risk of HIV, few services are available in the camps... The situation in West Darfur is also of concern, particularly along the border with Chad, where HIV prevalence is substantially higher. Lots of Chadians receive health services on the Sudanese side of the border, yet this information is not captured nor is there coordination and follows up with Chadian counterparts. There are also a high number of Sudanese refugees in Eastern Chad, and increasingly more returnees to West Darfur. The military presence is also high in this state and brings with it unique risk factors.<sup>1062</sup>

[...] Overall in Darfur not many interventions target pastoralists in terms of HIV services, despite their being at a potentially higher risk due to their seasonal migrations to neighboring countries. Outreach work with key populations is starting in some of the states of Darfur but these programs are not well established in the newer states of Central and East Darfur.<sup>1063</sup>

In its discussion of the provision of HIV-related services, the report found that:

The overall access to essential humanitarian needs is jeopardized by the disruption of regular service provision, including health services. Additionally, there is a clear inequitable distribution of services and resource allocation. In many rural areas people do not have access to basic health care including access to information on HIV, or to preventive methods such as condoms or other testing, treatment and care services. There are limited numbers of VCT [voluntary counselling and testing] centers outside main cities, therefore people are unlikely to know their HIV status and if they happen to know, people living with HIV often suffer from disruption of ART [anti retroviral therapy] and treatment and access to treatment of opportunistic infections. Furthermore, their health is put at risk because their nutritional needs are not met, and palliative and home-based care is non-existent.

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<sup>1060</sup> UNAIDS, *‘Overview of HIV and AIDS in Darfur, Sudan*, May 2015, *Epidemiology of HIV in Darfur*, p. 17.

<sup>1061</sup> UNAIDS, *‘Overview of HIV and AIDS in Darfur, Sudan*, May 2015, *HIV Vulnerabilities and Risk Factors in Humanitarian Settings*, p. 18-19.

<sup>1062</sup> UNAIDS, *‘Overview of HIV and AIDS in Darfur, Sudan*, May 2015, *HIV Vulnerabilities and Risk Factors in Humanitarian Settings*, p. 19.

<sup>1063</sup> UNAIDS, *‘Overview of HIV and AIDS in Darfur, Sudan*, May 2015, *HIV Vulnerabilities and Risk Factors in Humanitarian Settings*, p. 20.

Orphans and other vulnerable children may have lost contact with their care providers, further disrupting their treatment.<sup>1064</sup>

In terms of the distribution of resources, the report also found that “There are 49 VCT [voluntary counselling and testing] centers in the five Darfur states to serve nearly 10 million people. This is approximately 1 VCT for every 200,000 persons. It is important to reflect on the uneven distribution of these centers; 17 VCTs are functioning in IDP camps serving a population of 1.3 million. Despite the immediate impression that IDPs have better access than the general population, it is observed that there is uneven distribution of the services between camps”.<sup>1065</sup>

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<sup>1064</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan](#), May 2015, *HIV Vulnerabilities and Risk Factors in Humanitarian Settings*, p. 20.

<sup>1065</sup> UNAIDS, [‘Overview of HIV and AIDS in Darfur, Sudan](#), May 2015, *HIV Vulnerabilities and Risk Factors in Humanitarian Settings*, p. 21.