

Report on the fact-finding mission to Cairo (Egypt) and Geneva (Switzerland), 29 January to 12 February and 3 to 7 March 2000

Contents

PREFACE	3
INTRODUCTION	5
A. CAIRO (EGYPT)	8
1. <i>POSITION OF SUDANESE NATIONALS IN EGYPT</i>	8
1.1. Background.....	8
1.2. Entry and residence.....	8
1.3. Sudanese Embassy procedures for passport issue, including renewal.....	11
1.4. Living conditions for Sudanese nationals and refugees in Egypt.....	13
2. <i>POLITICAL GROUPS IN EXILE IN CAIRO, ISSUE OF MEMBERSHIP CARDS AND LETTERS OF RECOMMENDATION</i>	15
3. <i>SUDANESE NATIONALS' ABILITY TO RE-ENTER AND LIVE IN EGYPT</i>	18
B. KHARTOUM (SUDAN)	22
1. <i>ENTRY INTO SUDAN</i>	22
1.1. Decree No 4/B/307 on admission of Sudanese nationals into Sudan.....	22
1.2. Risk of returning Sudanese nationals suffering abuses.....	22
2. <i>EXIT FROM SUDAN</i>	23
2.1. Scope for corruption in leaving the country.....	25
3. <i>RECENT POLITICAL DEVELOPMENTS IN SUDAN</i>	25
4. <i>HUMAN RIGHTS SITUATION</i>	27
4.1. Risk of arbitrary detention.....	28
4.2. Press.....	29

4.3. Political parties.....	29
4.4. Trade union movement	31
4.5. Sudanese Christians in Khartoum	31
5. <i>MILITARY RECRUITMENT, DESERTION AND EVASION OF MILITARY SERVICE</i>	32
5.1. Risk of conscripts being deployed on active service against their will	37
5.2. Evasion of military service and desertion	38
5.3. Abuses suffered by recruits and their relations	39
6. <i>GHOST HOUSES, TORTURE AND PRISON CONDITIONS</i>	39
7. <i>POSITION OF WOMEN</i>	44
7.1. Prison conditions.....	45
7.2. Military service	45
7.3. Social code	45
INDIVIDUALS, ORGANISATIONS AND AUTHORITIES CONSULTED	47
BIBLIOGRAPHY	48
ABBREVIATIONS	49
LIST OF ANNEXES	50
<i>ANNEX 1</i>	
<i>ANNEX 2</i>	
<i>ANNEX 3</i>	
<i>ANNEX 4</i>	
<i>ANNEX 5</i>	
<i>ANNEX 6</i>	
<i>ANNEX 7</i>	
<i>ANNEX 8</i>	
<i>ANNEX 9</i>	
<i>ANNEX 10</i>	
<i>ANNEX 11</i>	

Preface

In December 1999 the Danish Immigration Service decided to carry out a fact-finding mission to Cairo (Egypt) and Khartoum (Sudan). Owing to circumstances described below, however, the delegation was unable to make the planned visit to Khartoum. The mission was therefore carried out in two stages, in January-February 2000 and March 2000 respectively, staying in Cairo and in Geneva.

The purpose of the mission was to gather information on a number of matters in Sudan and Egypt with a bearing on asylum, in particular the situation in Sudan for the political opposition, the trade union movement, Christians, journalists, students and conscripts, prison conditions and use of torture, entry into and exit from the country, the position of women and details of the legal and practical scope for Sudanese nationals to live in Egypt.

In Cairo the delegation met representatives of the United Nations High Commissioner for Refugees (UNHCR), the southern rebel Sudanese People's Liberation Movement/Army (SPLM/A), the Umma Party (UP), the opposition National Democratic Alliance (NDA), the Union of Sudan African Parties (USAP), the Arab Lawyers' Union (ALU), the Sudan Human Rights Organisation (SHRO), the Al-Nadim Centre for torture victims, the Middle East Times, the Sudanese Embassy, the Netherlands Embassy, the Egyptian immigration authorities and the Department of Refugee Affairs at the Egyptian Ministry of Foreign Affairs. The mission to Cairo was carried out from 29 January to 12 February 2000.

However, a planned visit to Khartoum (Sudan), on which the delegation intended to meet representatives of the Sudanese authorities, embassies, the political opposition, the press and the UN, had to be called off just before the delegation was to leave for Sudan on 26 February 2000.

The Sudanese Ministry of External Relations, Directorate-General for Consular Affairs, and the Sudanese Embassy in Stockholm, which had already issued the delegation a visa on 7 February 2000, informed it in faxes of 27 and 29 February 2000 respectively that a Danish visit to Sudan was not possible and the delegation would be refused admission to Sudan, should it land at Khartoum airport. The Sudanese authorities gave no reason for refusing to allow the delegation into Sudan.

It should be pointed out that the delegation explained the purpose of the visit to Khartoum at an earlier meeting at the Sudanese Embassy in Cairo. The Sudanese Embassy in Stockholm had previously, in January 2000, been informed in writing of the purpose of the visit to Khartoum.

As this made it impossible to obtain any information from the Sudanese authorities for use in this report or to ask for their views on other information gleaned by the delegation on the mission to Cairo, the Immigration Service decided to carry out a brief follow-up mission to Cairo and Geneva, from 3 to 7 March 2000, during which the delegation sought further information on matters such as human rights in Sudan. In addition to meetings in Cairo, the delegation informally met the UN Special Rapporteur at the Office of the High Commissioner for Human Rights (OHCHR) in Geneva.

It should be noted that the information on the political and human rights situation, etc. in Sudan which the delegation obtained from the UN Special Rapporteur, Leonardo Franco, of the OHCHR in Geneva, at an informal meeting is supplied unofficially. At that meeting, he emphasised that the information given there was unofficial and preliminary in nature, as his office was in the process of drawing up a human rights report on Sudan, based on the Special Rapporteur's latest mission to the country, in late February 2000. He explained that a preliminary version of the mission report would be available within a few weeks, while the final, official report might not be issued for a few months yet.

Introduction

Since June 1989, when Lieutenant-General Omar Hassan Al-Bashir staged a military coup against Sudan's democratically elected government and suspended the constitution, even the most fundamental human rights have been trampled under foot in Sudan. Freedom of the press, freedom of association and political freedom have been done away with. The Sudanese Government is guilty of very serious human rights violations, which have continued throughout the regime's years in power.

In its latest annual report on the human rights situation in Sudan, the 1999 Country Report on Human Rights Practices – Sudan, the US Department of State relates that government security forces continue to torture suspected opponents and that people are arbitrarily arrested and detained indefinitely. The regime continues to hold people in the notorious "ghost houses", where torture is commonplace. In spite of government claims to the contrary, there are political prisoners in Sudan. Conditions in the country's prisons are described as very harsh and life-threatening. Government security forces have rarely if ever been brought to book for their actions (US Department of State, February 2000, pp. 2, 5, 6 and 9).

Al-Bashir was appointed President in 1993 and since the 1989 coup has governed the country in close cooperation with the Islamic fundamentalist National Islamic Front (NIF), renamed the National Congress (NC) in 1998, led by Hassan Al-Turabi. The Khartoum regime continues to be referred to in everyday parlance as the NIF regime (a practice also followed in this report). In reality the NIF has been the only political party allowed in Sudan since 1989 and throughout that time has held control of the country's security forces, courts, academic institutions and media. From 1996 until 1999, Hassan Al-Turabi was Speaker of the National Assembly and the real seat of power in Sudan. On 12 December 1999, however, President Al-Bashir declared a three-month state of emergency in the country, dismissed Al-Turabi and dissolved the National Assembly two days before it was due to vote on a pro-Al-Turabi motion designed to limit Al-Bashir's powers.

For the last 17 years, Sudan has been the scene of one of Africa's bloodiest, most protracted civil wars. This is estimated to have claimed about two million lives, out of a total population of 27,5 million. There are also some four million living as internally displaced persons in the country and an unknown number of Sudanese living in exile abroad (US Department of State, February 2000, p. 1).

The root cause of Sudan's present civil war stretches far back in history, basically centring on antagonism between Arab, Islamic northern Sudan and Christian, animist southern Sudan, from 1899 to 1956 (the condominium period) nominally administered jointly by the United Kingdom and Egypt, albeit in practice British-run.

One crucially important point for an understanding of the background to Sudan's civil war is that the British administration deliberately isolated southern (African) Sudan socially, economically, politically and administratively from the influence and dominance of northern (Arab) Sudan. There was even talk at one time of uniting southern Sudan with Uganda. That policy of isolation was to prove fateful, as the two parts of the country never melded into an integrated whole and, even before Sudan came to independence in 1956, there were rebels operating in some parts of southern Sudan. All of Sudan's various civilian and military governments since independence have been undermined by the country's lack of unity. In 1972, though, the Addis Ababa agreement brought an

end to Sudan's civil war, giving southern Sudan a measure of self-government. Peace lasted only for about ten years, however, being broken in 1983, when a weakened President Jafaar Nimeiri declared Islamic *Sharia* law to be Sudanese law, in a move designed to attract support from the country's Islamic fundamentalists. The southern rebel SPLM/A promptly regrouped under the leadership of John Garang and a few months later the Khartoum regime had lost control of the situation in the south of the country. The conflict then took on an international complexion, with Ethiopia backing the SPLM/A, which also received arms and support from the Soviet Union, Cuba, Kenya and Israel.

Sudan's first democratic elections for 20 years were nevertheless held in 1986, with Sadiq Al-Mahdi becoming Prime Minister. He soon turned out to be unable to solve the country's problems, however, and by March 1989 the SPLM/A had gained control of the vast majority of southern Sudan. As stated above, the armed forces and Islamic fundamentalists carried out a coup in June 1989 and have held power since. There have subsequently been a number of armed rebel groups formed in Sudan, including in the east of the country.

Repeated domestic and international attempts to broker a cease-fire and a tenable peace agreement between the warring factions in Sudan, especially between the main rebel movement, the SPLM, whose armed wing, the SPLA, represents the strongest rebel force in military terms, and the NIF regime in Khartoum, have not as yet brought an end to the civil war.

In his October 1999 report on the human rights situation in Sudan, the UN Special Rapporteur, Leonardo Franco, states that the country's civil war worsened during 1999 as a result of the development of oil production there. This led to a further deterioration in the human rights situation generally in Sudan (Special Rapporteur, October 1999, p. 21).

In recent months, however, there have been reports in the press and elsewhere that the Sudanese regime has taken various steps to improve the human rights situation in the country. The regime has also reportedly made a number of moves to improve relations with the country's neighbours. Sudan has concluded bilateral agreements with Egypt, Libya, Chad, Uganda, Eritrea and Ethiopia and President Al-Bashir has recently visited a number of countries in the region.

At first blush, those steps and agreements can be seen as a genuine attempt by Sudan to improve its image in the eyes of the outside world, while the regime is clearly showing a desire to break out of the isolation in which it has found itself for some ten years now. Steps have also been taken within the European Union (EU) to initiate a "critical dialogue" with the Sudanese regime.

The Immigration Service's mission was thus carried out at a time when, after many years of international condemnation and isolation, the Islamic regime in Sudan is now experiencing growing international interest in developments in the country. Interest is being shown in developing the oil industry in oilfields in the south of Sudan. Both Sudan's neighbours and a number of European countries have sought a *rapprochement* with the regime in Khartoum. Sudan has thus been able to conclude a number of peace, trade and other agreements with virtually all of its neighbours in the region. Egypt, for one, has a long-standing historical and geopolitical interest in developments in Sudan, particularly as lengthy stretches of the Nile and its tributaries, north-eastern Africa's number-one water resource, flow through Sudan.

European countries, prime instances being France and the United Kingdom, have shown an interest in fostering dialogue with the Khartoum regime and have to some extent toned down criticism of it. According to several sources, oil finds in Sudan have been instrumental in that *rapprochement*, although it is not being pursued by all European countries or by the USA. Some sources point out that the *rapprochement* with Sudan should not be taken as an indication of any improvement in the

political and human rights situation there. The sources describes the Khartoum regime's claims of improvements in Sudan's human rights record as window-dressing.

It should be emphasised that this report does not give a comprehensive overall picture of human rights violations occurring in Sudan's war zones or elsewhere in the country. It chiefly addresses a number of matters of relevance to asylum applications by Sudanese nationals in Denmark.

Readers wishing for a fuller, more thorough account and appraisal of the human rights situation in Sudan should refer in particular to reports from sources such as the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the US Department of State, Human Rights Watch (HRW) and Amnesty International (AI). Those sources, along with many other human rights organisations, issue frequent reports on the human rights situation in Sudan. It should nevertheless be pointed out that all sources find it hard to obtain accurate information on the human rights situation and human rights violations in Sudan, as the regime has been internationally isolated for years and the country's authorities have not shown any particular willingness to allow international or domestic human rights monitors to investigate conditions in the country. The US State Department, for instance, notes that, not having any diplomatic representation in Sudan, it has had to obtain some of its information on the human rights situation in the country from other sources. The UN Special Rapporteur in Geneva told the delegation that information on the human rights situation in Sudan tends to be contradictory, thus making it hard to give any clear answers to questions about it.

A. *Cairo (Egypt)*

1. Position of Sudanese nationals in Egypt

1.1. Background

The UNHCR in Cairo put the number of Sudanese living in Egypt at about two million, 99% of whom entered the country before 1995, when the rules on admission into and residence in Egypt were tightened up. Those Sudanese who came to Egypt before 1995 all entered the country under the very liberal rules on admission then applicable to Sudanese nationals, i.e. the "visa-free" policy, whereby Sudanese nationals could enter Egypt without restriction.

Abdon Agaw Jok Nhial, Vice-President of the Sudan Human Rights Organisation (SHRO), estimated there to be between half a million and one million Sudanese nationals living in Cairo. Yvette S. Daoud, Second Secretary (Political Affairs) at the Royal Netherlands Embassy in Cairo, put the figure at more like a million.

Simon Apiku, News Editor of the Middle East Times in Cairo, said that from 1989 to 1991 few Sudanese came to Egypt as refugees. The vast majority of those coming to Egypt at that time were students, small traders, private visitors or people seeking medical treatment. In 1991, however, the Egyptian authorities announced that they would no longer provide any financial support for Sudanese wishing to study in Cairo. That decision affected not just students but also Sudanese living together with students in Egypt.

However, Egypt's rules on entry into the country and residence there by Sudanese nationals were substantially changed on 8 July 1995. Brigadier Abdel Aziz Aly, Head of Immigration at the Ministry of the Interior in Cairo, reported that before that date Sudanese could legally live in Egypt without holding a residence permit, nor were there any visa requirements for Sudanese entering Egypt, but as from that date the rules on entry into and residence in Egypt by Sudanese were tightened up.

Apiku explained that the assassination attempt against President Mubarak of Egypt in Addis Ababa in June 1995 represented a turning point and was the reason for bringing in tighter rules on entry into Egypt and residence there by Sudanese, as Sudan was suspected of being behind the assassination attempt. He emphasised that Sudanese nationals already living in Egypt were not subject to the new rules introduced on 8 July 1995.

Further details of the current Egyptian rules governing entry and residence by Sudanese are given below. Aziz Aly pointed out that the rules are reviewed each year. The Egyptian Ministry of the Interior issues annually a revised set of instructions entitled "Travel Documents, Immigration and Nationality Administration", containing the current rules on entry into Egypt and residence there by foreign nationals.

1.2. Entry and residence

According to the instructions referred to above, Sudanese nationals entering Egypt require a valid entry visa. A visa may be applied for at the Egyptian Embassy in Khartoum or from the

immigration authorities in Egypt. In the latter case, the application papers may be submitted by relatives or acquaintances. The entry visa issued is valid for one month.

According to the same instructions, all Sudanese who entered Egypt before 8 July 1995 have been issued indefinite residence permits. Aziz Aly explained that they are to be regarded in the same way as Egyptian nationals and are therefore not subject to the visa requirement. All other Sudanese nationals do basically require a visa in order to enter Egypt.

Apiku reported that Sudanese nationals have long had difficulty in obtaining visas from the Egyptian Embassy in Khartoum. They literally camp out in front of the Egyptian consulate in Khartoum, waiting for visas to be issued. People with contacts in the Embassy operate a black market, procuring visas for a price. It is also hard to obtain a visa from the Egyptian authorities in Cairo. Only close relatives living in Egypt since before 8 July 1995 and permanently resident there can apply for visas on others' behalf. As many people do not fulfil those requirements, a similar black market has sprung up in Cairo, with middlemen procuring visas for a price. The source added that, to his knowledge, the SPLM/A, for instance, could obtain a valid visa for a price of EGP 50 (about DKK 100), less than it would cost on the black market in Khartoum.

The UNHCR nevertheless stated that the visa requirement introduced in 1995 is liberally interpreted and does not constitute a major obstacle preventing Sudanese from entering Egypt.

According to the instructions in question from the Egyptian Ministry of the Interior, there are a number of options for obtaining a residence permit for Egypt, although it will usually be a temporary permit. One possibility is issue of a renewable three-year residence permit in cases such as those registered as refugees with the UNHCR, working for the government or certain organisations or married to an Egyptian national. The instructions are attached as Annex 1 and include a wealth of details not discussed any further here.

Aziz Aly stated that those wishing to have their temporary residence permits (i.e. their original entry visas) extended are required to submit relevant documents and substantiate their application. As a result, only a fairly small number of applications are granted. Renewal is usually for three months at a time. If applications are rejected, applicants' passports will be stamped to show that they must leave the country within a week. Overstaying that limit is deemed illegal presence. Apiku estimated about 90% of the Sudanese entering Egypt since 8 July 1995 to be living there illegally.

Ambassador Mona Khashaba, from the Department of Refugee Affairs at the Ministry of Foreign Affairs in Cairo, explained that Egypt is a party to the 1951 Geneva Convention but, for the time being, registration and actual processing of asylum cases are handled by the UNHCR in Cairo. The Egyptian immigration authorities thus operate under UNHCR guidance. She confirmed UNHCR reports that it is planned gradually to transfer processing of asylum cases entirely to the Egyptian authorities. Actual registration of asylum applicants is due to be transferred to Egypt by the end of 2000. She explained that her office, the Department of Refugee Affairs, acts as a "focal point" liaising between the Egyptian Ministry of the Interior, its security service and the UNHCR. This is to ensure that there are no misunderstandings or mistakes in the processing of asylum cases.

The UNHCR in Cairo reported there to be 6 553 registered refugees living in Egypt as at 1 January 2000, including 2 568 Somalis and 2 577 Sudanese. In all, the UNHCR in Cairo resettled 2 479 refugees in 1999.

Vincent Cochetel, Assistant Regional Representative (Legal Matters) for the UNHCR in Cairo, explained that a major reason for so many people seeking refugee status with the UNHCR in Egypt lies in there being a good chance of resettlement in another country. That is why applicants also come from as far away as, say, Somalia. The total recognition rate for all refugees in Egypt in 1999 was 39%, giving 2 808 of them.

He reported that virtually all of the Sudanese taking refuge in Egypt are aware of the UNHCR's presence in Cairo, adding that most incoming Sudanese in fact apply to the UNHCR there. This was confirmed at a subsequent meeting with UNHCR caseworkers.

The UNHCR office is under heavy pressure and has a considerable backlog of cases to be processed. It currently takes around ten months from registration to interview of applicants. There are at present about 6 600 registered cases with applicants waiting to be interviewed. The UNHCR added that some cases are given priority treatment. People considered to have health problems or be particularly at risk, including especially vulnerable women, will have their cases processed more quickly.

The UNHCR made the point that all asylum applicants are protected from expulsion for the period of registration, i.e. from the date on which they register with the UNHCR as asylum applicants up until the final decision. Should anyone registered with the UNHCR nevertheless be picked up on the street by the Egyptian authorities for not having a residence permit, he would always be able to turn to the UNHCR. He would, however, in any event be taken into custody at the Egyptian authorities' immigration centre, which would contact the UNHCR at the detainee's request or of its own accord. In the case of asylum applicants registered as such with the UNHCR, the latter would intervene to secure their release. The authorities might also contact people's relatives or acquaintances, who would then contact the UNHCR. Cooperation thus works smoothly between the Egyptian authorities and the UNHCR. Khashaba confirmed that practice, emphasising that Egypt complies with the 1951 Convention and does not deport asylum applicants to Sudan.

The UNHCR explained lastly that any applicants rejected by the UNHCR have a chance to appeal in writing against the decision. Until the appeal has been disposed of, they are similarly protected from expulsion. The case is first considered on appeal by a UNHCR officer other than the one who originally ruled on the case. If the appeal is granted, the case will be considered and ruled on by a third member of staff at the UNHCR.

Anyone recognised by the UNHCR as a refugee is issued a UNHCR identity card, valid for six months. Cochetel explained, however, that the card is regularly renewable every half year. The card is stamped by the Egyptian Ministry of the Interior, which also keeps a copy of it. This scheme was introduced in January 1998 and Khashaba pointed to it as an example of smooth cooperation between the Egyptian authorities and the UNHCR. Cochetel reported the identity card to be accepted by the Egyptian authorities. Anyone stopped on the street need only produce his identity card, which shows him to have been granted refugee status and thus have the right of residence in Egypt. This was confirmed by both Aziz Aly and Khashaba. Refugees recognised as such by the UNHCR are fully protected from expulsion to Sudan by the Egyptian authorities.

1.3. Sudanese Embassy procedures for passport issue, including renewal

Colonel Sharif Hassan Nasr, Head of the Immigration Department at the Sudanese Embassy in Cairo, explained that his Embassy, like a few other Sudanese embassies, has a fully-fledged immigration section, particularly on account of the large number of Sudanese living in Cairo. The Cairo Embassy is thus fully empowered to issue new passports. In the normal way, passports are only issued in Khartoum, meaning that passport applications made at embassies without an immigration section always have to be referred to Khartoum and approved there.

Besides issuing new passports, which cost EGP 285 and are usually issued within three days, the Cairo Embassy can also renew expired passports. Sudanese nationals lawfully living in Egypt require a valid passport in order to obtain a residence permit or, where appropriate, have one renewed. Passports are always renewed for two years at a time, by affixing a triangular stamp at the back of them. The stamp includes a number showing in what part of the world the passport has been renewed. There is also a signature over the stamp. An application for renewal usually takes three days to process and costs EGP 48.

As to whether SPLM/A members living in Cairo could apply to the Sudanese Embassy for renewal of expired passports or issue of new ones, Rashid Babiker, spokesman for the Sudan People's Liberation Movement/Army (SPLM/A), stated that no SPLM/A member would ever dream of applying to the Sudanese Embassy in Cairo for anything of the sort. Should the Sudanese authorities know or suspect applicants to have links with the SPLM/A, their passports would be withdrawn and under no circumstances would they manage to obtain a replacement or have a passport renewed. He therefore ruled out the possibility that any SPLM/A member living in Europe as an asylum seeker might have had a passport renewed or a replacement issued at the Sudanese Embassy in Cairo.

Dr Hamouda Fathelrahman, Secretary-General of the Sudan Human Rights Organisation (SHRO), confirmed that special circumstances apply in the case of SPLM/A members. On the other hand, he did not think ordinary, rank-and-file members of the Umma Party (UP) or the Democratic Unionist Party (DUP) would be taking any risk in applying to have a passport renewed. He gave two reasons for this: firstly, they are not perceived as a threat in the same way as SPLM/A members; secondly, it has to be borne in mind that passport renewal provides the Embassy with an important source of income. On the last point he added that the Embassy is mainly self-financing, its principal source of income being fees paid for passport issue and renewal. He went on to observe that it is relatively easy to secure renewal of a passport by bribery at the Embassy. The price varies, but may amount to around EGP 150.

Whether the Embassy will renew a passport or not depends entirely on whether the applicant is considered to be an active, prominent member or an ordinary member of an opposition party. This will in each individual case hinge on the extent of the Embassy's knowledge of the person in question. A very prominent figure would stand no chance at all of having a passport renewed, not even by bribery. Anyone afraid of the Sudanese authorities would seek the assistance of an acquaintance able to bribe Embassy staff. In some cases there might be a risk of the Embassy withdrawing a passport, holding on to it for several days or perhaps asking a favour of the applicant. In such cases it might be necessary to pay more than the official EGP 48 passport renewal fee, according to Fathelrahman.

Apiku thought it impossible for the Sudanese Embassy to be aware of the situation or identity of all Sudanese. For a relatively unknown opposition member, it would be entirely feasible to have a passport issued or renewed. In his view, the Sudanese Embassy is not interested in ordinary, rank-and-file members of Sudanese opposition parties, who are probably not regarded as posing any real threat to the regime. The Sudanese authorities are only interested in prominent members.

At the same time he also pointed out that the Embassy quite simply needs the income from passport renewal. In his view, anyone in trouble with the Sudanese authorities would not have their passport renewed, as the Embassy is of course in touch with Khartoum. Many Sudanese therefore dare not now go to the Embassy. He reported that three or four years ago the Sudanese Embassy in Cairo was in serious financial straits and so raised the cost of passports and their renewal, while also relaxing issue procedures. At that time, everyone could have passports issued and renewed with no difficulty ... other than the fee.

Vincent Cochetel and his UNHCR colleagues said that many members of opposition parties in Cairo get their passports renewed at the Sudanese Embassy there without any difficulty, but the UNHCR's assessment of whether or not someone is in need of protection is not swayed by the issue or renewal of a passport at the Sudanese Embassy in Cairo.

Yvette S. Daoud, Second Secretary at the Royal Netherlands Embassy in Cairo, reported that all Sudanese, even more prominent opposition members, may have their passports renewed at the Sudanese Embassy without any difficulty. Whether a passport is renewed or not depends on a judgment made by the Sudanese Embassy, however, although there is not usually any problem. She added that the fact that someone may have applied for asylum abroad is not held against them by the Sudanese authorities either.

Kamal Ahmed Fadol, President of the Umma Party (UP) in Cairo, reported that Sudanese nationals living abroad who have lost their passport or whose passport has expired will not normally have their passport replaced or renewed at a Sudanese Embassy. As a rule the Embassy will suspect them of being politically active abroad and refuse to renew a passport or to issue a new one. He added that Sudanese nationals abroad known to belong to an opposition party would not risk approaching a Sudanese Embassy abroad, there being a considerable danger that, if they did, it would withdraw their passport.

He went on to explain that people who have joined a Sudanese opposition party abroad or who have links with a student movement abroad risk this coming to the attention of the authorities in Sudan. In that event it is quite likely that the Embassy will refuse to renew a passport or to issue a new one. This in fact occurred when a number of students from Sudan attempted to obtain passports at the Cairo Embassy in the past. He commented that the Sudanese authorities have agents infiltrating Sudanese political circles in Cairo and reporting to the Sudanese Embassy.

Fadol did, though, know of instances of people having a replacement passport issued at the Cairo Embassy. In those cases applicants produced a certificate from the Egyptian police, showing their passport to have been reported as lost. He added that such a certificate can be obtained from the Cairo police by bribery.

Colonel Nasr, of the Sudanese Embassy in Cairo, said that any Sudanese national is entitled to have a passport issued or renewed. He added that foreign nationals who have lived in Sudan for more

than ten years can apply for naturalisation, i.e. citizenship. By law, Sudanese born of Sudanese parents and living in Egypt are Sudanese nationals and will be able to obtain passports in the same way as all other Sudanese nationals. He went on to state that no attention is paid to anyone's political affiliation in issuing or renewing passports.

Nasr explained that a variety of complementary methods are used in identifying applicants. From many years' experience of identifying people as Sudanese, he would be able, after a brief interview, to ascertain whether someone was Sudanese or not. He added that the Embassy has built up extensive know-how in pinning down applicants' ethnic background and the various dialects spoken in Sudan. Applicants are required to identify themselves as Sudanese nationals, i.e. be able to produce a birth certificate or proof of nationality. Anyone unable to do so must establish his identity by some other means, e.g. by producing documents showing his father to be a Sudanese national. Applicants can do this by presenting their father's identity papers, certified by at least two of their father's descendants or ascendants. Applicants have also to take an oath that they are the person they purport to be. If all else fails, applicants may alternatively try to prove their identity by credibly establishing that they have family roots in Sudan dating back to before 1924.

Nasr went on to explain that, where someone belongs to a population group found in both Sudan and a neighbouring country, the authorities would contact the local administration or local tribal leaders, who could always help to identify the person as either a Sudanese or a foreign national.

Should the Embassy be in any doubt as to applicants' true identity, it would either ask them to go to Khartoum and obtain the necessary evidence or refer the application to the relevant authorities in Khartoum for further checks. More detailed enquiries would be made there into applicants' identity by contacting their place of birth. Some localities keep registers in which applicants can be traced, while in other cases more prominent local figures would be required to testify to applicants' identity.

When asked whether there is any central population register in Sudan, Nasr replied that one is under construction. It is not yet fully operational and can only be used manually. The register works on the basis that every passport bears a number, beneath the holder's photo, tallying with a number in the register.

When asked whether the Embassy has any experience of the issue of false passports, Nasr replied that it has no knowledge of anything of the sort, but is aware of passports subsequently being falsified. Such cases usually involve photo substitution. In his view, however, anyone with a false passport would not dare to approach the Embassy to have it renewed, as it would be detected out of hand.

He added that the Embassy cooperates with the Egyptian authorities at Cairo airport to some extent, in situations where people at the airport claim to be Sudanese nationals but cannot establish their identity. The Embassy has assisted the airport authorities in a number of such cases.

Nasr mentioned lastly that the Embassy reports to Khartoum monthly on renewals, visas issued, new passports issued, etc.

1.4. Living conditions for Sudanese nationals and refugees in Egypt

Ambassador Mona Khashaba, from the Department of Refugee Affairs at the Ministry of Foreign Affairs, pointed to the strong historical ties between Egypt and Sudan and a sense of being closely related to one another. Sudan's special geopolitical position is also a significant factor. Egypt wants to see progress towards peace in Sudan, as shown in part by the initiatives taken by Egypt together with other countries in the region, including Libya. Egypt endeavours to treat all Sudanese well. When asked to comment on the position of Sudanese not recognised by the UNHCR as refugees, she replied that they have their residence permits renewed upon application.

Cochetel reported that living conditions for Sudanese in Egypt cannot generally be described as good. Most of the Sudanese in Egypt are living in poor conditions, albeit not in conditions classifiable as inhuman. There is an effective Sudanese community in Egypt, and it was described as strong. He added that there are also many poor Egyptians and the Sudanese are not basically any worse off than them. Cochetel would not describe relations between Egyptians and Sudanese as being marred by racism, but there are instances of harassment. Sudanese Christians, in particular, may be especially liable to harassment and there are even some examples of racism directed against them. He nevertheless made the point that Sudanese Christians do not have any more difficulty in finding work than other Sudanese. Generally speaking, he did not see any especially serious problems for southern Sudanese in Egypt.

When questioned about the rights enjoyed by those recognised as refugees in Egypt, Cochetel replied that they are allowed to marry and to engage in political activity, including for opposition parties and rebel movements, they have access to medical treatment and access to education to a limited extent and are generally afforded legal protection, but they are not actually allowed to take up ordinary employment. However, the latter issue is currently under discussion.

Khashaba explained on this point that refugees cannot be offered work, owing to Egypt's extensive unemployment. The UNHCR, however, was aware that many people find "informal work", to which the Egyptian authorities turn a blind eye to a considerable extent. According to Cochetel, Sudanese refugees' inability to obtain a work permit in Egypt leaves them exposed to some exploitation on the labour market, often working for lower pay than Egyptians. The point was again made that all Sudanese, including those not lawfully resident in Egypt, are tolerated by the Egyptian authorities.

It was added at a later meeting with the UNHCR that there is a cultural tradition of helping one another among Sudanese. The Egyptian authorities also show considerable tolerance towards the Sudanese. However, that does not alter the fact that most Sudanese have to find unauthorised employment and the cost of living is generally high for Sudanese. Egyptian landlords tend to take advantage of the situation and demand a higher rent from Sudanese than from Egyptians.

Abdon Agaw Jok Nhial, Vice-President of the Sudan Human Rights Organisation (SHRO) and representative of the Union of Sudan African Parties in the National Democratic Alliance (NDA), at the NDA Executive Office in Cairo, took the view that most Sudanese in Cairo are living in wretched conditions. Many are illegally resident, having arrived after the "visa-free" policy was discontinued in 1995. Once their visas expire, they have no residence permits and can in principle be expelled to Sudan. Many hold passports which have expired, but their presence is still tolerated by the Egyptian authorities. They have no rights, they live in poverty, some even without a roof over their heads, but all hope to register with the UNHCR as refugees. He added that Egypt appreciates the problems in Sudan.

It is hard for Sudanese to find work in Cairo. Many Egyptian employers feel under pressure not to give the Sudanese jobs, owing to jealousy on the part of some Egyptians. Many people can therefore only find casual odd jobs, such as domestic labour, or live off money received from relatives. Many northern Sudanese living in Cairo have relatives working in the Gulf states.

Nhial reported there to be a number of Catholic churches in Cairo, such as Sakakini – also known as Sacred Heart – Church, All Saints' Church and St Andrew's Church, which assist and protect refugees from southern Sudan or internally displaced people who have left IDP camps in the Khartoum area for Cairo.

Virtually all Sudanese sources in Cairo stated that, since not everyone is granted refugee status by the UNHCR in Cairo or has a residence permit renewed, Sudanese opposition groups in Cairo try to help their members as best they can, including by issuing them with letters of recommendation (see section 2 below). The opposition makes it its business to help its members and attempts to intervene if a member is detained by the Egyptian authorities for whatever reason.

2. *Political groups in exile in Cairo, issue of membership cards and letters of recommendation*

All opposition parties and movements of any size, including the Umma Party (UP), the Democratic Unionist Party (DUP), the Sudan People's Liberation Movement/Army (SPLM/A) and the National Democratic Alliance (NDA), are represented in Cairo.

Recognising that conditions may be difficult for the Sudanese arriving in Cairo almost daily, a number of Sudanese opposition groups and parties issue "to whom it may concern" letters, in reality letters of recommendation, to their members. The idea is to provide individuals once and for all with evidence of their membership, also designed to serve as a call to afford them every assistance. Such letters of recommendation act as a "helping hand", reflecting a particular movement's view of a person's situation.

Farouk Abou Eissa, General Secretary of the Arab Lawyers' Union (ALU) and First Deputy to the Secretary-General of the National Democratic Alliance (NDA), is continually being consulted by Sudanese nationals arriving in Cairo. If he finds a story credible, the NDA's Cairo office draws up a letter of recommendation which the family or individual in question can present to the UNHCR or others for the purpose of being granted refugee status by the UNHCR or otherwise finding protection abroad. He pointed out that such families and individuals are interviewed in great depth, lest any NIF supporters or others having links with the Khartoum regime receive assistance from or infiltrate his office. He went on to emphasise that only he himself signs such letters of recommendation. A specimen letter of recommendation, signed by Farouk Abou Eissa, was supplied and is attached as Annex 2.

Eissa added that, in the case of a lawyer, he would also draw up a similar letter of recommendation/identity paper on behalf of the ALU. He pointed out that, since the military coup in Sudan in June 1989, the ALU has ceased to admit any new members. This ensures that no letters of recommendation/identity papers are issued to anyone who might be working as an agent for the Khartoum regime or have had a part in human rights violations under the present regime.

The SPLM/A's Cairo office acts as a Middle East regional office, under the name of the Middle East Chapter, the movement's head office being in Nairobi (Kenya). In Cairo the SPLM/A engages in active information work among the city's Sudanese community, partly to recruit new members. Babiker explained that meetings and similar events are organised with the aim of spreading knowledge of the movement and at the same time attracting new members. For instance, a number of public meetings have been held at places such as Cairo university and fringe social functions arranged at conferences. In addition, members are offered courses in politics, security, administration, information work, etc. He reported a membership of between 1 000 and 1 500 in Cairo.

Any Sudanese national can join the SPLM/A. Babiker made the point that it is important to see the SPLM/A as a political movement rather than a political party proper. The SPLM/A campaigns for the overthrow of the NIF regime in Khartoum and the introduction of a new kind of society, in which after a four-year transition period the Sudanese people would be left to decide in democratic elections whether the country should be divided. The key factor in membership of the SPLM/A is thus endorsement of that political objective of a "new Sudan" reflecting the country's demographic make-up. A policy of negotiation with the regime is being pursued at present in the hope of helping to establish a genuine political life. He explained that the SPLM/A has room for everyone, regardless of ethnic origin or faith, counting both Christians and Muslims among its members. Most of its membership is drawn from three provinces in southern Sudan: Eastern Equatoria, Western Equatoria and Bahr El Ghazal, but the movement also has members from the Nuba Mountains and Blue Nile province and to some extent from Darfur. He illustrated the SPLM/A's attitude of treating all people as equal by pointing to its relations with a Muslim organisation, the New Sudan Islamic Council, which upholds Muslim interests in southern Sudan. This operates in SPLM/A-controlled territory, without the SPLM/A being troubled by its presence.

Babiker explained that, with all membership applications, new members are checked out to guard against infiltration of the movement. A system has been established whereby it is only possible to join on the recommendation of two known existing members. Would-be members are also required to report in person to the office, where, besides identifying themselves, they have to complete a form and be interviewed by people from the movement.

Membership of the SPLM/A costs EGP 50, with a fee of EGP 10 for its subsequent renewal. Membership is valid for two years, after which time it has to be renewed. Upon renewal, members once again have to apply in person at the SPLM/A office, although anyone having left the country, for instance, can renew his membership at one of the movement's offices abroad. Those failing to renew their membership still remain registered with the movement. All members are given a registration number, as shown on their membership card. The number also reflects their position in the organisation. Upon joining, new members are issued a membership card, showing their personal particulars, the dates of issue and expiry and their photo. The photo used to be affixed manually, but the procedure now used is to scan it into the card (see Annex 3).

When asked whether membership of the SPLM/A can in itself provide any protection from interference by the Egyptian authorities, Babiker replied that the movement does its utmost to help members. It therefore also issues certificates and "to whom it may concern" letters, which, besides establishing identity and SPLM/A membership, request that the holder be afforded the necessary assistance, irrespective of place of residence (see Annex 4). Such letters may, for instance, help anyone detained to be given an opportunity to phone relatives or friends. He pointed out here that

The Egyptian police operate capriciously and it is often necessary to pay a bribe for such a facility. All of the movement's members are instructed to try and contact the SPLM/A in the event of any difficulties with the authorities. Where the SPLM/A learns of an arrest, it attempts to intervene and secure the detainee's release, which it often manages to do. Consequently, new members are in all cases urged to contact the UNHCR in Cairo for the purpose of registering as refugees, since refugee status granted by the UNHCR is always respected by the Egyptian authorities.

Fadol explained that the Umma Party (UP) has its political base in western Sudan (being a party stemming from the *Ansar* religious movement). Backing for the party is especially strong among the Fur, Nuba and Arab ethnic groups, but it also draws support from elsewhere in Sudan. Whether someone can be regarded as a UP member or not is ethnically related, as voting in Sudan is often determined by ethnic background. He thus classed members of, say, the Fur population group as UP members. The UP's Cairo office therefore does not register people as members of the party in the normal sense; the party is open to all, with no kind of screening of prospective "members" either. He went on to observe that the UP does not recruit "members" in Cairo, but it is possible to become one, although this is very rare. He added that there are also "affiliated persons", sympathising with the UP, who may be, for instance, trade unionists, communists, DUP members or others merely supporting the former Prime Minister and present UP leader, Sadiq Al-Mahdi. Fadol lastly pointed out that Sadiq Al-Mahdi was repeatedly imprisoned during the period 1989-1994. The NIF leader, Hassan Al-Turabi, is married to Sadiq Al-Mahdi's sister and therefore tried to persuade him to form an alliance, which Sadiq Al-Mahdi refused to do.

The UP only issued membership cards to its members up until the end of 1998, all of those cards being signed by one of its members, Osama Hassan Adem Mohammed. It does not have copies of those membership cards. Since the autumn of 1998, the UP in Cairo has only issued a total of five membership cards, copies of all of which are kept at its Cairo office.

Fadol reported that the UP still issues letters of recommendation to its "members" (see Annex 5). It regularly receives requests from people wanting to substantiate their "membership" of the party, usually because they have been to the UNHCR, which has asked for this to be done. The office does not receive such requests daily; they may be weeks apart, but it issues an average of one letter of recommendation a day.

He made the point that, before issuing any letter of recommendation, the office takes great pains to establish the identity of the person to whom it is to be issued, who has to complete a form and be interviewed by a five-member panel, while information on such people is also obtained from their ethnic group in Cairo. When asked whether his office had any knowledge of false letters of recommendation, he replied that he was aware of such. At one time, people in the office had sold stamps to outsiders.

Fadol added that, as his office has not had a computer in working order for the last two years, blank letters of recommendation have sometimes been handed to people, asking them to fill in the relevant information themselves, after which the letters have been signed by him.

He explained that, if anyone having links with the UP is detained by the authorities in Egypt for not having a residence permit, the UP will usually be contacted by the police or by the person's relatives or acquaintances. The UP then takes steps to secure the detainee's release. In most cases it manages

to do so, although he could point to one case, around November 1999, in which someone was nevertheless expelled.

Apiku, of the Middle East Times, moreover, reported a rise in membership figures for Sudanese opposition parties in Cairo when the UNHCR started up its programmes there in 1993. Many Sudanese in Cairo had up to then not even heard of the movements' presence or shown any interest in them. The parties of course welcomed the new members, who also boosted party funds. In his view, many joined and are continuing to join without committing themselves to work for the parties.

Cochetel explained that the UNHCR does not attach decisive importance to membership of Sudanese opposition parties in Cairo in examining asylum applications. It believes some people to have joined parties in Cairo without actively taking any part in their work. However, the UNHCR considers that people may well be in need of protection, even if they have joined an opposition party only after coming to Egypt. One important factor here is whether such people are able to give a convincing account of their party political commitment, etc. An individual member's prominence and level of action will be of relevance to the UNHCR's assessment. In a number of cases, however, people have been unable to credibly establish their supposed activities.

Where applicants produce substantiation of their activities for an opposition party, the UNHCR makes an overall assessment of their reasons for seeking asylum and of all other factors involved in their case. This means, for one thing, that importance is attached to the consistency or soundness of their story, while knowledge of conditions in their country of origin also of course has a bearing on the matter. Decisions are taken on all asylum applications on a case-by-case basis, with the benefit of the doubt often having to be given.

3. *Sudanese nationals' ability to re-enter and live in Egypt*

Cochetel stated that a UNHCR-registered refugee would be able to leave Egypt and re-enter the country. The UNHCR has an electronic database in which all those applying to the UNHCR over the last five years have been recorded. Applications going back more than five years are recorded manually. The database does not contain fingerprints, but all relevant documents in an individual asylum case are scanned into it. It is thus possible to ascertain whether an asylum applicant abroad has been registered with the UNHCR in Cairo. There are no instances of the Egyptian authorities refusing to allow a UNHCR-registered refugee to re-enter Egypt. The Egyptian Department of Refugee Affairs at the Ministry of Foreign Affairs is, however, required to be contacted in advance regarding any planned expulsion to Egypt. He made the point that it is fairly easy for a registered refugee to re-enter the country, adding that, for Sudanese not registered with the UNHCR, re-entry is difficult and possible only on an individual basis.

Ambassador Mona Khashaba, from the Department of Refugee Affairs at the Ministry of Foreign Affairs, explained that a Sudanese national previously living in Egypt who has been refused a residence permit in Denmark can be expelled to Egypt only by arrangement with the relevant Egyptian authorities. It is essential here for the authorities to be informed of the reason for withholding a residence permit in Denmark. Such cases would be dealt with on an individual basis.

Aziz Aly, Head of Immigration at the Ministry of the Interior in Cairo, said that whether a Sudanese national previously living in Egypt whose asylum application has been rejected in Denmark would be allowed to enter Egypt is a matter for the Department of Refugee Affairs at the Ministry of Foreign Affairs.

Khashaba emphasised that, as a co-signatory of the 1951 Convention, Egypt complies with the non-*refoulement* principle in practice and therefore does not deport any Sudanese to Sudan. If people are recognised as refugees by the UNHCR, the Egyptian authorities will respect that status at all times and never expel them to their country of origin. She nonetheless made clear her hope that Sudanese would one day be able to return to Sudan of their own accord. She expressed a measure of optimism regarding developments in Sudan, adding that the UNHCR is giving some thought to voluntary repatriation to Sudan.

Aziz Aly likewise reported that recognised refugees are not expelled to Sudan. Cochetel said that, to his knowledge, the Egyptian authorities have not carried out a single expulsion over the last five years.

Khashaba made the point that even Sudanese nationals without a valid Egyptian residence permit do not risk expulsion to Sudan. Should they be picked up by the police, officers would contact the Department of Refugee Affairs, which would then enquire of the UNHCR whether they should be granted asylum. Even where the UNHCR did not consider them in need of protection, the Egyptian authorities would not expel them to Sudan. She maintained that Egypt has not deported any Sudanese to their country of origin since 1995. Not even "undesirables" from Sudan have been deported there, only to a safe third country of their own choice.

The UNHCR reported there to have been no instances of expulsion of registered asylum applicants awaiting interview, nor of expulsion between interview and a final decision. The UNHCR does not in fact inform the Egyptian authorities of rejection decisions. The Egyptian authorities may sometimes detain an asylum applicant for not having a residence permit, but in most cases the police themselves contact the UNHCR and the detainee is released. The UNHCR added that there are instances in which people living in Cairo illegally for some length of time, on being detained, ask to speak to the UNHCR. In the UNHCR's view, such a request would always be granted by the Egyptian authorities.

Fadol (UP) denied that detainees asking to contact the UNHCR would have their request granted by the police. Should they nevertheless be allowed to contact the UNHCR, in his opinion the UNHCR would not react. He did not consider the UNHCR to have the resources and responsiveness to take any action under such circumstances. People would instead usually secure their release by paying the police an amount of, say, around EGP 10.

Aziz Aly explained that people found to be living in Egypt unlawfully have further enquiries made into their situation, as a basis for assessing whether they should possibly be issued a residence permit. This involves cooperation between the Investigation Department, the Ministry of the Interior and the UNHCR. He could not rule out the possibility that even Sudanese nationals might risk having their asylum applications rejected and therefore being expelled to Sudan.

Babiker took the view that the Egyptian authorities do not as a rule expel SPLM/A members to Sudan for not having a residence permit. Only in one case has a member in the past been expelled to Sudan, in spite of the movement's attempts to prevent this. As a result, new members are in all cases instructed to contact the UNHCR in Cairo for the purpose of registering as a refugee, since recognition by the UNHCR as a refugee provides the only real protection against expulsion and will always be respected by the Egyptian authorities.

Nhial regarded the risk of expulsion on account of illegal presence as minimal. He knew of only a handful of examples of this. He believed there to be between half a million and one million Sudanese living in Egypt, although most of them do not enjoy any legal residence entitlement. In his view, however, there is no problem so long as they do not leave the country. If they do, on the other hand, they will not be allowed to re-enter Egypt as they are without a valid residence permit. In some cases a residence permit also serves as a re-entry visa. Whether an Egyptian residence permit enables the holder to re-enter the country is shown by an entry in the holder's Sudanese passport. He added that Sudanese opposition leaders who have taken refuge in Egypt are all legally entitled to reside there and can leave the country and re-enter it without any difficulty.

Eissa reported that people are sent back to Sudan but, if the authorities believe anyone to be a member of an opposition party or even to have links with one, they will be in no danger of expulsion. This is one reason for issuing certificates in the form of "to whom it may concern" letters and even special cards for Sudanese lawyers, as such papers help to ensure that they are not expelled.

He observed that the Egyptian authorities only deport Sudanese nationals to Sudan if they are suspected of spying or engaging in similar activities on behalf of the Sudanese Government and added that the NDA cooperates smoothly with the Egyptian authorities.

Apiku explained that the political relationship between Egypt and Sudan affect Egypt's attitude towards the Sudanese in the country. At times when the two countries enjoy good relations there is a risk of opposition politicians being forced to leave Egypt. He could report that two prominent NDA leaders were obliged to leave Egypt last year: Fahti, the head of the Legitimate Command rebel group, consisting mainly of troops from ex-Prime Minister Sadiq Al-Mahdi's Sudan Armed Forces, and Abdel Aziz Khalid, the head of the Sudan Alliance Forces (SAF) rebel movement. Even though both have relatives in Cairo and were themselves living in the city, the Egyptian authorities remained adamant that they must leave the country. NDA rebels in eastern Sudan had earlier in the year blown up an oil pipeline and Fahti claimed responsibility for the actual operation, while Khalid publicly supported it. The Khartoum regime therefore demanded the two men's extradition. This placed Egypt in an awkward dilemma, as relations between the two countries were good, while Egypt was also on good terms with the NDA. Egypt solved the problem by asking the two rebels to go "voluntarily and in secrecy" to Eritrea, where the NDA has its headquarters. The two are now living in Eritrea.

Apiku pointed out, however, that even at times when relations between Egypt and Sudan can be described as poor there is a risk of Sudanese nationals being forced to leave Egypt. A number of deportations were in fact carried out in 1995 and 1997, but only very few in 1998. Since May 1999, though, the two countries have enjoyed good relations.

Babiker confirmed that the political relationship between Egypt and Sudan may have an impact on relations between the Egyptian authorities and the Sudanese in Egypt.

Daoud reported Egypt not to show any willingness to accept rejected Sudanese asylum seekers from Europe. She pointed out that there is no recent experience of returning rejected Sudanese asylum seekers to Egypt from the Netherlands, adding that, should Egypt agree to take in any rejected

Sudanese asylum seekers from Denmark, there is unlikely to be any risk of them being sent on to Sudan.

B. *Khartoum (Sudan)*

1. Entry into Sudan

1.1. Decree No 4/B/307 on admission of Sudanese nationals into Sudan

In connection with the Danish Immigration Service's enquiries into the existence and application of a reported Sudanese decree No 4/B/307 on admission of Sudanese nationals into Sudan, the Netherlands Embassy in Cairo informed the Danish Embassy there in writing that there is no decree, law or regulation with the number 4/B/307, by means of a letter dated 13 January 2000 (see Annexes 6 and 7). The letter also states that Sudanese nationals who have been abroad for more than one year do not have to report to the security service, police or any other investigative agency in Sudan for an interview. On the other hand, those who have been abroad for more than one year do have to report to the tax authorities in Sudan on their return. This is because Sudanese nationals abroad are required to pay tax in Sudan for the period spent abroad. The tax is payable in foreign currency. If they fail to do so, they are guilty of tax evasion and will not be able to get an exit visa if they want to travel abroad again.

Fathelrahman (SHRO), however, reported that there is a decree requiring Sudanese nationals who have been abroad for over one year to be detained on their return and transferred to security service headquarters in Khartoum for questioning, regardless of where they entered Sudan. He stressed that the decree remains in force in Sudan.

Fathelrahman went on to point out that the decree in practice applies to anyone entering Sudan after spending more than a year abroad. There are no exceptions and the security police have standing orders to make sure that everyone covered by the decree is in fact taken to security police headquarters in Khartoum. He explained that many students returning to Sudan after having lived in Cairo are thus taken to police headquarters in Khartoum for questioning.

The same source made the point that it is not the letter of the decree, or of the law, that determines what might befall anyone taken to be questioned by the security police. The latter's own interpretation of the law and the contingent circumstances prevailing at the time will decide the consequences of detention and questioning for the detainee. Anyone suspected by the security police, on the basis of such questioning, of having engaged in political activities for the opposition, etc. risks ill-treatment, including torture.

1.2. Risk of returning Sudanese nationals suffering abuses

Fathelrahman pointed out that, under the 1991 Sudanese penal code, the security police enjoy immunity from prosecution. In practice this means that the security police are completely free to act exactly as they like. Nor is there any law requiring the security police to seek a court order or other judicial authorisation. He added that Sudan's present constitution, introduced in 1998, has made no difference in this respect. Both the penal code and a number of other laws in practice applicable to security matters in Sudan take precedence over the country's constitution.

Babiker explained that the position for members of the political opposition who have been abroad for whatever length of time and return to Sudan is often far more difficult than for those remaining inside the country. He pointed out that ordinary (rank-and-file) members of opposition parties and

movements returning after time spent abroad who have engaged in political activities abroad, e.g. attending conferences or other known political work, will be questioned about their situation and activities on their return. They risk lengthy detention. In his view, SPLM/A members, in particular, would risk ill-treatment in the event of re-entering Sudan.

More prominent members of the opposition, on the other hand, do not face lengthy detention on returning. They will merely be questioned briefly about their time abroad. He put this down to the authorities being far more concerned about reactions in the outside world when detainees are known abroad.

Fadol (UP) considered that ordinary people returning to Sudan would not be questioned about their situation, on re-entering the country, not even people who have been abroad for some while, e.g. a number of years. This has been the case throughout the present regime's time in power. He added, however, that people returning to Sudan from countries having strained or hostile relations with Sudan would be questioned about their situation. At a time in 1997 when relations between Eritrea and Sudan were strained, for instance, someone returning to Sudan after a stay in Asmara, in Eritrea, was warned that he would be taken in for questioning on his return. However, the person in question had well-placed contacts at the highest level in the Sudanese Ministry of the Interior, from whom he obtained assistance in entering the country without any difficulty. Had he not had that contact at the Ministry, he would have been unable to enter the country so easily.

Fadol added that anyone suspected by the authorities in Sudan of working for the opposition abroad would risk being questioned and possibly arrested on returning. He could remember an incident in 1995 when an opposition activist had been detained for nearly a week and there was no way of knowing for certain whether people are still being detained in that way. Last year he had given some thought to whether to let his wife travel from Cairo, where he and his family are now living, to Khartoum in order to visit her relatives. He considered there to be a risk of the authorities not allowing her to leave the country again.

As to whether expulsion of rejected asylum seekers from European countries to Sudan might expose them to ill-treatment on arrival in Sudan, Leonardo Franco had no knowledge of any such cases. He added that he was not aware whether any countries which had expelled people to Sudan have carried out any kind of monitoring of their subsequent fate. He pointed out, however, that there is in any event no chance of a returnee from abroad entering the country unnoticed via Khartoum airport. The airport has few arrivals and departures and extensive checks are made on passengers.

Daoud, of the Royal Netherlands Embassy in Cairo, reported that the Sudanese authorities are not interested in ordinary members of Sudanese opposition parties returning to Sudan. In her view, only prominent active members of such parties may risk attracting the Sudanese authorities' attention on re-entering Sudan.

2. *Exit from Sudan*

Fadol explained that anyone wanting to leave Sudan must have an exit visa, obtainable from the Sudanese Ministry of the Interior, in his passport. There are three checkpoints at Khartoum airport.

According to Nhial, the Sudanese Government has recently made it easier for even members of opposition parties to obtain an exit visa in Sudan and thus be able to leave the country legally. He made the point that the government is actually pleased to see opposition members leaving Sudan. He reported that many prominent opposition figures from northern Sudan, in particular, have

had their property confiscated by the authorities and been over-taxed, leaving many of them ruined and causing them to leave the country.

Nhial also referred to one result of the conflict between President Al-Bashir and Al-Turabi being that Al-Bashir is now trying to muster support among public opinion in ways such as liberalising Sudan's exit procedures. He instanced a leading member of the Umma Party (UP), Haj Abdel Rahman Nugdallah, imprisoned for over seven years, who has now been released and permitted both to leave Sudan and to re-enter the country. This was apparently designed to show the outside world that anyone is free to come and go in the country. He did not think it would last, however, and cautioned against believing it to show Sudan as being in the process of liberalising conditions in the country. This is a deliberate policy intended merely to persuade public opinion in Sudan that the country is moving out of its international isolation, as well as keeping the outside world satisfied with developments in Sudan.

Fadol stated that leading opposition politicians and activists are now allowed to leave Sudan and re-enter the country.

Eissa reported that Sudanese leaving for Egypt usually travel by rail from Khartoum to Halfa, in northern Sudan, on the border with Egypt. From there they can bribe their way out of the country. He added that people unable to afford the train journey have walked for up to a fortnight in order to cross the border into Egypt.

Apiku pointed to an upsurge in the number of Sudanese nationals entering Egypt last year, which he attributed to the reopening of the Halfa border-crossing between Sudan and Egypt after it had in practice been closed for five years. He went on to explain that in 1995 the Egyptian authorities drew up a "black list" of undesirables to be refused admission to Egypt. All Sudanese entering Egypt undergo security checks both at airports and at border-crossings, including Aswan on the northern side of the border across from Halfa. Anyone on the list will be denied entry at the border and sent back to Sudan. No information is available regarding who is on the Egyptian authorities' list or what other details it gives of those listed. He did add, though, that the list has not proved very accurate.

Cochetel, too, reported it to have become considerably easier to leave the country via Halfa of late. He now thought it easy to leave Sudan. That does not, however, apply to government employees in spheres in which they are in possession of inside information from within the administration. He made the point that there is not now any coordinated effort by the authorities to prevent even their political opponents from leaving Sudan.

Cochetel explained that most southern Sudanese in Cairo have usually spent several months in IDP camps around Khartoum before moving on to Egypt. Having said that, he firmly believed that most of those refugees actually want to remain in Khartoum or, were it possible and safe to do so, return to southern Sudan. He reported it to be very uncommon for Sudanese from the south of the country to have travelled direct all the way from southern Sudan to Egypt.

Fathelrahman stated that the authorities have banned opposition members from leaving Sudan. Their names appear on a list held by the authorities at every point of departure from Sudan.

As regards scope for leaving the country in the case of people attracting the authorities' attention, however, Leonardo Franco could report that the Sudanese Government has recently announced that it no longer keeps a list of people not allowed to leave the country and last year the government also announced that it is not now a punishable offence to leave Sudan. He pointed out that those were government announcements and he could not comment on whether discontinuation of the list and

liberalisation have in fact been put into practice. He added that there is generally less risk involved in leaving Sudan illegally overland to, say, Chad or Egypt than by way of Khartoum airport.

Fadol explained that women cannot leave Sudan unless accompanied by their father, their husband or another close male relative, such as a brother or uncle.

According to Eissa, journalists and media reporters can obtain an exit visa, as required in order to leave the country legally, only with great difficulty, if at all. The same also applies to lawyers and others suspected by the authorities of possibly being in possession of information which the authorities do not want brought to the outside world's attention.

Dr Abdullah Mansour, Director of the Al-Nadim Centre in Cairo (a rehabilitation centre for torture victims), thought it very difficult to leave Sudan legally. Accounts of how the country has been left can therefore at times sound quite surreal, although they may be true. Many people have in fact managed to get out of Sudan by means including bribery.

2.1. Scope for corruption in leaving the country

Fadol explained that both deserters and draft evaders are able to leave via official points of departure from Sudan. It is possible for them to obtain both passports and exit visas, etc. by means of bribery. Border control officers at points of departure from Sudan can easily be bribed. Checks there were described as not very effective, despite each passenger at Khartoum airport, for instance, being checked three times on departure. Reasons for such susceptibility to corruption include family ties and low pay for airport staff. The same also applies to all points of departure from Sudan, i.e. Halfa in the north and Port Sudan in the east as well. He nevertheless made the point that anyone on the list of wanted persons issued by the Ministry of the Interior would never manage to use bribery to obtain an exit stamp or leave Sudan via Khartoum airport. All those leaving Sudan require an exit permit in their passport, in the form of a stamp issued by the Ministry of the Interior.

People merely of conscription age, on the other hand, would find it relatively easy to bribe their way out of the country via Khartoum airport. The same applies to deserters from the army and members of the political opposition. The authorities are not very well able to check on all departing passengers. This is due to shortage of financial resources and a general casualness about checks on departure. The point was again made that this only applies to people not on the authorities' list of wanted persons.

Eissa, too, referred to the scope for those wishing to leave Sudan to bribe their way out via Khartoum airport. However, people are apprehensive about leaving and many students, in particular, are refused an exit visa.

3. Recent political developments in Sudan

There were reports in December 1999 of a split emerging within the National Democratic Alliance (NDA) opposition umbrella organisation (Africa Confidential, Vol. 40, No 24, 3 December 1999, p. 8) over the reconciliation agreement concluded by representatives of President Al-Bashir and the Umma Party in Djibouti on 25 November 1999. The text of the agreement, entitled *Nidaa Al-Watan* (the country's call), is attached as Annex 8. The agreement was criticised by the rest of the opposition, including the largest of the eight opposition groups, the SPLM/A, which complained that the NDA has been weakened by bilateral talks between the government and the Umma Party.

Eissa explained that opinions differ about the agreement. That "Umma Party agreement", as he termed it, was rejected by the NDA at a subsequent NDA meeting in Kampala, since the agreement could not form the basis for a common opposition platform. He added, however, that the problem over the agreement has resolved itself, as President Al-Bashir has failed to observe the agreement, which has thus come to nothing and is in practice not worth the paper it is written on. He made the point that the Umma Party remains a full partner in the NDA opposition alliance and the NDA's strategy is for any negotiations with the Khartoum regime to be conducted within a united opposition.

Like other sources, Leonardo Franco thought that the problems over the Djibouti reconciliation agreement between President Al-Bashir and the Umma Party should not be taken too seriously. The Umma Party appears willing to negotiate with the government, but will obviously not be prepared simply to negotiate on the government's terms. Relations between the opposition and the government are thus strained, although there are still some talks going on.

As regards the rift between President Al-Bashir and Al-Turabi, Eissa reported the two now to have made up their differences. He added that there has been no change in the NIF regime's policy. The regime has merely been pressured into reuniting by the international Islamic fundamentalist community.

Franco saw the power struggle between Hassan Al-Turabi and President Al-Bashir as meaning that they are no longer to be regarded as allies. It has also prompted President Al-Bashir to try and reach agreements with the political opposition in Sudan. In Franco's view, this may help improve the human rights situation in the country, although he pointed out that there is also a risk of such a process having the opposite result and leading to serious setbacks.

On 15 March 2000, however, the IRIN News Briefs (Integrated Regional Information Network, United Nations Office for the Coordination of Humanitarian Affairs (OCHA)) reported that on 12 March 2000 the government extended the state of emergency in the country until the end of the year. According to the same source, "former speaker of parliament Hassan Al-Turabi – who is now marginalised – has called on the people to use their power to protect Sudan's constitution from violation 'if the regular forces fail to do so'". The same issue of the IRIN News Briefs reported that on 13 March 2000 the Economist Intelligence Unit (EIU) forecast that the power struggle between President Al-Bashir and Al-Turabi would continue for the foreseeable future.

The power struggle between President Al-Bashir and Speaker Hassan Al-Turabi in Khartoum in recent months has not made any difference to the SPLM/A's political or human rights assessment of what is termed the "NIF regime" in Khartoum. The SPLM/A's Cairo spokesman, Babiker, described President Al-Bashir's dissolution of the National Assembly on 12 December 1999 and the current power struggle between the two political factions in Khartoum as a purely internal affair within the government. He pointed out that it constitutes an internal government political crisis over which the opposition has no influence. The crisis has spawned three political factions:

- an Al-Bashir and Ali Osman Taha faction (Taha being Sudan's Vice-President);
- a Hassan Al-Turabi faction;
- a "non-NIF" faction, comprising sections of the Sudanese armed forces.

Babiker emphasised that none of those factions stands for political change in Khartoum. The emergence of the three factions merely reflects a serious weakening of the "NIF regime". At the same time he made it clear that the SPLM/A does not regard President Al-Bashir's faction as representing a more moderate political line towards the political and armed opposition in the country. On the contrary, he described President Al-Bashir's political faction as far more hard-line than Hassan Al-Turabi's, arguing that Al-Bashir takes a much tougher political line towards the SPLM/A than does Hassan Al-Turabi.

Babiker concluded that the political turbulence in Sudan in recent months has not brought about a more favourable setting for negotiations between the SPLM/A and the rest of the opposition, on the one hand, and the "NIF regime", on the other. He pointed out that the government has not yet given a positive response to the preconditions for negotiations with it put forward by the opposition National Democratic Alliance (NDA), which includes the SPLM/A. Those preconditions are:

- political freedom;
- release of all political prisoners;
- repeal of the state of emergency in those parts of Sudan in which there is no armed fighting;
- lease of confiscated property belonging to the opposition;
- repeal of some sections of the constitution.

The government has merely told the opposition in reply that there is already a favourable political climate for negotiations in Sudan.

4. Human rights situation

According to the UN Special Rapporteur's October 1999 report on the situation of human rights in Sudan, reports continued to be received in 1999 concerning the frequent use of torture and arbitrary detention affecting, *inter alia*, human rights defenders, journalists and political opponents. Freedom of expression and of the press and the right of assembly continue to be curtailed (Special Rapporteur, October 1999, p. 22). The same report states that the 1998 constitution and the law on political parties, or "Law on the Regulation of *Tawali*", which came into force on 1 January 1999, have resulted in some 33 political parties registering in Sudan, but the Special Rapporteur regrets that traditional northern Sudanese parties, such as the UP and the DUP, have not registered and the Sudanese Communist Party has not been allowed to register (p. 15).

Having been refused admission to Sudan by the Sudanese Ministry of External Relations at the end of February 2000, the Immigration Service delegation contacted the Special Rapporteur, Leonardo Franco, at the Office of the UN High Commissioner for Human Rights (OHCHR) in Geneva, in order to obtain from him further information on the latest political developments and the human rights situation in Sudan.

Leonardo Franco, who carried out a mission to Sudan in late February 2000, stated at an informal meeting with the Immigration Service delegation in Geneva that he had not yet completed his report on the mission, but it would be available in draft form in mid-March 2000 for subsequent approval by the UN Secretary-General. He emphasised that his information and views are therefore preliminary and unofficial in nature.

Franco began by pointing out that there have been some improvements in the human rights situation in Sudan as regards freedom of assembly and of expression, albeit limited ones. He added that over

the last six months or so there have been some signs of a reduction in use of torture and arbitrary arrests.

According to Eissa, the apparent improvement in the human rights situation in Sudan merely shows that the authorities are more concerned than hitherto about concealing violations from the outside world. The overt violations of the past, when the regime did not care about reactions and condemnation from the outside world, have now given way to defensive-looking government statements. Human rights violations are continuing, but now in a covert manner.

Eissa was, however, willing to admit that conditions for the opposition can generally be regarded as having improved over the last six months or so. Persecution and harassment of the opposition are not now as extensive and blatant as they used to be. He nevertheless pointed out that violence is still used by the authorities when the opposition tries to hold political meetings, even when they take place indoors in private homes. Nearly all, or maybe even all, political prisoners in Khartoum have now been released, but there are fresh signs of political opponents once again being detained.

Eissa reported that the Khartoum regime has been condemned six times in all by the Office of the UN High Commissioner for Human Rights in Geneva on account of human rights violations, but in spite of that there has been no real improvement in the human rights situation in the country.

Babiker considered the human rights situation in Sudan to be nowhere near as good as the government wants to make out. The authorities attempt to infiltrate the political opposition, whose members are at times detained, but only for a fairly short while, just a day or two. There are also instances of even people merely present at political meetings, etc., while not members, being detained by the authorities, particularly people suspected of opposition sympathies. Such detainees are usually held for just a few hours but may even be held for two or three days. They are questioned by the authorities about their circumstances and then released. No physical force or torture is used. He pointed to clear signs that human rights violations no longer include torture or other use of physical force, although many people still feel they are being watched by the security service, which poses a real problem.

Fathelrahman, who has himself as a human rights lawyer in Sudan been subjected to ill-treatment, including torture, berated the Sudanese Government for its part in the civil war and for the continued repression and ill-treatment of actual and suspected opponents of the regime, even now. In substantiation, he produced a public statement drawn up by his Sudan Human Rights Organisation (SHRO) in October 1999 and handed to the US Special Envoy to Sudan that month, which is attached as Annex 9.

4.1. Risk of arbitrary detention

Franco explained that whether the scale of torture and arbitrary arrests remains unchanged is hard to say, adding that many people end up in prison merely because they cannot afford to pay fines imposed on them. He could nonetheless confirm reports by the Al-Nadim Centre and other sources drawn on by the delegation that the number of political prisoners in Sudan may be lower than it was.

Franco observed that the security service remains completely intact and the legislation governing it unaltered. The Sudanese security service is governed by a 1999 law which allows people to be held for three days without being brought before a magistrate or having access to a lawyer. The security service can also detain people for a further two 30-day periods. He regarded this as a serious, fundamental human rights problem, not least because that is usually when torture occurs.

Both the UNHCR and virtually all other sources consulted by the delegation during the mission pointed out that the situation in Sudan is to be regarded as fluid and hence unpredictable. The UNHCR made it clear to the delegation that no firm guidance can be given as to who risks suffering abuses in Sudan. Several sources also emphasised that people are arbitrarily detained. The UNHCR added that, in some cases, detainees are not even aware themselves why they are being held. There is also a risk of them being subjected to what the UNHCR termed "extreme treatment".

As to which sectors of the population especially risk attracting the authorities' attention and hence facing ill-treatment at their hands, Franco replied that students, opposition militants, members of the UP and the Communist Party, southern Sudanese, human rights campaigners and journalists are in particular danger. Generally speaking, people in possession, or suspected of being in possession, of information about the regime and its activities risk suffering abuses. He singled out students as a particular risk group, since students form a prime recruiting ground for the armed forces.

4.2. Press

Eissa reported, as did Leonardo Franco, that some relaxation of conditions for the press in Sudan was perceptible in 1999. Three newspapers nevertheless found themselves being closed down by the authorities during the year. The editor of *Al Ray Al Akhar* was repeatedly questioned by the authorities and had his newspaper closed down seven times in all during 1999. *Al Ray Al Akhar* was recently allowed to publish again following the "palace coup" in December 1999.

4.3. Political parties

Fadol explained that no parties apart from the NIF have offices in Khartoum. The opposition is only represented in Khartoum by what he described as "unrecognised members". He added that the Umma Party has representatives living in Khartoum and all of the party's political leaders are now at liberty, having been released in late December 1999. None of those released enjoys any political rights, however, and so they cannot publicly engage in any kind of political activity.

As to whether opposition members could express their views in any way in Khartoum, Fadol explained that criticism of the regime is heard during Friday prayers in mosques. Such criticism may be voiced without the authorities intervening, although in the event of especially strong criticism the source(s) of it will be arrested and taken for questioning. The security police always keep an eye on what such people are up to. Even the imam risks being arrested following Friday prayers if he levels criticism at the authorities.

Fathelrahman reported few members of the political opposition to be arrested and detained in Khartoum. However, he could not say whether any at all of the inmates of Khartoum's prisons might be classifiable as political prisoners. Those most likely to attract the authorities' attention are political activists, trade unionists and human rights campaigners. He also referred to the introduction of a new practice in Sudan whereby suspected activists have to report to the security police in any localities they pass through or visit on their travels in Sudan. This enables the security police to keep track of the opposition's movements and contacts with each other. There is otherwise unimpeded freedom of movement in Sudan.

Franco explained that the political opposition does have some scope for holding meetings in Khartoum. However, there has been no change in the legislative basis for political parties to operate and the situation remains very much as described in the Special Rapporteur's October 1999

report. As to whether the opposition UP and DUP have been able to open party offices in Khartoum, he could report that they are not actually offices but both parties do have representatives in Khartoum. His immediate impression was nevertheless that the opposition has been able to discuss political issues more openly over the last two months than used to be possible.

Franco considered that the conclusion by the Sudanese Government of agreements with neighbouring countries is generally to be seen as a positive move, partly as it may help bring Sudan out of the isolation in which the country has languished for the last ten years. On the other hand, the agreement between Sudan and Egypt may have made conditions more difficult for the work of Sudanese human rights organisations and opposition parties in Egypt.

Eissa took the view that only very few Sudanese refugees (less than 5%) do not deserve to be granted refugee status by the UNHCR in Cairo. He pointed out that even ordinary Sudanese who are not prominent opposition members may experience serious problems with the authorities in Sudan.

Eissa explained that the lifting of the ban on political activity in Sudan has not been of any benefit to the opposition in the country. Even those parties which in fact registered and thus officially became legal have been unable to engage in normal political activities in freedom. He has often received complaints from leaders of registered parties in Khartoum that serious obstacles are being placed in the way of their work. The UP and the DUP, for instance, attempted to take advantage of the lifting of the ban on political activity, but their parties' activities were immediately cracked down on by the NIF regime. He described the lifting of the ban as yet another example of window-dressing in Sudan, adding that this is one reason why the NDA does not have an office in Khartoum. He knew of some European countries' interest in and attempts at establishing a dialogue with the Khartoum regime. It was his firm belief that Sudan should not be supplied with humanitarian aid so long as the regime is responsible for human rights violations, a principle he thought better understood in the USA than in Europe.

Babiker made it clear that there is a considerable difference between what the "NIF regime" says and what it actually does. The government has stated that there are no restrictions on party political freedom in Sudan, which he disputed. The many assertions made about freedom for political parties in Sudan misrepresent the true position. In spite of the assurances given the opposition by the authorities that it could, for instance, freely hold public political meetings, including press conferences, there are examples of the authorities nevertheless interrupting such gatherings and detaining the participants. In one case a press conference, at which opposition members and supporters were listening, with journalists, to a live interview by 'phone with the SPLM/A leader, John Garang, was burst into and broken up by the security police, in late November 1999, and all those attending arrested by the authorities. They were all soon released, after questioning, a day or two later, however, and none of them came to any physical harm worth mentioning.

Babiker doubted whether there are any political prisoners in Khartoum's prisons, but pointed to instances of members and supporters of the political opposition being briefly detained, while he would not deny that there may be political prisoners in the country's other prisons, out in the provinces.

Apiku was in no doubt that Khartoum's prisons do hold political prisoners. He explained that detainees may be held for a short while, just a few days, but there are also prisoners basically being

held indefinitely on political grounds. People suspected by the authorities of being key figures in or leading members of parties such as the DUP, the UP and the SPLM/A or of working as agents for rebel movements may thus find themselves imprisoned for anything from a day to indefinitely. There are also examples of disappearances of people held in custody by the authorities, as well as occasional arrests of suspected political activists, including students.

Babiker reported that opposition parties in Khartoum have not always managed to secure the release of detained members. This applies in particular to the SPLM/A, which does not have an office there. He did not know of any instances of detained SPLM/A members being released by the authorities in Khartoum. The same goes for people not belonging to the SPLM/A but merely suspected of belonging. Anyone believed to have links with the SPLM/A risks serious ill-treatment by the authorities. There are even examples of such people having disappeared after being expelled to Khartoum. An SPLM/A member expelled to Khartoum from Germany about two years ago has vanished.

He added that, as the SPLM/A does not run an office in Khartoum, having merely established a number of "cells" in the city, it is virtually impossible to obtain details of what becomes of SPLM/A members or people suspected of membership. Responsibility for keeping track of SPLM/A members in Khartoum lies with the SPLM/A's head office, in Nairobi (Kenya).

Fadol explained that the Sudanese authorities make use of agents to spy on trade unions, educational establishments, political movements and human rights organisations in Khartoum. He also pointed out that Sudanese who talk to foreigners in Khartoum, telling them about matters such as human rights violations and the political situation in the country, risk subsequently suffering ill-treatment at the hands of the authorities.

4.4. Trade union movement

As regards conditions for the trade union movement, Eissa reported there to be no independent trade unions in operation in Sudan. The former trade union leaders are all in exile abroad. What trade unions there are, are subject to government control. People suspected of being trade unionists risk being arrested, taken to a ghost house and tortured, possibly even to death. There are examples of the maimed bodies of suspected trade unionists having been dumped on rubbish tips in Khartoum. He explained that such reports came from UP members in Khartoum.

Fadol stated that there are still a few trade unionists left in Khartoum, but they are all in prison. Mahjoub el-Zubeir, the deputy leader of the Workers' Union in Khartoum, has spent more time in prison than at liberty under the current NIF regime, i.e. since June 1989. He is now free, but cannot engage in trade union activities anywhere in Sudan.

Like Eissa, Fadol reported there only to be government-controlled trade unions in Sudan at present.

4.5. Sudanese Christians in Khartoum

Fathelrahman (SHRO) referred to serious health problems in the camps for internally displaced people (IDP camps), caused in particular by a combination of numerous diseases and a lack of clean water. There are also instances of the authorities destroying churches and schools in the camps, the reason given for such outrages being that building permits have not been obtained for their construction.

One sign that the situation for internally displaced people in the camps around Khartoum may be in danger of deteriorating further is that the Sudanese authorities have now begun talking openly about the security risk represented by the camps' presence. This poses a serious threat to the safety of refugees in the camps, since some "Islamic fanatics", as Fathelrahman described them, would jump at the chance of launching raids on the camps. This explains why there are still a number of internally displaced people from southern Sudan attempting to move on from the camps near Khartoum to Cairo, in Egypt (see Annex 10).

The NIF regime in Sudan was described by Nhial as a radical Islamic regime whose political pronouncements are based on lies scarcely comprehensible to the western world. Hassan Al-Turabi thus believes Sudan to be the most perfect Islamic state in the world. He regards the regime's interpretation of Islam as the truest path of Islamic teaching. This makes it impossible to exert any influence steering the NIF regime's policy in the right direction. By the nature of things, the regime's lies cannot be allowed to be contradicted or criticised, nor will any mistakes be admitted to. Al-Turabi's interpretation of Islam is said by him to be fully objective, which is why he often refers to an Islamic saying, "*fikhat el daronra*", meaning the interpretation of necessity. This pronouncement is used to legitimise forced Islamisation of Sudan's Christians and to whip up support among the population for forced Islamisation. In other circumstances, when Al-Turabi has been under pressure and faced criticism for introducing forced Islamisation, however, he has defended himself by referring to the Koran, which stipulates that conversion may not be enforced, and hence is not being so! Nhial explained that Al-Turabi comes up with passages from the Koran and interpretations of them to suit the circumstances at the time.

See also section 7, which includes material on conditions for Christian women in refugee camps and prisons in Khartoum.

5. Military recruitment, desertion and evasion of military service

The UN Special Rapporteur's October 1999 report on the situation of human rights in Sudan points out that the country's civil war and conflicts worsened during 1999 as a result of the development of oil production in parts of Sudan. The strategic importance of those areas has seriously exacerbated the armed conflict and hence also brought a deterioration in the overall human rights situation and in respect for human rights in the country (Special Rapporteur, October 1999, p. 21).

Eissa reported President Al-Bashir to have announced in early February 2000 that Sudan needed to reinforce its army for the *jihad* (i.e. the civil war) in the country, for which purpose a further intake of 75 000 soldiers was required. In Eissa's view, this heralded a fresh wave of round-ups in Khartoum, with the forced conscription in prospect setting off a new flood of refugees to countries such as Egypt, Uganda, Ethiopia and Syria. Sudanese nationals do not require a visa in order to enter Syria, from where many Sudanese refugees would move on into Lebanon.

Franco also confirmed that President Al-Bashir has expressed the need for more new recruits. He added that the SPLM/A leadership, too, has taken steps to boost recruitment of young men.

The UNHCR explained that there is a basis in law for troop recruitment and military service in Sudan, albeit of no great significance in practice, in the absence of consistent observance of the law. The UNHCR pointed out that there are three common forms of recruitment to the Popular Defence Force (PDF) and the armed forces:

students (at secondary school) faced with the need to collect their examination certificates;
round-ups in the street;
call-up via employers (in both the public and the private sector).

There is general conscription both into the ordinary armed forces, for national service, and into the PDF. The armed forces only recruit young men, whereas the PDF recruits both men and women. The period served in the PDF is 45 days, while national service lasts for two years. After serving in the PDF, recruits either return to their place of education or are sent to the front.

Military service is compulsory for all males aged 18 and over, the recruitment age being adjusted from time to time. In order to make it easier for the military authorities to recruit students, all students' birth certificates were passed to the military authorities in May 1997.

Students found, in a round-up, to hold a valid student card (identity card) showing them to be undergoing primary or secondary education are immediately released again and thus do not have to perform the 45-day PDF service.

Nhial saw no reason to criticise the present conscription rules in Sudan, nor did any human rights organisations do so. Aspects open to criticism include the authorities' practice in recruiting young soldiers, the conditions faced by such recruits during military training and their deployment at the front without adequate military training.

Eissa stated that students who have not completed their national service cannot obtain an exit visa, nor will they be issued the examination certificate which they should have received on leaving secondary school. He added that 137 000 students serving as government troops in the civil war have been killed over the last ten years. Fadol reported estimates of at least 500 000 young government troops having been killed over the last ten years in Sudan, although he thought casualty figures most likely to be far higher.

The UNHCR explained that people are not granted refugee status merely because they refuse to perform compulsory military service and possibly fear being killed in the civil war. On the other hand, the UNHCR does grant refugee status where people, for instance, refuse to perform military service on the grounds that they are opposed to the regime and unwilling to fight on its side in the civil war. Other grounds may also qualify. By law, those refusing to perform military service can be sentenced to up to three years' imprisonment. The UNHCR knew of instances of even youngsters aged under 18 being forcibly conscripted and then sent to the front, after being unable to identify themselves to the military authorities.

The point was made that asylum cases concerning deserters and draft evaders from Sudan involve a number of aspects all needing to be taken into account in ruling on a case, including the actual legal basis and its practical application, reasons for refusing to serve and the fact that deserters are court-martialled.

It is hard to evade military service and a deserter from the PDF, say, on being arrested by the authorities, will usually at once be re-conscripted straight into the armed forces. The UNHCR

confirmed that a large proportion of applications for protection received from Sudanese nationals involve draft evaders or people fearing call-up.

The UNHCR reported it to be relatively easy to escape from military training camps; in the absence of any statutory penalties for desertion, however, the UNHCR recommended considerable caution in assessing asylum cases apparently involving deserters from the armed forces and added that there is a danger of deserters being subjected to torture as a warning to others.

According to Eissa, the military authorities in Sudan have embarked upon a new strategy to drum up sufficient recruits for the army. Young students are "kidnapped" by the authorities and those resisting military service risk being taken to ghost houses and tortured, possibly to death. Reports have been received from the UP in Khartoum of the victims' bodies later being found on the city's rubbish dumps. The most recent news of such atrocities dates from early January 2000.

Fadol explained that young students are in practice "press-ganged" by the authorities on the streets of Khartoum and forced into service in the armed forces. They then undergo six months' military training before being sent to the front. He considered such recruits to be in great danger of being killed while at the front. In his view, this was a major reason why so many Sudanese students take refuge in Egypt. He added that he holds Hassan Al-Turabi responsible for the *jihād* against the rebels in southern Sudan. At Al-Turabi's instigation, moreover, when a soldier is killed in the war, NIF representatives pay a call on the dead man's family, telling them he died in a religious cause and giving them a bag of flour or sugar. Fadol added, however, that such NIF visits are less common than they used to be, although he could not say why.

In December 1999 Fadol learned from acquaintances staying in Khartoum at the time that they had witnessed forced conscription of young men there with their own eyes. The young men had been press-ganged by the authorities on the market in Khartoum and those taken included youngsters aged as little as 13. All men on the market were detained, even including bus drivers just happening to be there. This was for conscription into the Popular Defence Force, a militia formerly attached to the army. That militia, also known as the *Mujahedin* force, now plays a more central role in Sudan's military defence than the regular army. Fadol described the above recruitment procedure as a normal occurrence in Khartoum. Those held are taken to a military training camp, where they have to undergo six months' military training before being sent to the front in eastern or southern Sudan. However, he was unable to confirm that youngsters aged as little as 13 are conscripted and dispatched to the front.

Eissa explained that it is common for families with young sons to sell all their belongings, including jewellery and other personal effects, to pay for the family to leave Sudan. Every week he is visited by such families, at the NDA's Cairo office or privately, come to seek advice and assistance in finding protection in Egypt.

As regards the position of students in Sudan, Eissa regarded them as an especially vulnerable group, all being required to complete their military service before they can go on to further education. Many of them therefore take refuge abroad, along with their parents, above all in Egypt, there seeking protection extended by the UNHCR and the Egyptian authorities. This was also confirmed by Franco.

Nhial similarly believed a very large proportion of the young Sudanese now leaving Sudan and seeking asylum or other residence abroad to be students trying to avoid military service and subsequent deployment in the war zones in southern Sudan. He referred to such young men being "brain-washed" in military training camps and in great danger of being sent to the war zones in the south of the country. Nhial added that those refusing to undergo the two-year compulsory military training and subsequent deployment in the war zones would not be admitted to further education. Virtually all students at Khartoum university have thus completed their military service and may have been deployed at the front.

The point was made that it is not just conscripts from northern Sudan who are called up and deployed in southern Sudan and the Nuba Mountains. Recruits are also drawn from among Sudanese Christians in the south of the country and Christians from southern Sudan living as internally displaced persons in northern Sudan, particularly Khartoum. This is especially serious, as such recruits come under enormous psychological and ideological pressure. Not only are they humiliated on account of their Christian faith, but they also have to put up with the injustice of being required to fight against their own people. Nhial highlighted this as a major reason for young men from southern Sudan and the Nuba Mountains looming large amongst those taking refuge abroad.

Nhial pointed to the outrageous way in which the ideological leader of Sudan's Islamisation, Hassan Al-Turabi, interprets the Koran just as he sees fit. Even though the Koran stipulates that a Muslim may not fight against a people not itself waging war on Islam, that is what is happening in Sudan. He pointed out that the insurgents in southern Sudan have not declared war on Islam as a religion or on Sudan's Islamic population. Al-Turabi has nonetheless stated that the rebels in the south are fighting against Islam and has therefore declared a *jihad* (holy war) against Sudan's Christian population. The declaration of a *jihad* remains in effect and is regularly proclaimed both on radio and television and at political meetings, etc.

Nhial criticised the deployment of recruits in fighting against their own communities in southern Sudan. Even internally displaced Christians from southern Sudan living in Khartoum, say, are conscripted and forced to convert to Islam.

Christians refusing to be enlisted to fight at the front are forcibly dispatched there and prevented from practising their Christian faith during their period of military training. Nhial reported instances of conscripted Christians being severely humiliated and subjected to physical maltreatment while at a military training camp. In one case, Christian recruits were forced to stand to attention in the sun outside a mosque in Khartoum, listening to Islamic preaching from the mosque, which constituted a stream of propaganda directed against the Christian recruits. He described such abuses as involving serious mental harassment and severe physical strain, since the temperature was very high at the time. He went on to give a second example of maltreatment of a Christian recruit in Khartoum. In that 1999 incident, the recruit had visited a church, while out of camp on a pass. When the military authorities learned of this, the recruit was enclosed inside a container and subsequently died of heatstroke.

Nhial pointed out that forced conscription into the armed forces has at times been commonplace in Khartoum and elsewhere in the country. However, forced conscription campaigns and the scale of such tend not to be constant, but rather to depend on a number of factors. Forced conscription was in fact virtually discontinued once it became clear that increasing numbers of troops of southern

Sudanese origin were deserting from the army. That was between 1992 and 1994, at a time when the NIF regime's armed forces were nonetheless having some success in the civil war, partly owing to divisions within the SPLM/A. The NIF regime's military strength removed the need for forced conscription from southern Sudan. As a result of the SPLM/A's military advances in 1995, however, the armed forces began anew conscripting young men from southern Sudan into the army.

The need for forced conscription increased further as many recruits from northern Sudan also began deserting or evading military service. By that time it had become clear to many recruits and their families that recruits' lives would be in great danger if they were sent to the front. From 1997 to 1998 conscription was relaxed again, as it became increasingly plain that there was growing popular opposition in north of the country to the civil war. As the situation now stands, forced conscription is being practised anew in Sudan, with the armed forces under pressure to drum up more troops for use in the war.

Round-ups are thus now being carried out in Khartoum. Nhial explained that the authorities encircle people in places where the young often congregate: markets, bus stations, cinemas and similar haunts.

The point was nevertheless made that not all conscripts are sent to the front. Those well-connected with the NIF regime and other leading figures in the country will thus find it fairly easy to avoid military service and hence deployment at the front. The same goes for people whose financial circumstances enable them to buy their way out of military service. In many cases, young men who have managed to do so are sent by their families to the USA or Europe to study. Nhial again pointed out that anyone having completed secondary education has to report to the military authorities for military service straight away. If they fail to do so, one consequence will be that they are not admitted to a university course.

Fadol explained that there was no forced conscription in Sudan before 1994. Not until the regime became hell-bent upon crushing the SPLM/A in southern Sudan did forced conscription establish itself as common practice. From 1994 on, everyone lived in danger of it, even employees in government offices, bank staff and business people as well as those engaged in civilian service. Pay for army recruits was better than for other public servants, yet it was still necessary to practise forced conscription, as there was a shortage of troops for the war. However, he could not say whether forced conscription is still taking place, while sure that it did up until about two months ago. He added that all information on this comes from people reporting to the Umma Party's refugee committee in Cairo on arrival in the city and that Hamouda Fathelrahman, Secretary-General of the Sudan Human Rights Organisation (SHRO), knows more precise details of military methods and the scale of such conscription by the armed forces.

Fathelrahman reported that families with young sons typically tried to take up residence abroad. This shows that the present policy, whereby anyone seeking education or public employment must have completed military service, continues to apply. There is thus a steady stream of refugees to be seen leaving Sudan together with their families. He described it as common for Sudanese families with one or two sons to come to Cairo in search of protection, so as to prevent their sons from being conscripted and sent to the front. Having said that, he regretted that the UNHCR had not recognised such people as refugees earlier, given the length of Sudan's civil war, adding that the UNHCR has done so since 1998, in acceptance of the considerable risk of being killed in the civil war.

Recruits are, according to Fathelrahman, trained for only about two months before being sent to the front. Moreover, there are only trained in the use of light weapons, which leaves them in even greater danger of being killed.

Fathelrahman could further report a number of round-ups in Khartoum in January 2000, in preparation for the planned summer offensive against insurgent forces in the country. Such offensives are usually launched starting in March, when the dry season begins.

5.1. Risk of conscripts being deployed on active service against their will

Like several other sources, Eissa pointed out that pupils who have just completed secondary school, being of conscription age, are in practice picked up on the streets of Khartoum and transferred to military training camps for training and subsequent deployment at the front. Such young men's parents are not notified by the authorities of what has happened or of their children's whereabouts. After at most three months' and often only two or three weeks' training in the use of light weapons, these "soldiers" are sent to war at the front in southern Sudan or in other parts of the country where the government army is pitted against rebel forces. He found this practice completely unacceptable.

Fathelrahman explained that the *jihad* in Sudan is extensive, with a very long front line and fighting under way on several fronts at once. Military recruitment practice and the scale of conscription are thus partly due to the government army's need for further troops when a new front opened up in eastern Sudan in 1997. The government therefore decided to make entitlement to further education subject to conscription for military service. Secondary school students failing to report to the military authorities would not be issued their examination certificates.

The government finds itself in constant need of more troops and training camps around the country, including those in the vicinity of Khartoum, are all operational. Fathelrahman reported that all provinces (now termed "states") have their own military training camps, this being one reason for him to conclude that conscripts remain in great danger of being sent to the front, where they risk death. He described such conscripts as "human fodder", going on to explain that the declaration of a *jihad* remains in effect and forced conscription is practised.. Moreover, recruits receive only brief training, confined to the use of light weapons.

Fathelrahman added with regard to the risk of being killed at the front that, when government troops suffered some defeats in the war in southern Sudan in 1995, this brought a need for fresh recruits to wage the civil war. At first, though, the new conscripts responded fairly positively but, when they realised that after just a few months' training they would be sent to the front, where they were in very great danger of being killed, trouble arose at military training camps. The young conscripts' parents also protested at the bleak prospect and many protesters were arrested. He gave a specific example of military recruitment and training at the time. In 1996 some 2 000 students were dispatched to the front in Equatoria province after only three weeks' military training. Most lost their lives as a result of the fighting and the inhuman hardships suffered there. He also referred to conditions at the front in eastern Sudan, where thousands of young soldiers are reported to have been killed in fighting between insurgents and government troops in 1997.

Fathelrahman observed as well that some war propaganda has deep political and religious undertones in Sudan. A twice-weekly television programme is broadcast, honouring those described by the regime as martyrs. The programme presents the fallen soldiers as martyrs who

gave their lives for the Islamic cause in the civil war and reports on about 20 martyrs a week. He pointed out this only includes well-trained volunteers known as *mujahedin*.

Nhial reported that everyone aged over 16 risks being forcibly conscripted for military training, while adding that not all conscripts and soldiers are sent to the front, where they risk being killed. That risk is usually faced by young men, while older conscripts or soldiers mostly act as army reservists.

Fadol could report that PDF troops are, unbeknown to them, taken to Khartoum airport to be airlifted by helicopter to the front in southern Sudan. In many instances, some try to escape from Khartoum airport on realising that they are on their way to the front. Escapees often hide in nearby residential areas. The last such escape that the source could recollect occurred in late 1999.

A number of militias and combat units operate along more or less paramilitary lines under a variety of names, some of them playing a key role in Sudan's armed forces as a whole. Fathelrahman described the *Mujahedin* as a key force. He also mentioned a special security force named the *Dababeen*, forming an important part of the regime's ideological apparatus. An Islamic unit made up of soldiers willing to die in the Islamic cause, i.e. a kind of suicide squad, it is now only stationed in Khartoum, where it has responsibility for protecting the government, although it has in the past been deployed at the front. The government's own lack of full control over that unit and its actions is demonstrated by a number of public comments by President Al-Bashir that, had it not been for the *Dababeen*, this or that would never have happened, when defending or deploring acts of violence for which the government faced criticism, but which Al-Bashir attributed to the *Dababeen* alone.

Fathelrahman pointed to the key role played by the *Dababeen* for the NIF regime, which extends a protective hand to the force, keeping it well-supplied with arms. The *Dababeen* is assigned to special duties which cannot be performed by the ordinary armed forces, such as preventing or thwarting attempted coups against the government.

Fathelrahman explained that the *Mujahedin* assist the security police in clamping down on political opposition groups and political demonstrations generally. They were, for instance, used to tackle student disturbances in September 1996 and again in September 1997. In the latter case, the *Mujahedin* resorted to great violence, deliberately breaking student demonstrators' arms and legs.

According to Fathelrahman, the security police comprise a number of different forces, including a National Security Force and an NIF-controlled Revolutionary Security Force.

5.2. Evasion of military service and desertion

According to Fadol, the commonest conscription procedure is for the military authorities to send prospective conscripts their call-up papers. Should they then fail to report to the military authorities, they will have their pay withheld at work. If they still fail to present themselves to the armed forces, they will be dismissed from their job, whether in the public or the private sector. In the private sector, their employer is required to dismiss them. See Annex 11 for an example of a letter from an employer to a member of staff unwilling to be conscripted. Fadol explained that, once sacked for refusing to perform military service, anyone will have lost his job for good and be unable to find employment elsewhere, either in the public or in the private sector.

He added that there are thus two alternatives for those refusing to do their military service: leave the country for Egypt, in particular, or try to make a living from begging in Sudan. Those refusing to serve are not imprisoned in Sudan, since everyone is in practice forced to perform military service.

Fadol referred to cases of deserters from the army managing to hide from the authorities in Khartoum for quite some while. He could not say what might happen to deserters tracked down by the authorities, but there were examples of ordinary people helping deserters to live in hiding.

5.3. Abuses suffered by recruits and their relations

Fadol mentioned a Popular Defence Force training camp in the north of Khartoum, called *El Select*, at which recruits are trained in the normal way. When in 1999 a sizeable number of recruits applied for leave of absence from the camp to celebrate the Muslim festival of *Eid*, however, they were refused it. A number of them then escaped by clambering over the camp fence and tried to cross the Nile by boat. The army fired on the escapees, killing at least 30 of them, all secondary school pupils. The source added that, when five or six of the dead recruits' mothers later openly demonstrated against the authorities in Khartoum, they were arrested and publicly given 40 lashes each.

Fathelrahman confirmed serious ill-treatment of even very young recruits in military training camps, with accounts of youngsters aged as little as 14 or 15 being forcibly conscripted and taken to such camps. He reported a 14-year old boy having been so severely tortured at a military camp in 1997 that the boy died as a result. However, he did point to some improvement in conditions for recruits in recent years, while believing that, should the government feel under threat on the military front in the country, conditions for recruits would once again deteriorate. Another significant reason why conditions have nonetheless improved for recruits lies in fierce criticism of the military authorities when eight student recruits were killed in March 1998, while attempting to escape from a military training camp. The authorities have since become more careful about how they treat recruits.

6. Ghost houses, torture and prison conditions

Dr Abdullah Mansour, Director of the Al-Nadim Centre in Cairo (a centre for psychological rehabilitation of victims of torture and violence, used by the UNHCR, among others, to check on cases in which applicants claim to have been subjected to torture in Sudan), explained that it deals with torture cases from all countries in the region. The most serious examples of torture in the region used to come from Israel, but Sudan has recently overtaken Israel in this respect. Up until 1999, Al-Nadim received financial support from sources including DANIDA (Danish International Development Assistance). It has close links with the International Rehabilitation Council for Torture Victims (IRCT) umbrella organisation and with the Rehabilitation and Research Centre for Torture Victims (RCT) in Copenhagen. Mansour, himself a member of the IRCT Council, reported conditions for Al-Nadim's work to be fairly difficult in Cairo. Some Egyptian authorities take a dim view of its work, which also includes cases of torture and violence used against Egypt's own citizens, although he has never experienced any problems on account of his work for it. Al-Nadim does not receive any outside financial assistance and thus has to support itself by its own means.

Mansour explained that quite a number of Sudanese nationals living in exile in Egypt have a hard time of it, as some have previously been subjected to torture and other abuses, while they are also

refugees without any legal entitlement to residence in Egypt. This means that they are unemployed, have no access to education and generally lack social and political support. Their position is thus very complex and difficult.

As to the scale of torture and similar abuses in Sudan, Mansour replied that his records include torture cases for every single month since the autumn of 1999. Some of those cases were described by him as very serious. He estimated there to have been about 100 torture cases since June 1999. Cases come from all over Sudan, including Khartoum. He added that cases involving southern Sudanese all come from Khartoum, where they have been staying on their way out of Sudan. There are also a number of torture cases from the Nuba Mountains, where the NIF regime is engaged in a campaign of ethnic cleansing and outright genocide against the Nuba people, including the burning down of entire villages. Cases arise, too, of animists and Christians being forced to convert to Islam and pressed into military service. If they refuse, they risk being subjected to torture, as borne out by a number of actual examples.

Mansour regarded widespread forced conscription on the streets of Khartoum as one of the reasons why so many people risk torture and other acts of violence. He instanced youngsters aged no more than 17 or 18 being subjected to torture for refusing to perform military service.

Mansour highlighted the very serious human rights violations taking place in Sudan, with torture cases involving practices such as:

- injection of painful fluids into the body;

- suspension from a rotating fan;

- lengthy submersion in water (for up to a month);

- electric shocks;

- burns inflicted by means such as a red-hot poker or lighted cigarettes;

- suspension by the arms off the ground;

- assisting in the torture of fellow prisoners;

- physical exercise in extreme conditions (e.g. in a very hot place and for a great length of time);

- being tied to a tree and left to die.

Mansour knew of a particularly horrific case in the Nuba Mountains in which a man and a young boy were left to die, each tied to a tree. The boy was attacked by insects and died a lingering death, with the man helpless to intervene. The man is now seriously traumatised. That incident and all of the above examples of torture are cases documented by Al-Nadim over the last six months.

When asked whether Al-Nadim supplies the Sudanese authorities with the names of individuals or agencies carrying out or responsible for torture, so that they can be brought to justice, Mansour

replied that it does not. Cases are only reported to the UN and human rights organisations. Al-Nadim merely provides the victims with psychological, medical and practical assistance.

He added that it often takes a long while, in some cases even several years, to obtain a full account of the details of torture from victims. It is frequently very difficult and painful for torture victims to talk about their experiences either to strangers or to relatives and friends.

Torture is mainly practised by members of the security police and armed forces. Mansour added, however, that there are also instances of torture being carried out by members of Islamic groups. Such groups are often responsible for torturing students (secondary school pupils and first-year university students being particularly at risk), teachers and women. For instance, women not dressed in accordance with the regime's regulations may face ill-treatment and torture. Mansour referred to a case in October 1998 in which a 23-year old female secondary school pupil was abducted from a school in Khartoum by an Islamic group for not having her hair and face properly covered. She was raped and had acid poured over her hair, which she then lost. The woman tried to report the offence to the police, but they would not look into the case and she received no assistance.

Mansour was adamant that there is no sign of any decline in the use of torture in Sudan. All of his sources, for instance, report the scale and nature of torture to remain very serious in Sudan. He regarded claims of torture being on the decrease in Sudan as untrue and explained that the notorious secret torture centres known as "ghost houses" continue to operate throughout the country.

Mansour explained that torture of prisoners or detainees is usually carried out shortly after their arrest, at ghost houses where they cannot be visited. Once in a ghost house, they cease to exist, there being officially no such places in Sudan. Foreign human rights envoys in Sudan are not shown anything other than the country's official prisons and have no opportunity to inspect ghost houses. He pointed out that ghost houses continue to operate even in Khartoum, including the Gezira area just south of the city.

As to who risks ending up in a ghost house and hence being subjected to torture, Mansour explained that torture used to be practised mainly on political prisoners, i.e. suspected political activists, but as they have virtually all left Sudan the group at risk has become far more varied. There are instances of quite ordinary young people and old people alike being tortured. In some cases the sole reason was a father or other close relative having been politically active as an opponent of the regime. Those refusing to perform military service and members of some ethnic groups also risk being tortured. The security police commonly arrest relatives of those suspected of opposition to the regime who have left Sudan.

Mansour went on to explain that those refusing to perform military service virtually all risk torture. They thus have only two alternatives: either let themselves be conscripted or leave the country. He added that universal military service was introduced about six months ago, although it does not mean a great deal, there being no established practice as to who is conscripted. This leaves virtually everyone, regardless of age, in danger of being conscripted and sent to the front. Draft evaders and deserters are usually motivated by their opposition to the regime and unwillingness to fight on its side in the civil war. He could report lastly that most Sudanese refugees now arriving in Egypt are young men and families with young sons in fear of themselves or their children, being conscripted.

A number of families seeking assistance from Al-Nadim have in addition reported having their property confiscated by the authorities in Sudan, with nothing by way of explanation given by the authorities, who regard those not supporting the regime as being opposed to it and hence its enemies. This is one reason why many refugees consulting Al-Nadim describe the Khartoum regime as lawless. Mansour pointed out that the Khartoum regime acts in a paranoid way, which increases the risk of people being subjected fortuitously to torture and other abuses.

Whether ghost houses and hence torture remain in operation in Sudan or not was regarded by Fadol as an absurd question. Ghost houses can be set up anywhere at any time. The Sudanese government is lying about whether such torture centres have been abolished or not. Any agreement between the government and the opposition should therefore be monitored by independent international organisations.

Eissa confirmed that ghost houses may be found anywhere at any time. They are mobile facilities, to be seen as the NIF's private jails. He insisted that ghost houses have not been abolished in Sudan.

Nhial would not rule out the possibility of there still being ghost houses in Khartoum and elsewhere in the country. He pointed to the difficulty of locating such ghost houses, run as temporary prisons and torture centres, which operate in private homes not generally known to be in use as a jail. Nor are there any permanent ghost houses, since the authorities can in practice set up a temporary one anywhere in Khartoum. Ghost house operations have been scaled down of late, as has the authorities' use of torture.

Nhial explained that this is due not least to abuses in such ghost houses having been reported by victims or their relations, among others, to human rights organisations with links abroad, etc.

He added that criticism of the use of ghost houses and public awareness of the abuses occurring there have recently prompted the authorities to resort to other, less obvious ways of persecuting and harassing opposition members. Instead of using direct mental and physical torture, the authorities now often call on suspected opponents of the regime at home during the night or very early in the morning, ordering them to report to the police station, where they are left in a room, without any officer questioning them or otherwise attending to them. They will be kept waiting there all day and not given anything to eat or drink during that time. They are then allowed to return home, with instructions to report again the next morning. This can go on day after day for weeks on end.

Nhial regarded such treatment as a form of torture, adding that not only does it involve mental and physical torture but it also causes those concerned and their families serious financial harm. For instance, public servants, business people or employees in the private sector will be unable to go on working. In view of the difficult economic situation generally and the arduous living conditions for ordinary individuals in Khartoum, this form of torture may therefore prove downright life-threatening for someone subjected to it and the absence of a breadwinner may also jeopardise the livelihood of the family concerned. He pointed out that temperatures can be extremely high in Khartoum at some times of year.

Eissa also mentioned this new form of abuse perpetrated by the authorities, adding that it can go on for months, with victims having to pay for food and water throughout that time.

Fathelrahman confirmed the existence of a new kind of summons described by him as an abuse inflicted on suspected opposition members. He explained that it may involve torture, with victims forced to stand holding their arms up in the air for lengthy periods, possibly beneath a burning sun, while having insults heaped upon them. The technique is termed "economic detention", as detainees have themselves to pay the cost of food and drink and of transport both ways each day, while of course being unable to attend to their work. According to him, this new form of abuse is on the increase.

Nhial observed that the above kind of abuse tends to be met with in Khartoum. Out in the country, in the provinces, torture and other more directly violent abuses continue to be practised. Such areas have no observers in the shape of UN agencies, diplomats, human rights organisations, leading opposition politicians or other prominent figures to report those abuses. He made the point that in a number of the larger provincial towns and cities, including Port Sudan, Atbara, Malakal, Juba and others, there are people classifiable as "active dissidents". The population of those regional urban centres includes educated people suspected of being critical of the Khartoum regime. Such people face detention and abuses at the hands of the authorities, including torture. Reports of such goings-on may be hard to substantiate, given the difficulty of communications between those places and observers in Khartoum.

Fathelrahman explained that ghost houses are used to extract confessions from prisoners. The scale of their use depends on the situation faced by the regime locally in Sudan. If the authorities find themselves under pressure from rebel movements or other opposition groups in a particular area, more frequent use will be made of ghost houses, as for instance in eastern Sudan, where they currently operate in Kassala, Port Sudan and Sinkat. There are also some in Halfa.

Ghost houses come under a special Revolutionary Security Force, made up of very well-trained and well-equipped troops, some of whom have undergone training in Afghanistan. The force operates with a fairly free hand, being subject to the NIF's control only. Fathelrahman added that the presence of ghost houses may be hard to monitor, as the authorities move them around and take great care to keep them secret.

As an example of the kind of abuses that may go on in ghost houses and of their continued use in Sudan, Fathelrahman reported that his organisation had just been informed of the arrest of Muslih Mubarak Elkutri by the authorities in eastern Sudan in late January 2000. A member of the Rashaida tribe in the area, Elkutri is suspected of having earlier in January helped blow up the oil pipeline across north-eastern Sudan. The treatment to which he was subjected included suspension by the legs and flogging and then having salt and chilli pepper poured into his wounds. His family have now asked the SHRO for assistance, prompting it to send an appeal to the Sudanese Ministry of the Interior the day before the interview with the delegation. No response has been forthcoming from the Ministry or any other Sudanese authorities. The appeal will also be forwarded to Amnesty International. Fathelrahman added that the family have not been told by the authorities where Elkutri is being held, or allowed to visit him, and that Elkutri has not been brought before any court, which is quite normal in Sudan.

Fathelrahman went on to explain that torture forms part of the regime's ideology. In his view, then, it will continue as long as the present regime remains in power in Sudan. The only question is where and when the authorities take it into their head to make use of torture and ghost houses.

With regard to prison conditions generally, Nhial could report that many political prisoners used to be held in *Kober* central prison in Khartoum, although this is no longer the case, with the authorities clearly having changed their policy and avoiding lengthy incarceration of political prisoners. *Kober* prison's inmates were usually long-term political prisoners and no actual torture was used there. Torture of political prisoners took place mainly at ghost houses, as described above. He added that, precisely because the international community has representatives in Khartoum, the authorities have begun avoiding overt arrests of suspected political opponents of the regime.

The UNHCR had received reports of rape and other sexual abuse of prisoners in Khartoum's prisons.

7. Position of women

Fathelrahman thought women generally to be more vulnerable to human rights violations than men, while adding that there are no reports of women being raped in, for instance, camps for internally displaced persons or prisons in Khartoum. On the other hand, soldiers at the front in southern Sudan do commonly rape women from that area. It is even considered their legitimate right to rape women from southern Sudan, who are seen as disbelievers in the ongoing *jihad*. Such "infidels", as they are termed by the soldiers, are regarded as slaves.

Fathelrahman added that the SPLM/A rebel movement is also known to have been responsible for the rape of women in southern Sudan.

Mothers and other women demonstrating against the authorities' forced conscription of students in Khartoum suffered abuses in the form of detention, flogging and other humiliating treatment, in both 1998 and 1999.

Fathelrahman reported many Christian women to have no paid employment and thus be entirely dependent upon support received from the UN, various foreign NGOs and other humanitarian organisations, which assist families by supplying medicines and food. However, the Sudanese authorities always take a suspicious view of NGOs and UN agencies, which they attempt to infiltrate.

Nhial confirmed that southern Sudanese women stand no chance of finding paid employment in Khartoum, either in the public or in the private sector, and explained that private-sector employers, for instance, are afraid of being accused of collaborating with southerners. Many of those women thus have no alternative but to revert to their traditional trade of brewing, which is strictly prohibited in Khartoum and in Sudan as a whole, but nonetheless represents a common women's occupation in southern Sudan. Such women are often arrested and have their property confiscated by the authorities, which sentence them to from six months' to several years' imprisonment.

Fathelrahman stated that the very difficult economic conditions faced in particular by single women with children in camps for internally displaced southern Sudanese lead such women to revert to their past trade of brewing, which is prohibited in Islamic Sudan but has always been common in other parts of the country. The penalty for brewing depends on the offence actually committed. A woman smelling of beer risks being sentenced to 40 lashes. One in possession of beer will be punishable by a fine and, if unable to pay it, sent to prison.

Fathelrahman had, lastly, not heard any reports of women from southern Sudan being raped in camps for internally displaced persons.

7.1. Prison conditions

Nhial referred to a special women's prison in the Omdurman district of Khartoum, known as Omdurman central prison, which is notoriously overcrowded.

Fathelrahman confirmed details of conditions for women in Omdurman prison., pointing out that there are currently women imprisoned there along with their children. He had no confirmed reports of women being subjected to any serious abuses there, but could state that prison staff make use of women prisoners for purposes including domestic help in their offices and homes. It is thus quite normal for women prisoners to be used by prison officers for a variety of household chores.

Nhial reported that women arrested for brewing risk being punished by flogging, or being raped while in detention, and there are also instances of them being forced to convert to Islam. Reports have been heard of some women being intimidated into paying fines for their alleged misdeeds, or else face corporal punishment by flogging or imprisonment. Even women with young children risk being imprisoned along with their children. There have been deaths among such children as a result of malnutrition and poor conditions in the prison generally.

The UN Special Rapporteur, Leonardo Franco, states in his October 1999 report that in May 1999 he learned that 827 women charged with illegally selling alcohol were released from Omdurman prison after 16 children of inmates reportedly died owing to poor health conditions and overcrowding in the prison generally (Special Rapporteur, October 1999, p. 17).

7.2. Military service

Fathelrahman reported that women are not conscripted into the armed forces but, given the obvious shortage of recruits, he would not rule out the possibility that they might be in future. The UNHCR stated that women are recruited into the Popular Defence Force.

7.3. Social code

Fathelrahman explained that a law introduced in April 1999, applicable in Khartoum state, requires all women to dress in accordance with *Sharia* rules, i.e. to keep their face and legs covered up. That law also applies to foreigners staying in Khartoum.

Fadol added that women have to cover all of their face except for their eyes and also to wear gloves. This applies to all adult women, although there have recently been signs of the authorities relaxing the rules. Schoolgirls, including Christian (Catholic) ones, have to wear a headscarf but, as for women generally, there are also signs of some relaxation of the rules on this. He explained that the reason for the authorities relaxing the rules is that they now have more important issues to address in the country than keeping watch on women's social behaviour, while adding that Sudan still has its public order police to oversee such matters.

Nhial reported that many women in Sudan leave the country to escape *Sharia* rules, particularly the dress code. The UN Special Rapporteur has also pointed to women's problems with the public order police in Khartoum. He notes that harassment of women continued in 1999, especially as regards dress. In one case, 24 young women from Ahlia university in Khartoum were detained by

security police and sentenced to 40 lashes, just because the police thought them all indecently dressed, while on an official college outing (Special Rapporteur, October 1999, p. 18).

Individuals, organisations and authorities consulted

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Apiku, Simon, News Editor, Middle East Times, Cairo

Babiker, Rashid, Spokesman, Sudan People's Liberation Movement/Army (SPLM/A), Office for the Middle East and the Gulf, Cairo

Cochetel, Vincent, Assistant Regional Representative (Legal Matters), UNHCR, Cairo

Daoud, Yvette S., Second Secretary (Political Affairs), Royal Netherlands Embassy, Cairo

Eissa, Farouk Abou, General Secretary, Arab Lawyers' Union (ALU)/First Deputy to Secretary-General and Official Spokesman, National Democratic Alliance (NDA), Cairo

Ennis, Carolyn, Associate Resettlement Officer, UNHCR, Cairo

Fadol, Kamal Ahmed, President, Umma Party (UP), Egypt Office, Cairo

Fathelrahman, Hamouda, Dr, Secretary-General, Sudan Human Rights Organisation (SHRO), Cairo

Franco, Leonardo, Special Rapporteur, Office of the High Commissioner for Human Rights (OHCHR), Geneva

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ABBREVIATIONS

ALU – Arab Lawyers Union

DUP – Democratic Unionist Party

EU – European Union

IDP – Internally displaced person

IGAD – Intergovernmental Authority for Development

IRCT – International Rehabilitation Council for Torture Victims

NC – National Congress

NDA – National Democratic Alliance

NGO – Non-governmental organisation

NIF – National Islamic Front

OHCHR – Office of the High Commissioner for Human Rights

PDF – Popular Defence Force

RCT – Rehabilitation and Research Centre for Torture Victims

SAF – Sudan Alliance Forces

SHRO – Sudan Human Rights Organisation

SPLM/A – Sudan People's Liberation Movement/Army

UN – United Nations

UNHCR – United Nations High Commissioner for Refugees

UP – Umma Party

USAP – Union of Sudan African Parties

List of annexes – *The annexes are available on request*

1. Immigration into Egypt, Ministry of the Interior: Travel Documents, Immigration and Nationality Administration
2. National Democratic Alliance: To whom it may concern
3. SPLM membership card (in use since September 1999)
4. SPLM, Egypt Chapter, Cairo: To whom it may concern – recommendatory certificate (in use since September 1999)
5. Umma Party: Specimen headed notepaper for a letter of recommendation from the Umma Party (in use since 1996)
6. Letter of 21 May 1999 from the Danish Immigration Service to the Danish Foreign Ministry, enclosing Sudanese decree No 4/B/307
7. Fax of 21 January 2000 from the Danish Foreign Ministry to the Danish Immigration Service, enclosing a letter of 13 January 2000 from the Netherlands Embassy in Cairo
8. Djibouti agreement
9. Sudan Human Rights Organisation, Cairo: Statement to the US Special Envoy to Sudan, Cairo, October 1999
10. Cairo Press Review, 31 January 2000
11. Letter of 15 March 1999 from the Bank of Khartoum concerning conscription of a member of its staff, with a Danish translation attached