

10th European Country of Origin Information Seminar

1-2 December 2005, Budapest

Sudan

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I. Sudan Country Profile

Country name:

conventional long form: Republic of the Sudan

conventional short form: Sudan

local long form: Jumhuriyat as-Sudan

local short form: As-Sudan

former: Anglo-Egyptian Sudan



Capital: Khartoum

Area: 2.5 million sq. km. (967,500 sq. mi.); Sudan is the largest country in Africa

Population: 40.2 million; 30%-33% urban (2005 est.)

Ethnic Groups: The population is a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Black ethnic groups constitute the majority with about 52% of the population. The remaining groups are Arab (39%), Beja (6%), foreigners (2%), other (1%)

Religions: Sunni Muslim 70% (in north), indigenous beliefs 25%, Christian 5% (mostly in south and Khartoum)

Languages: Arabic (official), Nubian, Ta Bedawie, diverse dialects of Nilotic, Nilo-Hamitic, Sudanic languages, English

Executive branch:

chief of state/head of government: President Field Marshal Umar Hassan Ahmad al-BASHIR (since 16 October 1993); First Vice President Salva KIIR (since 4 August 2005), Vice President Ali Osman TAHA (since 20 September 2005); note - the president is both the chief of state and head of government

Government's website: <http://www.sudan.gov.sd/>

cabinet: Council of Ministers appointed by the president; the National Congress Party or NCP (formerly the National Islamic Front or NIF) dominates al-BASHIR's cabinet

elections: election last held 13-23 December 2000; next to be held no later than July 2009 under terms of the 2005 Comprehensive Peace Agreement

election results: Field Marshall Umar Hassan Ahmad al-BASHIR reelected president; percent of vote - Umar Hassan Ahmad al-BASHIR 86.5%, Ja'afar Muhammed NUMAYRI 9.6%, three other candidates received a combined vote of 3.9%; election widely viewed as rigged; all popular opposition parties boycotted elections because of a lack of guarantees for a free and fair election

Legislative branch:

Parliament: bi-cameral body comprising the National Assembly and Council of States (replaced unicameral National Assembly of 360 seats); pending elections and National Election Law, the Presidency appointed 450 members to the National Assembly according to the provisions of the 2005 Comprehensive Peace Agreement: 52% NCP; 28% SPLM; 14% other Northerners; 6% other Southerners; 2 representatives from every state constitute the Council of States; terms in each chamber are five years following the first elections

Website of the National Assembly: <http://www.sudan-parliament.org/>

elections: last held 13-22 December 2000 (next to be held 2008-2009 timeframe)

election results: NCP 355, others 5; note - replaced by appointments under the 2005 Comprehensive Peace Agreement

Judicial branch:

Constitutional Court of nine justices; National Supreme Court; National Courts of Appeal; other national courts; National Judicial Service Commission will undertake overall management of the National Judiciary

Main political parties:

General information: Currently there are several political parties in both the nation's north and south. All political parties were banned following the June 30, 1989 military coup. Political associations, which take the place of parties, were authorized in 2000. Some parties are in self-imposed exile.

Main political parties and pressure groups (including their leaders)

- Democratic Unionist Party [Muhammed Uthman AL-MIRGHANI]
- Muslim Brotherhood [Habir Nur AL-DIN]
- National Congress Party or NCP [Lt. Gen. Umar Hassan Ahmad al-BASHIR, president; Ibrahim Ahmed UMAR, secretary-general]
- National Democratic Alliance [Muhammed Uthman AL-MIRGHANI, chairman]
<http://www.ndasudan.org/>
- Popular Congress Party or PCP [Hassan al-TURABI]
- Sudan People's Liberation Movement [Salva Mayardit KIIR]
- Umma Party [Sadiq al-MAHDI] <http://www.umma.org/>

Social and economic data:

Age structure: *0-14 years:* 42.7%, *65 years and over:* 2.4%

Population growth rate: 2.55% (2006 est.)

Life expectancy at birth: *male:* 57.69 years, *female:* 60.21 years (2006 est.)

GDP (purchasing power parity): \$84.93 billion (2005 est.) // per capita: \$2,100 (2005 est.)

GDP - real growth rate: 7.7% (2005 est.)

Currency (code): Sudanese dinar (SDD)

Sources:

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compiled by ACCORD

II. Sudan Country Report

10th European Country of Origin Information Seminar in Budapest
(1st – 2nd December 2005)

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This report is based on the notes and transcripts of the presentations given by Dr. Homayoun ALIZADEH, Regional Representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for South-East Asia and former Head of OHCHR in Khartoum, and Dr. Hans SCHODDER, Senior Protection Officer of the United Nations High Commissioner for Refugees (UNHCR) Representation in Khartoum, on 1 and 2 December 2005.

Passages taken from Mr ALIZADEH's presentation are marked with the abbreviation HA, the contributions of Mr SCHODDER are marked with HS.

1. Political and Economic Background

HA:

Sudan has 32 million inhabitants and is the biggest country in Africa. With an area of 2.5 million square kilometres, it is as large as Austria, Italy, Germany, France, Spain, Portugal, the United Kingdom and Sweden together.

Generally spoken, the Sudanese are very open and tolerant and have a huge culture of communication. In Sudan, there is a wide diversity of cultures and religions. Arab tribes live side by side with African tribes. Of course, within the last 300-400 years, there were disputes between different groups, but they were solved through traditional conflict resolution mechanisms. The country has, however, never come to a time when peace and security prevailed and this situation has not yet changed. Sudan has experienced more than 30 years of internal armed conflicts, thereof 20 years of war between southerners and northerners. Even though a peace agreement was signed in January 2005, there is actually not only a conflict in Darfur, but also another one in eastern Sudan. We should not forget the south-south conflict among various African tribes.

HS:

In colonial times, Sudan was divided, as the colonial power applied different policies to the North and to the South of the country. The complete underdevelopment of the South dates back to that time, because the British colonial regime didn't invest in the South at all. Darfur was an independent sultanate which, finally, became part of Sudan in 1917 only. So some current divisions date back to colonial times.

HA:

When Bashir and Turabi took power in June 1989, the aim of their so called "Salvation Revolution" was the islamization of the Sudanese society. With strong relations to Iran, Saddam Hussein and Syria, the Salvation Revolution was not primarily a military coup but an ideologically motivated Islamist revolution. People like Turabi had the vision to establish a green (Muslim) belt from Chad to Addis Ababa and to support, like Khomeini, governments and movements which fought for Palestine and against the so called imperialism in the region. Reportedly, the Sudanese government was involved in the attempted assassination of Hosni Mubarak which took place in Addis Ababa in 1995. There are still members within the Sudanese government who have direct contacts to other fundamentalist organisations outside the country.

Regarding terrorist groups, it is known that al-Qaeda was born in Sudan. Normally, terrorist activities are totally in contradiction with Sudanese values, as the Sudanese generally have a

very relaxed, tolerant and open attitude. But there are elements coming from outside. Also, many government officials have studied in Bagdad, Teheran, and Damaskus, and especially in Islamic schools in Pakistan. There are persons within the Sudanese government who believe that the peace process is a conspiracy from outside, especially from the USA, and who therefore are very interested in disrupting the peace process.

After the 1995 assassination attempt, Sudan became completely isolated within the international community. The International Monetary Fund (IMF) and most UN agencies had pulled out of Sudan in the beginning of the 1990s. Sudan had enormous problems with neighbouring countries like Eritrea, Ethiopia, Uganda, Chad and Libya.

In 1999, Sudan began to exploit oil, which had two consequences: The government realized that it had to change its foreign policy to end its international isolation, on the other hand, the UN started to get interested in the conflict. Sudan produces 550.000 barrels of oil per day. The first pipeline which has been built in the 1990s from Unity State in South Sudan to Port Sudan, has a length of 1.600 kilometres. The second pipeline, which was completed in July 2005, has a length of 1.100 kilometres and also connects South Sudan with Port Sudan. Companies from India, China, Malaysia and Russia were involved in the construction. A third pipeline is planned to be built from Darfur to South Sudan and the longest pipeline will be reportedly built from South Sudan to Mombasa, Kenya. This is considered to be one of the biggest projects in Africa.

The way out of international isolation started with a dialogue between the European Union and Sudan. From 2000 on, Sudan also tried to normalize its relations with the neighbouring countries, and succeeded in 2003. In November 2001, Senator Danforth who was nominated by the Bush administration, came to Sudan with the mandate to open a dialogue between the United States and Sudan in order to bring peace and security to the region and to end the longest war in Africa.

Sudan, in terms of natural resources, is a wealthy country. Sudan has not only untouched oil reserves, but also other natural resources like gold, platinum, and to some extent, uranium. Its iron reserves belong to the biggest in the world and even exceed those of Mauritania. According to some experts, Sudan will be one of the biggest oil exporters of the OPEC within the next 10 years. This is one of the reasons why the government realized that in order to enhance its economic activities and oil production and to attract foreign investors, it needed to negotiate a peace agreement with the South. The southerners, especially the SPLM, considered the oil refineries which are located in Unity State in the South as military targets. The Sudanese government was therefore under pressure to agree to the peace agreement which was signed after two and a half years of negotiations in January 2005.

According to the Power Sharing Protocol, in South Sudan 70% of the seats of the Parliament are dedicated to the SPLM and 30% to the government. This means that the peace agreement is signed by two parties, while all other groups and parties are excluded.

The "Black Book: Imbalance of Power and Wealth in the Sudan" which was written by affiliates of Turabi in the late 1990s draws a very good picture of the Sudanese tribes which succeeded in ruling the country since 1946: the Danagla, Shergia and Jaalin are the three major tribes in the North. The key power positions like key ministries have always been held by members of these tribes. They have succeeded in marginalizing other political and social groups throughout the history of Sudan and to rule the country with a strong military and security apparatus.

Regarding the split between Bashir and Turabi, the reason was rather pragmatic than ideological. Turabi envisioned a kind of semi-democratization or democratic process for Sudan within the Arab countries. He believed, that his National Islamic Front would be a power to control both the military and the security apparatus in the country. Taha, the vice-president, however, opposed this idea, because he knew that with the installation of parliamentarism the risk of losing the election would be very high. For that reason he built up a huge security apparatus. The national security force and the military intelligence service are considered to be the most efficient organisations in Sudan. Both entities, more or less, control the country - not the government.

Since its independence in 1956, Sudan has gone through a militarization process. The agricultural sector and the industry sector of the economy are dominated by the military. According to staff members of the Sudanese Ministry of Defence and the Ministry of Finance, 80% of the budget for 2003 and 2004 was spent on the military. The military is still building up its capacities, because it tries to establish Sudan as the dominant military and political power within the Arab region or at least among the North African countries, second to Egypt.

Sudan still needs emergency relief from outside and has never reached the phase of having a kind of development assistance program. Sudan has 37 billion \$ debts, of which 11 billion are bilateral. The current government hoped that a peace agreement would pave the way for a debt reduction from the Paris Club.

The **implementation of the peace process** is behind schedule. Numerous provisions have not yet been implemented. For example, according to the peace agreement, a national commission should be established which would be responsible for issuing concessions to the various oil companies active in the region. In contradiction to the peace agreement, the SPLM granted the concession of one of the oil pipelines to TOTAL. The SPLM is very annoyed by the fact that the different peace protocols, the Power Sharing Protocol and the Wealth Sharing Protocol, address only the oil in the South. During the last years, a large amount of oil has been discovered in the government-controlled northern part. Now it becomes apparent that the SPLM will not be part of the oil-sharing in the North.

As agreed upon in the negotiations, both the Ministry of Finance and the Ministry of Oil should have been allocated to the SPLM. Yet, Awad Ahmed al-Jaz who has been the Sudanese Minister of Energy for nine years has been re-nominated into the new government to deal with the oil sector. The sharing of key positions and wealth are crucial points that will determine the cooperation or coexistence between the SPLM and the National Congress respectively National Islamic Front and therefore whether there will be peace and security in the country or another conflict.

HS:

Many Sudanese, including members of civil society organisations and human rights defenders, are also disappointed with the peace process. An interim constitution was passed and there should be a legal reform. Neither the National Security Act nor the state of emergency have been lifted. Many critics believe that this non-implementation is deliberate and that there is no intention to push a process which would bring laws and their implementation in line with the lofty provisions of the interim constitution.

2. General Social Situation

HA:

Sudan belongs to the least developed countries. Regarding governmental economic and social activities, Sudan is still very much behind. For example, in Sudan, 500 000 children enter primary school, but after four years, only 50 000 children still attend school, because the parents cannot afford to pay the different school fees. 450 000 young people are out of the education system in this country. Illiteracy rates are very high in regions like Darfur. The government does not have a policy to promote the education system, access to water or sanitation. There is also a lack of medical personnel, especially in crisis areas like Darfur. E.g., over 10.000 Sudanese medical doctors left the country to live in Saudi Arabia.

3. General Human Rights Situation in Sudan

3.1. Overview

HA:

The human rights situation in Sudan is catastrophic, despite the fact that Sudan is a member of various international human rights instruments, including the International Covenant on Civil and Political Rights (CCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC).

Sudan has not yet ratified the Convention Against Torture, and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), because sharia law, which includes cruel and inhuman punishments such as amputation and cross amputation, is still applied. Sudan has not yet ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), because the Sudanese government considers the convention totally in contradiction with Islamic and Sudanese traditional values. Even though Sudan has ratified the above mentioned conventions, a broad range of violations of human rights including arbitrary arrests, disappearance cases, executions, and torture occur in Sudan.

In 2000, the United Nations High Commissioner for Human Rights (OHCHR) signed an agreement with the Sudanese Government on providing technical assistance programmes in the field of human rights by sending an expert to Sudan whose task was to build up structures for the promotion and protection of human rights in cooperation with governmental and nongovernmental institutions. The Sudanese government was, however, very critical of the UN presence in Sudan and human rights were taboo at that time. While some elements within the government applied for a policy of opening the door for human rights issues, others considered human rights a Western concept and totally in contradiction with the Islamic, Sudanese traditional and social doctrine. Therefore it was very difficult for OHCHR-Khartoum, which did not have any monitoring or protection mandate, to start with human rights promotion activities. In 2002, however, over 10 human rights training programmes for various target groups, including security, military and police officers, parliamentarians, journalists, prison staff, social workers working in prison, Islamic organisations, and members of national NGOs working in the human rights, peace-building and reconciliation and humanitarian field, were organised.

Regarding the establishment of a national human rights institution, there is no progress. We are far from the implementation of the peace agreement and the harmonisation of national domestic laws with the international human rights instruments. There will be an election within the next two or three years, but the extent to which these elections will be free can be doubted. While the precondition for free elections is a free press, the censorship of the press has increased since the signing of the peace agreement. Censorship existed within the last 15 years, from 1989 up until now. The number of arbitrary arrests and people tried for political reasons has doubled from January 2004 to January 2005.

HS:

Notwithstanding the political developments, the peace agreement, the swearing in of Vice President Dr. Garang, the formation of the Government of National Unity and some improvements in other areas, there are still widespread and systematic violations of human rights - not only in Darfur, but throughout the country.

The Sudanese who are critical of the regime emphasise that many of the new provisions in the new interim constitution that would require big changes in legislation, are not being implemented. So far, the National Congress and the SPLM focused on the formation of a Government of National Unity and a power struggle over key portfolios like the Ministry of Energy. It is unclear, whether and when more liberal provisions of the constitution will be translated into national legislation. Critics would say that the government is deliberately reluctant to disseminate information about the contents of the CPA or of the interim constitution, to prevent citizens from understanding the rights they might gain if and when the new interim constitution would be implemented. The National Security Act of 1999, however, remains in effect, even though the president announced twice (in January 2005 and again in June 2005) that it would be lifted.

In Khartoum, the curfew has been lifted. Road blocks and ID checks, which were still common half a year ago, have ceased. Body and house searches occur less frequently. But in the provinces, these practices are still common. Governors of provinces can impose the emergency state. Of course, in Darfur, it remains in force, and also in other areas of the country.

3.2. Judiciary/Law/Security Forces

3.2.1. Judiciary/Arbitrary Detention/Fair Trial

HS:

Under the **National Security Act** which is still being implemented, the security apparatus has impunity and is free to detain persons arbitrarily without arrest warrants. The National Security Act allows detention without trial and judicial review for 30 days which can be extended three times. De facto, detention can be extended indefinitely. Many detainees are held incommunicado and are not given access to lawyers. Family members are not informed about their status.

The **Criminal Procedures Act**, which is based on the formerly British system, would offer different safeguards: a detainee must be brought before a judge after 48 hours of detention. There is a possibility of bail, and detention can be extended to 15 days of investigative detention. This system is not really in effect, because, first of all, many people are detained

under emergency law, especially when there are political implications. Moreover, the judicial system is heavily overloaded. The safeguards of the Criminal Procedures Act are often not implemented simply because courts cannot cope with the number of cases.

Regarding **legal representation**, there are other limitations as well – poverty and the lack of a functioning legal aid system. Legal aid is only available for defendants who face the death penalty and they are not free to choose their lawyer. Lawyers are not present during police interrogations. Usually, they don't get access to police files, so their representation of cases in courts turns out to be very difficult.

After the coup, the new regime started to control the **Sudanese Bar Association** which formerly was quite powerful, with well educated lawyers. Today, the Bar Association is strictly controlled by the government. Legal professionals complain about rigged elections to the management. A number of courageous lawyers still do represent political cases and torture victims, but they risk harassment, arbitrary detention and torture themselves.

HA:

There is no independency of the judiciary in the Sudan. When the government seized power, there were a lot of good, qualified judges, but they left the country.

The Sudanese Bar Association is a very strong association. In 2002, the Chief Justice nominated six judges as members of the electoral committee of the General Assembly which was in contradiction of the Statute of the Bar Association. As a result, some lawyers turned to the Constitutional Court which in its first judgement decided that the intervention of the state was illegal. After the government intervened, the Constitutional Court revised its judgement and confirmed the decision of the government. Thus, the election of the board members did not take place at their planned General Assembly. Instead, the election of the board members was carried out in six parts of the town of Khartoum and it was won by the Islamist faction. So even the Bar Association which is part of the civil society cannot be seen independent from governmental control.

3.2.2. Prisons and Prison Conditions

HS:

The conditions in prison vary from extremely to very harsh. Many prisons are severely overcrowded. Many prisoners are kept in one cell and they are not allowed to leave the cell to exercise. Sanitary conditions are terrible.

Very often women, particularly IDP women or those who are detained for alcohol brewing, are imprisoned together with their children. Small children, as young as four or five years old, even babies, are being detained with their mothers without any special provisions.

Medical services in prisons are very poor. Even the largest prison in Khartoum, Kobar, does not even have a budget to administer antibiotics. Tuberculosis, malaria and HIV are rampant. Many detainees get ill in detention, they get long term infects or might even die as a result of their imprisonment.

The "ghost houses", which are informal secret prisons, still do exist.

Whereas UN human rights monitors got access to some prisons in Sudan, they have so far been denied access to national security facilities. The government never allowed the International Committee of the Red Cross (ICRC) to visit prisons in Sudan. Yet, in the South, the ICRC negotiated an agreement with the SPLA/SPLM to visit prisoners of war.

3.2.3. Torture

HS:

Torture is routine and widespread. Many detainees, both persons detained for political reasons and persons suspected of having committed ordinary crimes, are affected. The real number of people who are being tortured is unknown, but it might go into thousands every year. There are a number of recorded deaths in custody as a result of torture, and even after release from the results of torture. In case of ill-treatment by security officials, there is no complaint mechanism.

The prison rules give the prison management a lot of arbitrary powers. They can decide on the imposition of solitary confinement and its length. Prisoners can also be punished with whipping and lashing.

Many people **disappear** every year. They might disappear into the ghost houses and not survive the detention. Their fate is unknown.

3.2.4. Death Penalty

HS:

According to the 1991 Criminal Law, nine offences carry the death penalty: Attack on the power of the state, sometimes also called "crimes against the state", which is quite commonly used to persecute political opponents; waging war against the state (art. 51); espionage (art. 53), which is also used to accuse human rights defenders and humanitarian workers. There were several cases, especially in Darfur, where Sudanese citizens who worked for UN organisations or international NGOs were arrested and accused of being spies for the US or the UN. The offence carries the death sentence. Further crimes punishable by death are apostasy, which means the conversion from Islam to another religion, murder, adultery, homosexuality, armed robbery and embezzlement.

There are no statistics available on the number of people sentenced to death or of executions actually carried out. According to estimates, between 150 and 300 persons, depending on the source, currently await execution, mostly in Khartoum and Darfur. Fewer executions are carried out now than in the past. More sentences are appealed and more cases won on appeal. Crucifixion and stoning are being carried out less frequently. Public executions which occurred in the past are not taking place anymore, but people are still executed in prisons.

3.2.5. Corporal Punishment

HS:

At the moment, amputations and cross-amputations, which are foreseen as punishment under the sharia-inspired law, appear to be executed much less frequently than in the past. However, there is very little information about how many of these cruel and inhuman punishments are

organised by ACCORD, HHC & UNHCR
co-financed by the ERF 2004

still being meted out. What we know for sure is that flogging, lashing and whipping are very common and are being administered every day and very quickly.

Certain offences are being attended to by the **Public Order Act**, the Public Order Police and the public order courts. These are institutions, where adherence to Islamic morals is attended to by a special legislation and executive organs. In Khartoum, not so many women are stopped anymore on the street for not wearing a headscarf or wearing jeans. The situation has improved, but particularly southerners, who as Christians have different traditions and dress differently, are particularly victimised.

Persons, who are accused of public order offences, have no access to legal representation and sentences are passed very quickly. Victims, mostly women, have little possibility to defend themselves. The most common punishment is lashing or whipping. So if women are picked up in the evening, in the morning they will be brought before a judge, with the sentence, like whipping, being carried out the same afternoon. Victims have no legal remedies against this practice.

3.3. Political Affiliation

3.3.1. Situation of Members of Opposition Parties

HS:

There was a wave of persecution of members of opposition parties or movements after the coup in 1989. Most opposition movements and parties gathered under the **National Democratic Alliance (NDA)**, with its headquarters in Asmara, Eritrea.

The new Bashir regime was also very determined to eliminate the **trade unions**, which were traditionally aligned with the Communist Party, because they had initiated the downfall of two previous regimes. Instead, a general state-controlled union was established. Until today, it is impossible to create new, independent trade unions.

In 1999, the former prime minister, **Hassan Al Turabi**, split from the National Islamic Congress to form the **Popular National Congress (PNC)**. In 2000, he was arrested and imprisoned for three years. With much of the opposition in exile, particularly PNC members, that is the Islamist Turabi faction, were targeted by the regime during those years.

Recently, the situation has somewhat improved. In January 2005, a meeting between the National Congress and the NDA took place and the NDA was invited to return to Sudan and to participate in the new government. It is however still unclear to what extent this will be realised. The Beja Congress reacted by leaving the NDA to, together with the Free Lions, form the Eastern Front and stay in opposition to the current regime.

On 30 June 2005, after a statement of the president, 29 political prisoners were released: eight members of the PNC, including Hassan Al Turabi who was again in detention without charge since March 2004, six Manasseer tribe activists who had protested against mass relocation for the construction of the Marawi Dam, and 15 Beja Congress activists. No political prisoners in Darfur were released and many others are still imprisoned. Amnesty International

reacted by publishing a list of 330 **political detainees** who have not been released yet. Many of them are detained without charge.

The leading figures of the established Khartoum-based political movements are not being imprisoned at the moment. This might just be a temporary phenomenon, as for example, in the past, Al Turabi was released from detention, but arrested again, after rumours of a coup were fabricated. Mid-level and low-level opposition operatives, however, are at a higher risk of being persecuted.

3.3.2. Students

HS:

Since summer, students have been targeted very much. More and more students from Khartoum University have been arrested and tortured: Students who were active in student unions or who were in contact with Darfurian students or Nuba students - various activities that were not in line with the official student movement of the regime. As in many countries, students appear to be politically more sensitive and more active, but there is no real development of new opposition forces in any organised way yet, and it would certainly not be permitted by the regime.

HA:

There were several clashes between the students and the police. On request of the director of the university, the police entered the university and took all removable items, including TV, DVD and electric equipment. All the cell phones of the students were confiscated. Male and female students were badly beaten, in some cases women had to be treated for at least one or two months in intensive care in hospital as a result of the maltreatment. When we insisted on having an investigation, the president called for an investigation committee, but we never got any report or results of this investigations. I personally saw one case where a student had been tortured with 45 cigarette burns on his hands. We followed the case, but the judiciary did not react.

3.3.3. Human Rights Defenders/Civil Society

HS:

Civil society is perceived as a threat to the regime, and the regime reacts accordingly. Members of civil society and human rights defenders are under surveillance and might be arbitrarily arrested and detained. Depending on the charges, their status and the location they may then also be subjected to torture.

Civil society has become stronger, also thanks to the UN and international NGOs. Recently a new ordinance was passed whereby all NGOs would have to re-register. If this ordinance is implemented, much of civil society will become illegal and will have to move underground.

HA:

The government is not scared of Turabi and other political groups, but alarmed over civil society. In 2001, there were about 30, 40 NGOs working in the field of human rights. Now, there are 108 NGOs only in Khartoum dealing with human rights and humanitarian relief. The

government considers this development as a threat. Therefore persons, who work on human rights, especially in very fragile areas like Kassala in South Sudan and Darfur, might be at risk.

3.4. Situation of Christians/Conversion

HA:

Over 2 million Christians, mostly IDPs, live in Khartoum. They form a huge community and know how to defend their interests and religious practices. However, there is discrimination against Christians on a daily basis. For example, in a theft case that occurred in a house where Arabs and IDPs lived side by side, IDPs from the South were arrested and detained for two months, even though the police knew that an Arab was suspicious and should have been interrogated.

However, in Sudan, the distinction between Christians and Muslims is not very important, as the Sudanese are very open and tolerant. But this government has been trying to point out the differences between religious groups.

Regarding **apostasy**, the sharia law foresees the death penalty if a Muslim converts to Christianity. The government introduced the law, but some people within the government opposed its implementation. After 1998 the Penal Code was revised and allows Muslims to convert to Christianity unless they do it publicly or promote Christianity. The implementation of sharia law in Sudan is very liberal.

While the Penal Code says that a person who has converted will not be prosecuted unless he does propaganda, converts in fact are harassed by security officials who want to show that conversion has consequences within an Islamic society. According to their opinion, nobody has the right to convert from Islam. For example, there was a case of a young man who converted to Christianity and was arrested by the security and tortured very badly, although he had not made his conversion public or made propaganda for it. He was harassed on a regular basis, the security officers came to his home almost every night. We succeeded to bring this young man to Canada as a refugee.

HS:

Traditional Christian communities were targeted by the Bashir regime and have left Sudan. Many Copts emigrated in the early 1990s after a couple of prominent Copts were executed. Most Greeks left during the Numeiri regime which nationalised and destroyed many Greek businesses. There are some Copts and Greeks left, but today most Christians in Khartoum originate from the South and are Catholics, Anglicans or belong to various other denominations. They worship freely and openly.

There is discrimination, but it is difficult to detect. In the school system, for example, Christian students are forced to wear the head scarf, but they can have their own Christian education. They are allegedly discriminated against in terms of grades, but that is very difficult to verify. Other discrimination is related to the IDP situation: There are very little schools available for IDPs, and those few existing follow the Islamic state curriculum. The morals and laws of the country are affected by the Islamist ideology, which victimises Christians in many respects. Additionally, accusations of prostitution or adultery are more often waged against Christian than Muslim women.

3.5. Situation of Women

3.5.1. Conflict-related Sexual Violence against Women

HA:

Rape is used as a war strategy against the local population in Darfur. It is a tool to humiliate both women and their husbands and fathers. In March 2004 in South Darfur, there was a case where over 60 women were raped in front of their family members. Many women were brought to Khartoum by the security personnel to be used as slaves.

In Darfur, rape occurs on a daily basis. The police presence is scarce and victims of rape do not have access to female police officers or personnel that is trained to deal with rape cases.

Victims of rape are obliged by law to go to the police station before they can consult a doctor. Doctors are not allowed to treat a victim without an announcement, otherwise they would be prosecuted. In addition to that, women do not talk openly about rape, as a social stigma is attached to it. The international community tries to encourage the women to claim their rights.

HS:

The issue of rape in Darfur has been very well documented. Victims of crime including rape have to go to the police to get a so called "Form 8" before they can seek medical treatment. If they don't, the doctors will be liable to punishment, as well as the victims. Victims of rape might be prosecuted as adulterers. Possible sentences for adultery are extremely harsh under sharia law. Therefore this is a very difficult field for human rights advocates, NGOs and the UN to work in. It took two years to get the Form 8 requirement formally abolished, but it is not clear, when it will be abolished in practice. The social stigma is also a big problem for the victims of GBV, as is the impunity. We are not aware that any person accused of rape has yet been properly convicted in court.

3.5.2. Forced Marriages

HS:

The situation of women in Sudan is very difficult. According to the constitution, there should be no discrimination against women, but the reality is different. Forced marriage, which is related to child marriage, is still very common, especially in rural areas. In contravention to the UN Convention on the Rights of the Child (CPC), the Sudanese law does not foresee any minimum age for marriage. If the partners are very young, they have no say in whatsoever case, but forced marriage even happens to older brides.

The father, the brother or another male relative have to sign the marriage contract. Usually in urban areas, first a religious ceremony takes place in the church or in the mosque, and then the male relatives would go with a certificate to the district court or Christian court to get a signature. In the South of Sudan, there are also traditional tribal practices where a wife might be inherited by a male relative if her husband dies.

HA:

There are cases of 12-year-old girls forced into marriages with men aged between 40 and 50 years.

3.5.3. Female Genital Mutilation (FGM)

HS:

There are three kinds of FGM: The sunna, which is the traditional practice, is the removal of the prepuce and the tip of the clitoris. In the second form, clitoridectomy, the whole clitoris and the labia minor are removed. The third form of FGM, which is called the pharaonic infibulation, is basically a real surgical operation where all external genitalia are removed and stitched up except for a very small opening left.

Most widespread is the sunna form. In 2004, a survey among female university students at Khartoum University (these women belonged to the more educated urban class) showed that 98% of them had been mutilated, most according to the sunna. In rural areas, FGM is even more common than in the urban areas.

There is no law against FGM, except the pharaonic form, which could be prosecuted as bodily harm. The official position of the government towards FGM is ambivalent. The government does not run campaigns against this practice. Educational efforts are left to civil society and women's movements, which are quite active against FGM and have had some effects in the urban areas of Khartoum. Still, there is very little protection against FGM, because many victims are 5 or 6 years young. The impact of campaigns against FGM, which have been taking place for five to ten years now, cannot yet be measured.

The medical profession put some kind of control in place: FGM must be performed by a professional with a medical licence, otherwise it would be illegal. At the same time, in 2004, the medical council said that it would withdraw the licence of any doctor who would perform FGM. It is not the state who is getting active on this point, it's the medical profession, and it took a lot of civil society campaigning to get the medical profession that far. As a result, FGM is performed illegally by midwives.

There even is a worrying trend that FGM might be on the rise again because some women believe that it would protect them against rape, especially in Darfur. Some women also perform FGM later in life, to prepare for marriage where virginity is important.

HA:

The government policy on FGM is very contradictory. The Japanese government, together with UNICEF and national NGOs combating FGM, organised a seminar in August 2003 where experts from other countries like Burkina Faso were also invited. In Burkina Faso, FGM has decreased due to campaigning from the international community, the national government and NGOs. One of the recommendations of this seminar was to draft a law for the abolition of FGM throughout the country. A week later, President Bashir stated publicly that the fight against FGM was an imperialist policy and an intervention into the national traditional Sudanese culture. FGM is a practice foreigners can hardly do anything about, because it goes very deep into society. The only chance is to support nationals who fight FGM which adversely affects the health of women and children.

HS:

The question whether **parents who refuse to circumcise their children** would encounter problems, is difficult to answer. In Khartoum and other cities they should not be exposed to problems. This, however, also depends on the neighbourhood and the class. Civil society campaigns do have an impact and activists hope that this generation of girls will be less

victimised. In the countryside, there is more social pressure to perform FGM. The wish for circumcision might also come from a woman herself who wants to be circumcised to be able to marry, so the issue is very complex in Sudan.

3.5.4. Availability of Contraceptives

HS:

Contraceptives are widely available in urban drugstores, but access is restricted to married people. Young persons usually ask married friends or relatives to get them. There is a big stigma attached to it. So first you have to find someone to trust. In the countryside, this would be impossible, as privacy cannot be expected when frequenting a pharmacy, if there is a pharmacy at all. Therefore availability of contraceptives is very limited especially for those who are not married.

HA:

If you go to a pharmacy in Khartoum and ask for a condom, the first question is: Are you married? If you say yes, you get the condom, if you say no, you don't, because this would be in contradiction with Islamic values.

3.5.5. Women with Children Born out of Wedlock/Honour Killings/Abortion

HS:

The situation of **women with illegitimate children** is terrible. An illegitimate child means pregnancy out of wedlock, which means having committed the **crime of adultery**, on which – if the woman is married – the penalty is death by stoning. It seems that stoning is not practiced as frequently now as it was in the past. Today, the sentence might rather be converted into lashes and imprisonment; information on this topic is very sketchy. If the woman is unmarried and pregnant, she can be punished with 80 lashes and up to five years imprisonment.

The children are taken away from their mothers. These children are stigmatised for their whole life and they are not part of society. Numerous street children in Khartoum are illegitimate children. The government doesn't address this issue at all or provide any support to single mothers. Only very few **orphanages** exist. There are some privately run homes for women with children, but certainly not enough. Three centres for 170 children are run by an organisation in Khartoum that is not supported by the government but has to rely completely on local and international private sources. These three centres are far from being enough to address the problem in Khartoum alone.

In addition, women who become pregnant out of wedlock might be subject to **honour killings**, which are still widespread in the countryside and less common in Khartoum. The perpetrators of honour killings are usually not punished. According to sharia, a murderer will not be sentenced if the family of the victim absolves him. If a person is murdered by her own family there is hardly any punishment.

In Khartoum, many illegitimately pregnant women resort to **illegal abortions**. Abortion is legal only for married couples and only for medical reasons. Both the husband and wife have to give their written consent. All other sorts of abortions are illegal, very difficult to obtain and extremely dangerous. Professional medicals are not allowed to perform it.

HA:

A very high rate of girls in Sudan, especially in the student milieu, give birth to illegitimate children, because abortion is hardly possible. The situation of these children is horrible. There exist no protection nor medical or social services for this target group.

3.6. Slavery

HA:

The rates of slavery, especially of abductions of women and children, both in the North and the South of Sudan, are high – especially during war time. About 28 000 women have been abducted during the last 15 years in the North of the country. The question is how these women and children can return to their families. In one case, an abducted boy was so badly tortured that he could not walk anymore and was dependent on a wheel chair.

3.7. Sexual Orientation

HS:

Homosexuals face persecution in Sudan. The Criminal Code is very strict on this matter. The concept of homosexuality is a bit different than in Europe; it is about sodomy. It is the act which is punishable, not the orientation. In the traditional concept, homosexuality doesn't exist, just like it didn't exist in Europe until not so long ago.

Unmarried perpetrators would first be sentenced to 80 lashes, the second time to imprisonment, the third time to death. If the perpetrators are married, sodomy carries the death sentence. However, it is difficult to find information on the implementation, on how many people were actually sentenced or punished for sodomy.

Whereas many societies have traditional niches for homosexuals, no societal niches exist in Sudan, with the exception of the wedding cooks. The accusation of being homosexual is sometimes used to blackmail somebody or to smear political opponents. Basically, homosexuality is not tolerated.

3.8. Forced Recruitment/Desertion/Draft Evasion

HS:

Forced recruitment, where young men were rounded up on the streets, occurred before the peace agreement. This practice has stopped. Sudan now plans to establish a draft registration system.

However, young persons who finish their secondary education will not get a school certificate unless they do the military service. If they plan to continue their education at university, they usually do two months of basic service, then study at university and have to finish the other ten months of service before getting their university certificate.

There is **no possibility of conscientious objection**. With exception of some people with relevant connections, there is no way of getting around military service.

Women are being drafted as well, but usually there is less pressure on the drafting of women and then they are being used in the nursing profession, the reserve and similar fields.

According to the military law, the punishment for draft evasion is three years imprisonment. Desertion carries the death penalty. Draft evaders, instead of being punished, are often coerced into certain contingents of active service. Depending on where they are sent to fight, this could constitute another death penalty.

HA:

The law foresees the death penalty for desertion, but we don't know any case where a person was executed, also due to the Sudanese culture.

3.9. Internally Displaced Persons (IDPs)

3.9.1. General Situation

HS:

According to estimates, the number of internally displaced persons (IDPs) in Sudan is more than 6 million: 1.8 million in Darfur, approximately 2 million in Khartoum, 1.4 million in the South, the rest in the East and in other areas.

It must be underlined that there is a link between natural resources, economic policy and displacement. In most cases, displacement in Sudan is based on resource issues, e.g. in the transitional areas of Sudan, where oil is located. Many people have been displaced even in government-controlled areas for resource reasons, to secure oil-producing areas or develop big agricultural schemes. Private ownership of land does not exist anymore. Therefore the government can use land for its own business interests, which are interwoven with the military's interests and those of some families. Even though the huge displacement of people from the South was caused by armed conflict, it was also related to resource questions. It is no coincidence that the conflict in the South started at a time when the wealth of oil was realised.

HA:

In the beginning of 2000, the government brought Arab Baggara tribes from the West of Sudan to South Sudan and displaced the Nuer population, because the government considered the Nuer to be a threat to the pipelines.

3.9.2. Internally Displaced Persons in Khartoum

HS:

One fifth of the IDPs in Khartoum live in four official camps, and four fifths in up to 30 squatter settlements. The origin of the people in the camps: 20% are from Equatoria, the ultimate South, 20% from the central Southern provinces, 18% from Kordofan and the transitional areas, 13% from Bar el Ghazal, 10% from Darfur, and 9% from Upper Nile.

The **legal situation** of internally displaced persons in Khartoum is very difficult. It depends on the time they arrived: Those IDPs who arrived before the outbreak of the civil war with the

South in 1983, usually gained some rights as so called "squatters". Those who arrived later, and that is the majority, don't have any rights.

According to a survey which was carried out by CARE and IOM in 2003, 36% of IDPs in Khartoum had no documents. Only 37% had birth certificates, 15% certificates of nationality and only 8% had Sudanese ID cards. So documentation is a huge human rights issue as well. With lack of documentation, IDPs cannot even prove that they are Sudanese citizens.

The **living and health conditions** of IDPs are appalling. The international community paid some attention to IDPs in Khartoum in the past, but since the Darfur crisis, NGOs and international organisations focus on IDPs in Darfur instead. So the situation of IDPs in Khartoum has deteriorated over the last few years. The government does not address this issue. According to an UN assessment conducted in 2005, the housing and nutritional situation of IDPs in Khartoum is worse than in Darfur. In Darfur, IDPs are being nourished and supported by the international community, whereas there is hardly any assistance to IDPs in Khartoum.

School attendance is below 30%, because there are no schools available and the government doesn't spend money on this issue. All services have to be organised by NGOs and the IDPs themselves. These people are not welcome in Khartoum, but they provide all the cheap manual labour force.

The traditional relations between the Arabs in the North and the Africans in the South are shaped by a history of slavery. Many northern Sudanese treat the southern Sudanese with no respect, creating in turn a lot of hatred and resentment by southern Sudanese towards northern Sudanese. An indication of how separated, even hostile, these communities live side by side is that there is hardly any intermarriage.

Since 2003, the **demolition of IDP camps** and squatters' settlements in Khartoum has progressed and about 250,000 IDPs have been made homeless by the government. Protests of the United Nations against this demolition policy did not help. IDPs have been sent to new sites far away from the city into the desert with no water or any other services. This led to riots during which people were killed by the police. 900 people are reportedly still being detained because of these incidents. The news of Dr Garang's death in August 2005 caused three waves of violence and pillage. First agitated southerners went looting towards the city centre, then Arabs pillaged IDP quarters in revenge. Afterwards the police entered the camps and squatter areas, looking for electrical goods. If they found goods for which the IDPs could not show receipts, the police accused them of having stolen the devices during the riots and simply confiscated them.

HA:

Now, that the peace agreement is signed, the government hopes very much to attract foreign investors. This means that they will buy land to construct factories and companies etc. at exactly the places where IDPs live. Since the signing of the peace agreement in January 2005, we experience a huge destruction of IDP sites. Infrastructure like health centres and churches that were built by the IDP communities themselves, have also been destroyed. The UN system is not able to address this issue because the UN has a humanitarian, not a political mandate. Dennis McNamara, the director of the Inter-Agency Internal Displacement Division (IDD) in Geneva, went to Khartoum and spoke with the governor who said publicly that the IDP sites had to be destroyed because the places were needed.

3.9.3. Return to the South

HA:

Many IDPs, especially the older generation, want to return, but there is no way to reach the South because the international community is not prepared to pay for the transportation. Last year the SPLM asked for about 145 million dollars for transportation costs. The donor countries, however, are not willing to give money for this purpose because they say that the country has natural resources including oil and should take care of the IDPs.

The question of the IDPs is very important, not only in terms of a humanitarian perspective. In 2011 a referendum will be held in the South. The government knows that if the 2 million IDPs who currently live in the North return to the South, they will vote for secession and a separation from the North. We were insisting on a registration of IDPs before they return because this can play a major role when the referendum takes place. Without documentation, the returnees will automatically be excluded as voters from the referendum.

When Garang held a speech to IDPs in Khartoum, at least half a million people from the South were listening and the northern Sudanese were scared of what would happen if the southerners would attack their houses and their property.

Outside the IDP camp in Haj Yousif, at least half a million Dinka and Nuer live without access to water, sanitation, and education – and the government knows that this situation is a ticking bomb. On the other hand, the government cannot let the IDPs return to the South, because they would have a huge impact on the future history of the country. If the result of a future referendum is a vote for the secession from the North, the southerners will have the power over the Nile. Theoretically they can cut the water supply of Egypt. In the North, this decision would lead to a radicalisation of the government which is not in the interest of the neighbouring countries. So Egypt and Libya are very concerned. Even if the IDPs want to return, there is no infrastructure awaiting them. Why should people return to destroyed villages where nothing exists – as it is the case in Darfur.

Another problem is the **culture of impunity** in Sudan. In 2002, a military commission tried to bring stability to the Nuba Mountains region by building up small projects. However, many IDPs did not return to this area because they argued that the people who were responsible for the killing of their family members were still there and they would never be brought to justice. These IDPs did not have the trust and the confidence to go back.

HS:

Who promotes the return of IDPs to the South and how, is very difficult to say. On the one hand, the SPLA, maybe in view of the elections, promotes it. At the moment all observers in Khartoum believe that in six years, the southerners will vote for secession when they have the chance. Additionally, even some Arabist radicals in the North, some of whom influential in or with the government, advocate a secession, wishing to turn the North of Sudan in some kind of a gulf state with its wealth based on oil and imported labour.

For IDPs from the South, it is extremely difficult to return. In the past there were a couple of old freight barges on the river going down to Malaka, which were not built to transport people. Quite a number of people did not survive the journey because there were no railings, no sanitation and no drinking water on the barges. But that is the only way people can travel, as there is no infrastructure. So the government recently announced that it dug out four old

barges which can carry 250 people each, and that they will start shipping IDPs down the Nile south by the beginning of November. I have no news that this or other improvements of riverine transport have yet been implemented.

It is very difficult to convey information about the real situation in the South in the IDP camps. Many IDPs in Khartoum have a rosy picture of the South. It resembles the situation of refugees in the diaspora: they have a nostalgic vision of their homeland, which probably never existed or certainly doesn't exist anymore today. Any IDPs you ask will tell you that they will very soon go South, which does not mean that they will or can actually return. According to a survey conducted by IOM shortly after the death of Dr. Garang, 67% of IDPs in Khartoum said they would return within the next two years. I would not trust the reliability of these statistics. I've seen many situations where refugees expressed a very strong desire to return, but the conditions did not permit it. The conditions in the South are not adequate yet to receive any massive return, there is a lack of transportation and the development of the South faces incredible logistical problems.

The UN developed certain benchmarks regarding security and protection, but also regarding food and water supply, minimum health and education standards which should be met before it would assist organised IDP returns. At the moment, hardly any region of the South meets these benchmarks and they will likely not be met in the foreseeable future.

Also, the security situation in many regions in the South is still very unstable. So even spontaneous returns cannot be supported in many instances. The statistics about how many IDPs returned to the South are not reliable. It is also not known, how many of them came back to Khartoum again afterwards.

3.10. Exit, Political Activities in Exile and Return

3.10.1. Exit

HS:

Sudanese citizens need **exit visa** to leave the country, and these are denied to persons the government doesn't want to travel abroad, for example to attend critical meetings or conferences. While considering an application for an exit visa, the authorities keep the passport of the applicant. It's not a fact that political opponents don't get exit visa at all; it just might takes a couple of months or even years, and through all those years the passport stays with the authorities.

HA:

If women want to leave Sudan, they have to get a permission from their brother, father or husband, so there is no way a woman can leave the country on her own.

3.10.2. Political Activities in Exile

HA:

Of course, the Sudanese government observes activities of Sudanese nationals in Europe. Each consular or embassy has at least two security officers who deal with intelligence information.

Each event that is related to Sudan is attended by people from the embassy who observe and report – not to the minister of foreign affairs, but directly to their headquarters in Khartoum. The security apparatus, consisting of both internal security and intelligence service, monitors the activities of Sudanese citizens abroad.

3.10.3. Return (of Failed Asylum Seekers)

HA:

Failed asylum seekers won't face severe problems upon return, as long as they are not recognized as a threat to the state. However, if they are seen as a threat – there is no guarantee. In the beginning of the 90ies there were cases of people who just disappeared.

A lot of persons who left the country after the coup returned from exile. Of course they feared that they would be arrested at the airport, but nothing happened. However, this does not mean that the situation will continue like this.

HS:

In the past persons who left the country after the coup and stayed away for more than one year, would be questioned upon return automatically. This is no routine policy anymore; also the practice of arrests straight at the airport is not common anymore at the moment. Returnees might get visits from security officers later and be questioned or warned not to start any "funky business" in Sudan. I have no information that these people are particularly being targeted. Instead, some people who have been abroad for many years, maybe for political reasons, have come back to Khartoum. They are subject to close surveillance and they know that they cannot engage in political activities. They also know that they can be arrested, questioned, and detained at any time. They feel a little bit more secure if they obtained a foreign passport before their return. But if they are still Sudanese citizens, they have no protection at all.

There have been some positive developments, but the security is monitoring the situation very closely and it is quite unpredictable.

4. Darfur

4.1. Background Information on the Conflict

HA:

During the peace negotiations between the government and the SPLM, in the beginning of 2003, all of a sudden, the Sudan Liberation Army (SLA) claimed to be representative of Darfur and started to conduct military operations. One of the reasons for this development was that the SLA felt excluded from the peace negotiations. During the war with the SPLM, the government had totally neglected regions like Darfur. The Darfurians did not receive any financial or economic support from the central government in Khartoum. Also, there is a lack of confidence between the government and the population in general, especially in Darfur. On April 2003, the SLA attacked the military equipment in the airport of El Fashir, a step, which was totally surprising for the government.

Traditionally, Darfur is inhabited by Arab nomads, who move from North to South and South to North, and sedentary farmers like the Zaghawa and the Fur. During the last 300-400 years there have been traditional conflicts over natural resources like water and land, but the groups were able to solve their problems through the traditional conflict resolution system. At the end of 2002 and in 2003, however, the Sudanese government, instead of having a mediation role and helping them to solve their disputes over land and trade routes between Sudan and Congo, took the side of one conflict party. It provided paramilitary groups and militias, like the Janjaweed and some Arab tribes like the Rizeigat with military equipment which totally destroyed the balance of power between the two partners. Instead of working on a political solution, the government decided, especially after the attack of the SLA in El Fashir, to solve this problem militarily.

HS:

Also the conflict in Darfur is related to resource issues. The traditional economic coexistence between sedentary farmers and nomads has been disturbed. Already before the conflict, i.e. in the mid-1980s, at the time of the big famine in the area and in Chad, additional refugees came from Chad who settled in Darfur which aggravated the shortages of resources. Many Darfurians felt discriminated against in terms of wealth sharing and the development of Darfur. When they wanted these issues to be addressed, the government reacted by arming certain tribal or militia groups. Parts of them had already been armed before in order to fight the SPLM when the SPLM tried to open a western front in order to cause a regime change in Chad.

It is an oversimplification to talk about a conflict between Africans and Arabs. All the people who take part in the conflict are Muslims. These groups cannot be distinguished by their religion or colour of skin. In overall, one can say that it is a conflict between nomads and sedentary farmers, but also that is oversimplifying the case. The farmers are not necessarily Africans and the nomads Arabs. The situation is further complicated by the fact that nomads turn sedentary and sedentary farmers turn nomads, and there was intermarriage between these groups in the past. There are also different kinds of nomads, the camel nomads and the cattle nomads, who behave differently.

Some of the new farmers who came to Darfur from Chad or from elsewhere in Sudan sided with the government, in order to gain agricultural land from the displacement of the traditional farmers e.g. of Fur or Masalit tribal affiliation. At the same time quite a number of nomads, e.g. of the Zaghawa tribes, do not side with the government. Some joined the resistance movements, others try to stay neutral which is nearly impossible. For them, the situation is also very difficult.

4.2. Human Rights and Humanitarian Situation

HA:

As officers of the UN High Commissioner for Human Rights, we did not have a protection or monitoring mandate. But during our work with national NGOs, we got a lot of information about what was happening in Darfur. We knew for example exactly how many people were recruited by the military in the region; young people who were just taken from the streets and who were brought to the brigades to be trained. And every time when the UN was not allowed to carry out humanitarian activities, when "no-go areas" were declared, we knew that a military operation was taking place.

As of March 2003, Sudanese NGOs started to report on human rights violations in the Greater Darfur to the UN system and donor community in Khartoum. There was information about rape cases, crimes against humanity and pictures of burned bodies with tied hands, taken in different villages of Darfur. The victims were young people including women and children.

The late reaction of the international community to the crisis in Darfur resulted from the position of the US and the UK held at that time that they could not interfere. The argument was, if the international community would put too much pressure on the Sudanese government, which was negotiating with the SPLM in Kenya, the Government of the Sudan would withdraw from the peace negotiations with the SPLM. This would have fatal consequences for the US policy to achieve a peace agreement between the Government of Sudan (GoS) and SPLM.

The military operation started in June 2003 with a "cleansing" of the villages of the ethnic groups in South Darfur, especially the Fur and the Zaghawa tribes. Only in January 2004, as Andrew Natus from the US Agency for International Development (USAID) was flying from Khartoum to North Darfur, he saw the burning villages with his own eyes. That had an impact on the US administration to change its policy. This, however, was too late, because in January, February 2004, the military operation was completed. At that time, there were over 1.5 million internally displaced persons who had left their homes and property. Over 500 villages had been destroyed in Darfur within eight months.

Before the conflict, Darfur was in fact the only provincial state in Sudan that was totally independent from the import of agricultural products. This self-sufficient system, the agricultural structure and irrigation systems have also been destroyed. In 2005, both UNMIS and the United Nations System in Sudan asked the donors for 1.5 billion dollars aid, of which 800 million dollars were only for the food distribution. There is also the question who is going to build up these 500 villages. It will take at least between 20 and 30 years to reach the same level in Darfur as we had in the beginning of 2003.

In Darfur, there was no genocide. The definition of genocide is laid down in the Geneva Convention. To prove that it was a genocide certain indicators have to be met. As the results of the Commission of Inquiry on Darfur in 2004 showed, there were massacres, there were crimes against humanity and war crimes. Also some mass graves were found. But there was no indication that it was the intention of the government to do ethnic cleansing like in Rwanda where documents were found which showed how, step by step, the Tutsi population had to be eliminated. Even the Americans revised their statement, that there was a genocide in Darfur.

HS:

The humanitarian dimension of the Darfur crisis was very well illustrated in assessments and reports of human rights organisations documenting crimes against humanity and war crimes. The crisis is not over yet. Some hopes arouse in the first half of 2005, when the security situation somewhat improved, that voluntary returns would be possible on a small scale. Unfortunately, the situation deteriorated in the second half of the year. Over the last few months, there have been new displacements of thousands of people and several new Janjaweed attacks – on camps, but also on villages, on displaced persons and people who are still trying to live in the rural areas.

As Kofi Annan's statement when he presented the last monthly report on Darfur showed, the situation has deteriorated again and the access of the UN in Darfur has been gravely restricted now. Before, about 90% of the areas could be accessed, now this rate is down to 70%. Especially big parts of West Darfur are not accessible anymore. Bandits, many of them Janjaweed, attack aid workers and convoys as well as commercial traffic. The UN brought in some helicopters to gain access, but the helicopters have been shot at as well. Therefore also helicopter flights had to be suspended in some areas.

Now the seventh round of peace talks started in Abuja. The international community is getting tired of Darfur, nobody wants to see the reports anymore. There is quite a lot of pressure on a positive solution to the peace talks, but everybody expects that the banditry and insecurity will not cease even if and when these talks would lead to a feasible agreement. The threats to human life will continue and there is hardly any way to stop the pillage and rape in the current situation.

Right now in Darfur, there is harvest time which is a critical time. In 2004, only few people dared to venture out to cultivate fields. As a result, the harvest was very poor and much food aid needed to be delivered. Despite the bad security situation, the food aid was quite successful. The malnutrition in Darfur is much lower now than it was last year. In 2005, more people ventured out to try to farm, either from the villages or the IDP camps. They usually stay very close to the villages or camps. Some people, usually just men, even dared to temporarily return close to their original villages to cultivate the fields. Particularly in West Darfur, it could be observed that there was more cultivation than last year. Unfortunately, the harvest is now threatened. There were some local agreements with the cattle nomads that they would leave the harvest alone, but now the camel nomads are moving from North Darfur through West Darfur to the South and they have started to destroy quite a lot of the harvest. They are armed and therefore the villagers cannot defend themselves. Some people who cultivated their fields tried to reap as much as they could of the harvest before it would be attacked or destroyed. New displacement has taken place. With the bad security situation, there is no protection for people in rural areas. The Sudanese police intervene very rarely. On the few occasions it intervened, it was shot at and had to withdraw. The situation in Darfur is still very precarious.

Regarding the internal flight alternative, I recommend a paper issued by UNHCR on Darfur and internal flight alternative which will provide you with information for a case-by-case assessment. So please read the paper when it is officially issued.¹

¹ UN High Commissioner for Refugees (UNHCR): UNHCR's position on Sudanese asylum-seekers from Darfur, 10 February 2006
<http://www.unhcr.org/cgi-bin/texis/vtx/publ/opendoc.pdf?tbl=RSDLEGAL&id=43f5dea84&page=publ> (accessed 29 November 2006)

5. South Sudan

5.1. General Human Rights and Humanitarian Situation

HA:

The human rights situation in the South is one of the major issues the international community faces. There exists no law enforcement agency. UN agencies planned to recruit about 20.000 persons from the SPLM to train them as law enforcement officials. However, 76% of these persons are illiterate. So the question arose how they could be trained.

The **high court** in Rumbeck in South Sudan is composed of a chair and a table under a tree in the open air with a judge who applies the customary law which is totally in contradiction with international human rights standards. In **prisons**, women and men are held in the same cells.

Regarding **education**, many students have to walk 10 kilometres on a daily basis to reach their schools. Some students travel 40 kilometres on a weekly basis, because their parents cannot send them, as there is no transportation. Teachers are not paid.

HS:

In the South, there is basically no medical or educational infrastructure and no transportation. In the whole South, there are only 14 kilometres of tarmac road which can be found in Juba. Most other roads are impassable in the rainy season which adds to the incredible poverty in the South. HIV/AIDS might be another big problem which has not been addressed at all, not to talk about other diseases.

For humanitarian agencies, it is a logistical nightmare to work in South Sudan, because all goods have to be transported by air. Additionally, some regions are mined. The demining of some roads has started, including the main road from Juba to Yei which has at least been partially demined, but not officially cleared yet.

5.2. Inter-ethnic Conflicts

HS:

In the South, intertribal tensions and armed conflict continue. As the SPLM is dominated by Dinka, many other ethnic groups feel misrepresented in the new Government of National Unity. Old tensions that exist between the **Dinka** and the **Shilluk** broke out again recently. Also in Yambio, there were fights between Dinka and the local population.

5.3. Lord's Resistance Army (LRA)

HS:

Recently, there was an incursion of the Lord's Resistance Army (LRA) which killed many Sudanese and also some foreign humanitarian workers. As a result, the UN had to evacuate from the whole border area with the Democratic Republic of Congo (DRC) and Uganda, which has now been declared as a no-go area.

The LRA, which came from Uganda, has been in the South of Sudan for a couple of years and was supported by the Sudanese government. As a result of the peace accord, government support decreased and the LRA became threatened by the SPLM. The LRA started moving in the direction of the DRC. The UN troops and the DRC, however, pushed them back into Sudan. An estimated 4.000 fighters of the LRA, including their leadership, are now roaming this area and they also block many supply routes in the South.

HA:

The LRA, which is one of the worst military organisations, has abducted over 11.000 children within the last four years only. As many sources say, more than 50.000 children were abducted within the last 10 or 15 years. The LRA is supported by different African governments, including Sudan.

The International Criminal Court has issued a warrant against LRA leader Joseph Kony who in June 2005 was still living with his family in Juba, South Sudan, and eight other commanders of the LRA. The LRA considered this to be an act of aggression of the international community against them. This situation led to numerous killings of civilians, especially international aid workers in South Sudan and northern Uganda.

6. Eastern Sudan

HA:

In 2004, the situation in eastern Sudan, in the area of Kassala or Port Sudan, was similar to the situation in Darfur in 2003. But fortunately, the crisis hasn't escalated yet, for political, military and logistical reasons. However, the situation in the East is very fragile, and can also jeopardise the whole peace process.

HS:

The situation in the East is very worrying. For over 30 years UNHCR has been active in Eastern Sudan to assist refugees from Eritrea and Ethiopia. At the moment, twelve refugee camps house 110.000 refugees, mostly from Eritrea. Many of them have been staying there for a very long time, in what is called a protracted refugee situation. After the war between Eritrea and Ethiopia ended, about 90.000 refugees returned to Eritrea. Then the human rights situation in Eritrea deteriorated to such a degree that the return stopped completely. The Eritrean regime, one of the most repressive in Africa, is now again preparing for war with Ethiopia. There is an inflow of refugees from Eritrea again, about 500 persons a month, mostly draft evaders and deserters. With increasing tensions between Ethiopia and Eritrea, these numbers have been growing slightly. Unfortunately, it is quite possible that soon there will be another armed conflict between Ethiopia and Eritrea, which will likely also affect Sudan.

In the East of Sudan, there is a third regional political movement which is asking for more influence in national politics and the sharing of resources and wealth, like the southerners and the Darfurians before. This movement is formed by the **Beja Congress** and the **Free Lions**. The Beja Congress was part of the National Democratic Alliance (NDA), an umbrella organisation of opposition parties which was formed after the coup in 1989 and has its seat in Asmara, the capital of Eritrea. When there was a rapprochement between the NDA and the current government in January 2005, the Beja Congress reacted by withdrawing from the NDA and allying itself with the Free Lions, which is another regional aspirational movement in the East,

to form the "Eastern Front". Whereas the Beja Congress recruits mostly amongst Beja and other peoples in the East, roughly speaking, north of Kassalla, the Free Lions are mostly of Rashaida ethnicity, i.e. more active south of Kassalla. Both groups have political and armed wings. They receive support from the government of Eritrea.

Popular support for the Eastern Front is reportedly growing, especially among disenfranchised youths in Port Sudan, Kassala and other areas. In January 2005, at the same time that the Beja Congress withdrew from the NDA, a peaceful demonstration of Beja Congress members took place in Port Sudan. The police reacted with utmost brutality, firing bullets and chasing the demonstrators back into private houses. About 26 people were killed, among them women and children. 120 Beja Congress members were arrested over the next few days.

So the situation in the East is very volatile. The UN has no access to the Hamesh Koreb [also written Hamash Koreb] area in the Northeast of Kassala which can only be reached from Eritrea. The SPLM is supposed to vacate this area by January 2006, which will leave a power vacuum. The Hamash Koreb area is also a base of the Eastern Front. So if the Sudanese army or affiliated militias would try to gain control over the Hamash Koreb area, this could lead to further armed conflict and even a civil war in Eastern Sudan.

Fearing such escalations the UN had to prepare for several contingency scenarios: In case of an outbreak of renewed armed conflict between Eritrea and Ethiopia, it estimates that initially 300.000 people may flee Eritrea to Sudan. If the Ethiopian army would succeed to quickly march towards Asmara, the traditional escape routes to the Kassala area would be blocked for Eritrean refugees. Therefore potential refugees would move in the northern direction towards Port Sudan.

The second scenario is the outbreak of armed conflict in Eastern Sudan. The government would likely react by trying to block the border to Eritrea and probably establish a cordon sanitaire which would effect the Sudanese population and the refugees most of whom reside not too far from the border. Up to 1 million civilians could be forced to flee further inland towards Central Sudan and Khartoum. If the Eastern Front would be successful in cutting of the road and pipeline links between Port Sudan and Khartoum, the main route of most supplies for the whole country, most provisions, including humanitarian aid would reach the country only by air. The government is therefore very concerned about the security in the East.

In the worst scenario, both conflicts would happen at the same time, and they could be linked. The outbreak of war between Eritrea and Ethiopia could encourage armed conflict in the East or vice versa. The Eastern Front or the Sudanese government could use the opportunity of the war between Ethiopia and Eritrea to advance their aims in the East. This scenario could trap many civilians without routes to escape the violence.

Mr Homayoun Alizadeh was born in 1952 in Zürich, Switzerland and attended primary and high school in Teheran and Shiraz, Iran. He studied Political Science and Law at the University of Vienna, and graduated from the Diplomatic Academy of the Austrian Ministry of Foreign Affairs in 1983. Since 1987, Mr. Alizadeh has been working with the Austrian Federal Ministry of the Interior where he is currently on unpaid leave. Since 1995, Mr. Alizadeh has been working with the United Nations, namely with the UN Human Rights Field Operation in Rwanda from 1995 to 1998, and the UN Department for Peace Keeping Operations in Western Sahara (MINURSO) from 1999 to 2001. From March 2001 to June 2005, Mr Alizadeh was Head of Office of the United Nations High Commissioner for Human Rights (OHCHR) in Khartoum. He currently works as the Regional Representative of OHCHR for South-East Asia with its seat in Bangkok, Thailand.

Mr Hans Friedrich Schodder was born in 1964 in Germany. He studied Social Anthropology at the Universities of Munich and Hamburg, graduating from the School for African and Asian Studies of the University of London. Since 1991 he has been working for UNHCR in Austria, Bosnia, Cambodia, Hong Kong, Kosovo, Ukraine and Vietnam and currently as the Senior Protection Officer of the UNHCR Representation in Khartoum, Sudan.

III. Selected documents

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International Crisis Group (ICG): Sudan

<http://www.crisisgroup.org/home/index.cfm?id=1230&l=1>

ReliefWeb: Countries & Emergencies - Sudan

<http://www.reliefweb.int/rw/dbc.nsf/doc104?OpenForm&rc=1&cc=sdn>

Sudan Human Rights Organization – Cairo Branch

<http://www.shro-cairo.org/>

Sudan Organisation Against Torture (SOAT)

<http://www.soatsudan.org/>

UN High Commissioner for Refugees (UNHCR): Country Information - Sudan

<http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=sdn>

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Focus Country Sudan – Topics & Issues File: <http://www.ecoi.net/doc/en/SD>

All documents: <http://www.ecoi.net/documents.php?country=SD>

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IV. Maps



Map No. 3707 Rev. 7 UNITED NATIONS
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