



Home Office

# Country Policy and Information Note

## Sudan: Non-Arab Darfuris

Version 4.0

November 2019

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 11 November 2019

## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of persecution or serious harm by the state, or government-sponsored militias, because the person is a member of a non-Arab tribe either born or with origins in Darfur.

### 1.2 Points to note

1.2.1 There are many non-Arab tribes. The largest are the Fur, Zaghawa, and Massalit. Other tribes include the Meidob, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur (see Darfur, [Ethnic demography](#)).

1.2.2 In the past divisions between tribes - Arab and non-Arab - were fluid but since the 1990s and 2000s there has been increasing ethnic polarisation between these groups.

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Exclusion

2.2.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.

2.2.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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### 2.3 Refugee convention reason

2.3.1 The person's actual or imputed race.

2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the

particular person will face a real risk of persecution on account of their actual or imputed convention reason.

- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

- 2.4.1 In the country guidance case of [AA \(Non-Arab Darfuris - relocation\) Sudan CG \[2009\] UKAIT 00056 \(18 December 2009\)](#), heard 4 November 2009 and promulgated on 18 December 2009, the Upper Tribunal (UT) found that '[a]ll non-Arab Darfuris are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan' (Headnote).

- 2.4.2 The UT in the country guidance case of [MM \(Darfuris\) Sudan CG \[2015\] UKUT 10 \(IAC\)](#), heard 7 October 2014 and promulgated 5 January 2015, found that "'Darfuri" is to be understood as an ethnic term relating to origins, not as a geographical term. Accordingly it covers even Darfuris who were not born in Darfur' (paragraph 14). Thus, persons who are ethnic non-Arab Darfuri in origin, regardless of whether they have lived in Darfur or elsewhere in Sudan, would be at risk on return to Khartoum. The Tribunal in [MM](#) also found that there was, at the time of the hearing, no new, cogent evidence indicating that non-Arab Darfuris were not at risk of persecution in Sudan (paragraph 13).

- 2.4.3 The reported case of [AAR & AA \(Non-Arab Darfuris - return\) Sudan \[2019\] UKUT 282 \(IAC\)](#), was heard between 12 and 14 February 2019 and followed by a post-hearing case management review (CMR) on 10 July 2019, promulgated on 7 August 2019 but not published until 17 September 2019. In that case the UT was to issue country guidance on the question of "whether the guidance given in AA (non-Arab Darfuris - relocation) Sudan CG [2009] UKAIT 00056 and MM (Darfuris) Sudan CG [2015] UKUT 10 (IAC) requires revision in the light of the current country evidence including consideration of internal relocation of non-Arab Darfuris to Khartoum" (paragraph 2). However, the substantive hearing and subsequent CMR occurred during a period of nationwide social and political unrest which the, then, government attempted to suppress using violent means. The demonstrations resulted in, first, the ousting of President Omar Al-Bashir in April 2019, and, eventually the creation of a transitional civilian-military government in July 2019 (see paragraphs 21 to 25 of [AAR and AA](#) and [Political context: December 2018 – August 2019](#)).

- 2.4.4 In light of the unstable and changeable country conditions, the UT in [AAR and AA](#) held a CMR on 10 July 2019 after which it concluded that:
- '... in light of the volatility of the situation in Sudan, the absence of the cogent evidence needed to set aside existing Country Guidance and in light of AAR and AA having waited for an extensive period of time for a final determination of their protection claims, the respondent conceded that a further delay was not appropriate and that the appeals should be determined on the basis of the existing Country Guidance cases. The respondent accepted that this meant that the appeals had to be allowed where the appellants' profiles as Darfuris brought them within the ratio of AA (Sudan)

and MM (Sudan). The Tribunal allows the asylum appeals of AAR and AA on that basis.’ (paragraph 29)

2.4.5 The UT went on to observe:

‘The answer to the Country Guidance question that was originally asked in these appeals is as follows. The situation in Sudan remains volatile after civil protests started in late 2018 and the future is unpredictable. There is insufficient evidence currently available to show that the guidance given in [AA \(non-Arab Darfuris - relocation\) Sudan CG \[2009\] UKAIT 00056](#) and [MM \(Darfuris\) Sudan CG \[2015\] UKUT 10 \(IAC\)](#) requires revision. Those cases should still be followed.’ (paragraph 30)

2.4.6 During the course of [AAR and AR](#) the UT was presented with a considerable body of evidence about the situation of non-Arab Darfuris in Sudan generally and in Khartoum in particular (where the Home Office contended that there was not a general risk of persecution for non-Arab Darfuris but each case needed to be considered on its facts). However, the UT did not provide any analysis of this evidence in the determination but instead concluded that the ongoing political and social uncertainty meant it was unable to depart from the findings in [AA](#) and [MM](#).

2.4.7 While the formation of the transitional government has brought some stability to the political and social situation, and signs of improvement in the human rights environment, there continues to be uncertainty about the future, and the degree and permanency of the changes (see [Political context: December 2018 – August 2019](#)). In this context and given the findings of the UT in [AAR and AA](#), a person who is able to establish that they are a non-Arab Darfuri - regardless of their background, profile or where they lived in Sudan - is likely to be at risk of persecution.

2.4.8 However, the situation continues to change and it may be in due course that the human rights situation improves to the extent that it is possible to depart from the current caselaw, following careful analysis of available country information.

2.4.9 For further general guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

2.5.1 As the person’s fear is of persecution at the hands of the state (or its proxies), they will not be able to obtain protection from the authorities.

2.5.2 For further general guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

2.6.1 As the person’s fear is from the state (or its proxies), internal relocation will not be reasonable. As stated above, in [AA](#), the UT found that: ‘All non-Arab Darfuris are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan’ (Headnote).

- 2.6.2 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 17 September 2019

## 3. Political context: December 2018 - August 2019

### 3.1 Protests and the ousting of President al-Bashir

3.1.1 Since 1989 Sudan had been led by President Omar al-Bashir who had seized power following a military coup. However, in December 2018 Sudan experienced a country-wide wave of protests and social unrest<sup>1</sup> triggered by the government's introduction of 'austerity measures amid an economic crisis' which 'were fueled by a range of grievances against the ruling National Congress Party (NCP) and Bashir'<sup>2</sup>. The security forces 'cracked down violently on those protests, using excessive lethal force to kill scores of protesters and rounding up hundreds, possibly thousands, for arrest and detention.'<sup>3</sup>

3.1.2 The demonstrations were organised by 'the Sudanese Professionals Association (SPA), a network of groups representing doctors, journalists, lawyers, teachers, engineers, and other professions[...] They joined with opposition parties, rebel groups, and civic organizations on January 1 [2019] to sign the Declaration of Freedom and Change (DFC)' forming the coalition of pro-democracy groups called the Forces for Freedom and Change (FCC)<sup>4</sup>.

3.1.3 After 4 months of near daily demonstrations, these reached a climax with large crowds occupying the square in front of military headquarters in Khartoum on 6 April 2019 demanding that President Al Bashir leave office. On 11 April 2019, a council of generals - the Transitional Military Council (TMC) led Lt-General Abdel Fattah al-Burhan - announced that President Al-Bashir has been removed from the presidency and that the council had assumed control of the government<sup>5</sup>. The BBC reported that '[w]hen the military took power in April, demonstrators stayed put outside its headquarters and insisted that it transfer authority to a civilian administration. Talks between the ruling generals and the protest organisers, who have come together under the umbrella group Forces of Freedom and Change, initially showed little sign of progress'.<sup>6</sup>

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### 3.2 Military rule, protests and a power-sharing agreement

3.2.1 The US Congressional Research Service (CRS) in a note of 21 August 2019 observed that the TMC initially defied

'... calls for a swift transfer to civilian rule, [as a result] protesters staged a sit-in. It lasted for almost two months before security forces violently

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<sup>1</sup> BBC, 'Sudan crisis...', 16 August 2019, [url](#).

<sup>2</sup> CRS, Sudan: In focus, 21 August 2019, [url](#).

<sup>3</sup> HRW, 'sudan: Heed Calls for Justice, 18 April 2019, [url](#).

<sup>4</sup> CRS, 'Sudan's Uncertain Transition' (p3), 17 July 2019, [url](#)

<sup>5</sup> BBC, 'Sudan crisis...', 16 August 2019, [url](#).

<sup>6</sup> BBC, 'Sudan crisis...', 16 August 2019, [url](#)

dispersed it on June 3 [2019]. Over 100 people were killed in the attack, reportedly led by the paramilitary Rapid Support Forces (RSF). The RSF, which has roots in the Janjaweed militia and is linked to serious abuses, has been heavily deployed in Khartoum since April. An internet shutdown that began on June 3 [2019] lasted over a month, restricting both dissent and business activity.’<sup>7</sup>

### 3.2.2 The same CRS note stated:

‘The African Union (AU) declared Bashir’s overthrow to be another coup d’état and, after the June 3 [2019] violence, suspended Sudan from the organization.

‘AU and Ethiopian mediators revived negotiations between the TMC and the Forces for Freedom and Change (FFC) a coalition of opposition, civil society, and professional groups. On July 4 [2019], after another mass protest, the two sides agreed to a three-year power-sharing arrangement, charting a path toward civilian rule and elections in late 2022. They signed a constitutional charter a month later, and on August 21 [2019], the TMC was dissolved and replaced by a joint militarycivilian Sovereign Council. A prime minister nominated by the FFC, Abdalla Hamdok, will lead a civilian cabinet; a transitional legislative council is to be formed by November.’<sup>8</sup>

### 3.2.3 The International Crisis Group (ICG) commented on 20 August 2019:

‘On 17 August [2019], four months after the most sustained protest campaign in Sudan’s modern history swept Omar al-Bashir from power, the Forces of Freedom and Change opposition coalition signed a power-sharing accord with the ruling military junta. The deal is a milestone in the country’s sometimes stumbling transition away from autocracy. If honoured in full, it will pave the way for elections at the close of a three-year period of reforms overseen by a civilian-dominated cabinet and legislature. Within the week, the opposition and the generals are expected to announce the members of a new Sovereign Council tasked with steering the transition. It will consist of five opposition representatives, five members picked by the security forces and a civilian jointly nominated by both parties. The opposition will then name a prime minister and a cabinet, though the military will assign the interior and defence portfolios.

‘Yet formidable challenges lie ahead. The generals who have monopolised power in Sudan for three decades will not share it easily. And the new administration will inherit an economy in deep distress.’<sup>9</sup>

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## 4. Ethnic demography

### 4.1.1 The US State Department’s human report for 2018 noted that ‘The population includes more than 500 ethnic groups, speaking numerous languages and dialects. Some of these ethnic groups self-identify as Arab,

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<sup>7</sup> CRS, Sudan: In focus, 21 August 2019, [url](#).

<sup>8</sup> CRS, Sudan: In focus, 21 August 2019, [url](#).

<sup>9</sup> ICG, ‘Nurturing Sudan’s...’, 20 August 2019, [url](#).

referring to their language and other cultural attributes. Northern Muslims traditionally dominated the government.’<sup>10</sup>

- 4.1.2 Dr David Hoile noted in ‘Darfur in Perspective’, first released in March 2005 and revised in January 2006, that:

‘The largest [non-Arab] ethnic group within Darfur are the Fur people, who consist mainly of settled subsistence farmers and traditional cultivators. Other non-Arab, “African”, groups include the Zaghawa nomads, the Meidob, Massaleit, Dajo, Berti, Kanein, Mima, Bargo, Barno, Gimir, Tama, Mararit, Fellata, Jebel, Sambat and Tunjur. The mainly pastoralist Arab tribes in Darfur include Habania, Beni Hussein, Zeiyadiya, Beni Helba, Ateefat, Humur, Khuzam, Khawabeer, Beni Jarrar, Mahameed, Djawama, Rezeigat, and the Ma’aliyah.’<sup>11</sup>

- 4.1.3 In a joint study by the Research and Evidence Facility and the Humanitarian Policy Group (HPG), ‘Darfuri migration from Sudan to Europe From displacement to despair’, published in August 2018, noted that:

‘Migration and displacement are part of the history and livelihoods of Darfur. Migration has long been an essential part of people’s livelihoods in Darfur, whether seasonal or long-term labour migration, migration for pasture or in response to drought and famine. Some of this migration occurred within Sudan, and some of it outside Sudan, particularly to Libya, Egypt and the Gulf countries. Some ethnic groups, in particular the Zaghawa, used long-term migration to transform their livelihoods and to adapt to the worsening conditions in their homelands in the far north of North Darfur. Migration patterns changed completely with the 2003 conflict, when millions of people were forcibly displaced due to government and militia attacks, killing and destruction of livelihoods. Traditional migration patterns were blocked. When the crisis became protracted, migration to Libya resumed. Young men also left Darfur for Chad, Libya, Egypt, South Sudan and Israel, to find safety or work. Until 2013 the numbers migrating to Europe were limited.’<sup>12</sup>

- 4.1.4 In the executive summary to the report of a fact finding mission (FFM) to Khartoum published in November 2018, the Home Office observed:

‘... the country’s population is estimated to be around 40 million of whom around 10 million live in Darfur and the same number in the capital, Khartoum (made up of the “Three Towns”: Khartoum, Khartoum North and Omdurman). Khartoum is experiencing increasing inward migration, driven by the poor economic situation, the centralisation of state and services in the capital, and continuing insecurity in outlying regions [including Darfur].

‘... the largest groups [in Darfur] are the Fur, Zaghawa, Maaslit and Berti [which in total make up over 70% of the region’s population]. Darfuris comprise a significant proportion of Khartoum’s population, numbering up to 1 million. There are also large numbers living in the agricultural area of Gezira to the south of Khartoum.’<sup>13</sup>

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<sup>10</sup> USSD, Human rights report 2018 (section 6), March 2019, [url](#).

<sup>11</sup> David Hoile, ‘Darfur in Perspective’ (p5), March 2005, [url](#)

<sup>12</sup> SOAS, REF, ‘Darfuri migration from Sudan to Europe ...’, (Executive Summary), August 2018, [url](#)

<sup>13</sup> Home Office, FFM report 2018 (p9), November 2018, [url](#)

## 5. Treatment of non-Arab Darfuris

- 5.1.1 The country guidance case of AA, promulgated in November 2009, largely reflected the Home Office's [Sudan, Operational Guidance Note](#) dated 2 November 2009 and the country information therein.
- 5.1.2 More recent country information on the treatment of non-Arab Darfuris in Darfur and elsewhere in Sudan, including Khartoum, is available in the following sources:
- Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), [Darfur, COI Compilation, September 2017](#)
  - Asylum Research Consultancy (ARC)
    - [Sudan: The situation in Khartoum and Omdurman – An update, 13 September 2018](#)
    - [Sudan: The situation in Darfur, 28 January 2019](#)
  - Australian Government, [Department of Foreign Affairs and Trade, Country Information Report – Sudan, 27 April 2016](#)
  - Belgian government, Commissioner General for Refugees and Stateless persons, [COI Focus, Sudan risk upon return, 6 February 2018](#)
  - Radio Dabanga, [Home](#)
  - School of Oriental and African Studies, Research and Evidence Facility and the Humanitarian Policy Group, [Darfuri migration from Sudan to Europe From displacement to despair, August 2018](#).
  - Security Council Report, [collection of key UN documents for Sudan](#)
  - UK Home Office,
    - [Report of a joint Home Office fact finding mission: situation of persons from Darfur, Southern Kordofan and Blue Nile in Khartoum, Sudan, August 2016](#)
    - [Report of a fact-finding mission to Khartoum, Sudan Conducted between 10 and 17 August 2018 Published: November 2018](#)
  - UN-African Union Hybrid Operation in Darfur (UNAMID), [Secretary-General reports](#)
  - US government, State Department, [2018 Country Reports on Human Rights Practices: Sudan, 13 March 2019](#)
  - Waging Peace, Witness statement made by Maddy Crowther for the case of AAR and AA, [Risks on return for Darfuris in Sudan, January 2019](#)

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Political context
- Ethnic demography
- Treatment of non-Arab Darfuris

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US Congressional Research Service,

'Sudan's Uncertain Transition', updated 17 July 2019, <https://crsreports.congress.gov/product/pdf/R/R45794>. Last accessed: 24 September 2019

'Sudan: In focus', 21 August 2019, <https://crsreports.congress.gov/product/pdf/IF/IF10182>. Last accessed: 24 September 2019

US State Department, '2018 Country Reports on Human Rights Practices: Sudan', 13 March 2019, <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/sudan/>. Last accessed: date

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **11 November 2019**

## Changes from last version of this note

Updated to reflect reported case of AAR and AA.

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