



28 November 2011

## A commentary on the August 2011 Sudan Operational Guidance Note

This commentary identifies what the 'Still Human Still Here' coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Sudan and the conclusions reached in the August 2011 Sudan Operational Guidance Note (OGN), issued by the UK Border Agency. Where we believe inconsistencies have been identified, the relevant section of the OGN is highlighted in blue.

An index of full sources of the COI referred to in this commentary is also provided at the end of the document.

**This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the Operational Guidance Note on Sudan issued in August 2011. To access the complete OGN on Sudan go to:**

**<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylum/policyogns/>**

**The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Border Agency, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.**

**The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.**

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### 3. Main categories of claims

#### 3.6 Members or associates of the SPLM/A and civilians from South Sudan

The Sudanese People's Liberation Movement/Army (SPLM/A) has historically been a rebel political movement in Sudan, but is now the main political party ruling over the Republic of South Sudan since its independence was declared on 9<sup>th</sup> July 2011. The SPLM continues to be involved in fighting against the Republic of Sudan, the 'northern' Sudanese government (hereafter referred to as the 'Sudanese authorities', especially regarding the contested border demarcations in South Kordofan, Blue Nile and Abyei.

The following paragraph of the OGN forms the main guidance provided to case owners for members or associates of the SPLM/A and civilians from South Sudan and is divided into two sections: Firstly it proposes that those who fear the Sudanese authorities may still have an internal relocation option within Sudan. It is however, not specified whether this relates only to 'northern' Sudan or also the Republic of South Sudan. Secondly, it specifically finds in relation to citizens of the Republic of South Sudan that they may be able to find protection in the Republic of South Sudan. The following analysis provided below challenges the OGN's guidance that internal relocation might be available in 'northern' Sudan for those fearing the authorities of northern Sudan, whilst [pages 27-41](#) analyse the suggestion that effective protection and internal protection might be available in the Republic of South Sudan for so-called southerners.

##### Excerpt from the August 2011 Sudan OGN

3.6.27 Where this category of applicants' fear is of ill-treatment/persecution by the Republic of Sudan state authorities, they cannot generally apply to these authorities for protection and a grant of asylum may be appropriate in individual cases. **However, internal relocation may be an option.** Given the fluidity of the situation in Sudan, it is important that case owners refer to the most up to date country information to ascertain whether, in the circumstances prevailing at the time the decision is made and according to the individual profile of the claimant, internal relocation may be viable. Citizens of South Sudan who fear mistreatment in the north will need to demonstrate why they would be unable to avail themselves of the protection of the authorities in South Sudan.

The highlighted sentence that forms part of the guidance provided to case owners suggests that an internal relocation alternative may exist in 'northern' Sudan. However in cases where the agent of persecution is the Sudanese authorities, an assessment of an internal relocation alternative for an individual who has a well-founded fear of persecution becomes obsolete. Indeed even COI included in a previous paragraph within this same section of the OGN highlights the widespread arbitrary arrest and detention by the National Intelligence Security Services of political opponents such as the SPLM as follows (see highlighted sentence):

##### Excerpt from the August 2011 Sudan OGN

3.6.4 The elections consolidated power for both the NCP and the Sudan People's Liberation Movement (SPLM) which controls southern Sudan. The NCP won 68% of the votes and the SPLM/A won 22%. The EU Election Observation Mission commended the generally peaceful conduct of the polling process but concluded that the elections fell short of international standards due to political and technical problems. In the south there were reports of SPLM/A soldiers intimidating voters and independent candidates.<sup>10</sup> **Human Rights Watch reported that in the months leading up to the elections, the NCP arrested opposition party members in the north and restricted free association and speech.**<sup>11</sup>

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3.6.5 Following the elections there was also a clamp-down on political dissent, with opposition political groups, journalists, students and human rights activists at particular risk. Arbitrary arrest and detention by the National Intelligence Security Services (NISS), military and police continues to be widespread in all areas of Sudan, and is often linked to other serious violations, such as *incommunicado* detention, ill treatment and torture. UNAMIS and UNAMID Human Rights Officers have no access to most places of detention. Although the national security laws were revised in December 2009, limiting the length of time NISS could hold suspects, the legislation retained existing powers of arrest, search and seizure for NISS. The bill was opposed in Parliament by the SPLM/A as well as other political opposition parties.<sup>12</sup>

Despite the OGN including this COI it does not provide any guidance on the treatment of other opposition supporters. The COI presented below continues to document the widespread and deteriorating situation for anyone perceived to be a member of an opposition group or movement:

#### Treatment of other government opponents and members of opposition groups (apart from the SPLM/A)

- [Amnesty International, Government crackdown on activists and political opponent, 11/11/2011](#)

Amnesty International is alarmed by the recent wave of arbitrary arrests of activists, trade unionists and perceived or known members of opposition parties and peaceful demonstrators in Sudan. In October alone, over 100 people were arrested in and around Khartoum, the capital. Many of those arrested have stated that they were subjected to torture or other illtreatment in detention.

[...] Clampdown on members of opposition parties

[...] On 21 October, the NISS raided the home of Dafallah Musa, during a regular meeting of a number of political parties in the Alkalakla district of Khartoum. Over 10 people were detained and many reported they had been tortured for 15 days, after which some were made to sign a document stating they would not be involved in political activities, or else face further detention, and they were ordered to report to the NISS on a regular basis from then on. Amongst those arrested and detained on 21 October was Awad Abbas Al-Awad, aged 49 who is an English teacher and member of the Communist Party. He stated that the security forces surrounded the house and four vehicles filled with men carrying guns raided the house and terrorized the whole area. He said that they took them to an isolated building near the Republic Castle and kept them in the building for three days without food or sleep. They were forced to stand with their hands up to their faces next to a wall while the NISS continued verbally abusing them. After three days the NISS took those detained to the main NISS building in Bahri and continued interrogating them for several hours a day, until they were released. Alameen Bilal Mukhtar, aged 32 and a member of the Umma Party said that one of the security forces kicked him on his right eye and then two men held him by his hands and feet while a third flogged his back. He was also subjected to verbal abuse.

[...] Background

The protests in October follow demonstrations from January to April 2011 in Sudan, when thousands of people gathered throughout the country to demonstrate in favour of democracy and against deteriorating socio-economic conditions. On 30 January over 70 people were arrested in Khartoum, including a large number of people in the streets before they reached the demonstrations. The NISS and riot police reportedly started searching for demonstration organizers the night before. Many of those arrested were reportedly tortured or ill-treated and at least one student demonstrator, Mohamed Abdelrahman, died in hospital on 31 January after being injured by the police. Amnesty International is not aware of any measures taken by the Sudanese government following these demonstrations to investigate reports of torture or ill-treatment, or excessive use of force by the police. Since June, over 200 perceived and known members from the SPLM-N have reportedly been arrested after conflict broke out between the Sudanese forces and the Sudan People's Liberation Army in Southern Kordofan and spread to Blue Nile on 1 September. On 16 September, the Sudanese government banned 17 political parties affiliated with South Sudan, including the SPLM-N. The SPLM-N is the successor of the SPLM that shared power with the ruling National Congress Party (NCP), prior to South Sudan's independence on 9 July. [...]

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➤ [Human Rights Watch, Political Repression Intensifies: Release Detainees, Uphold Freedom of Speech, 21/09/2011](#)

Sudanese authorities should end their clampdown on opposition party members and critics of the government Human Rights Watch said today. In the past three weeks alone, government forces have arrested more than 100 real or perceived opponents of the government, including the well-known Sudanese writer, artist, activist, and former state adviser on cultural affairs, Abdelmoniem Rahma, who was arrested by national security in Damazin, Blue Nile on September 2, 2011, according to reports received by Human Rights Watch [...]

➤ [BBC News, Sudan bars SPLM-North and other 'southern parties', 16/09/2011](#)

Sudan has ordered 17 political parties to stop their activities, saying most of their leaders and members come from newly independent South Sudan and so are now foreigners. Those targeted includes the SPLM-North, which was outlawed last week. The party has strong ties to former SPLM rebels - now the ruling party in the south which seceded in July. This crackdown follows fighting in some border states between soldiers loyal to SPLM-North and government troops. South Sudan voted to split from Sudan in a referendum last January, following the 2005 peace deal ending decades of north-south civil war in which an estimated 1.5 million died.

'Lost citizenship'

A statement from the Political Parties Affairs Council said the 17 political groups were now considered "foreign parties". "Their leadership and most members have lost the Sudanese citizenship," Reuters news agency quotes the statement as saying. The parties have the right to establish new parties that comply with legal requirements, the state-owned Suna news agency reports. SPLM-North has said its offices have been closed down and many of its party members arrested since violence broke out earlier this month in Blue Nile state, where a state of emergency has been declared [...]

➤ [UN General Assembly, Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman, 22/08/2011](#)

[...] III. Northern Sudan

[...] 16. In spite of the above-mentioned achievements, the Sudan continues to face daunting human rights challenges in terms of securing basic fundamental rights, in particular the right to liberty and security of person and the right to freedom of expression, and the effective administration of justice. The Government has remained adamant that it will open up more political space for the full realization of human rights. In spite of the goodwill engendered by the successful conduct of the South Sudan referendum, there remains a lack of meaningful and regular dialogue between the Government and civil society organizations for the promotion and protection of human rights.

[...] 20. In mid-January 2011, Dr. Hassan al-Turabi, the leader of the opposition of the Popular Congress Party, together with nine members of the Party was arrested by the NSS. The arrests followed statements made by the Party leader that the Government could face a popular uprising similar to the ones witnessed in some Arab countries if it continued to resist calls for democratic reforms. All 10 men were released in May, but were never charged with any offence [...]

➤ [U.S. Department of State, 2010 Human Rights Report: Sudan, 08/04/2011](#)

[...] Section 1 Respect for the Integrity of the Person, Including Freedom From:

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others.

[...] On several occasions during the year, authorities arrested, held incommunicado, and beat members of the activist group Girifna. Authorities forced some of those arrested to sign confessions. In all cases authorities charged the individuals but then released them within days of their arrests without taking them to trial. Those arrested reported that security forces attempted to compel them to act as NISS informers from within Girifna as a condition for their release. For example, on March 15, authorities reportedly detained and tortured Girifna member Abdallah Mahdi Badawi. An individual claiming to be a new Girifna member had arranged to meet with him; however, he was instead taken to an office where 13 men interrogated and abused him. On July 5, in Khartoum, police reportedly arrested Girifna members

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Hassan Ishag, Azzi Eldine Al-Anssari, and Hassan Mohamed while they were distributing the group's magazine. They were released the following day after being taken to national security offices, where they were questioned, reportedly tortured, and asked to become informants.

[...] e. Denial of Fair Public Trial

Political Prisoners and Detainees

The government held an undetermined number of political prisoners and detainees. Security forces detained without charge, tortured, and held incommunicado political opponents. Detentions of such persons often were prolonged. The government continued to target members and leadership of the Popular Congress Party (PCP) and other opposition parties for arrest. On May 16, the NISS arrested opposition leader Hassan al-Turabi, founder of the PCP. He was held in isolation without charge for 45 days. That same day authorities arrested journalists with the PCP-affiliated newspaper *Rai al-Shaab* (see section 2.a.). On May 20, Farouq Abu Eissa, an opposition alliance leader, was arrested and briefly detained. The government detained persons who participated in political protests.

[...] Section 2 Respect for Civil Liberties, Including:

[...] b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Although the interim national constitution and law provide for freedom of assembly, the government severely restricted this right in practice. The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. In February the National Elections Commission issued a circular requiring a 72-hour prior notice period for political rallies, which it reduced to 36 hours in March. Islamic orders associated with opposition political parties, particularly the Anwar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but they held regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings. Police use of excessive force to disperse demonstrators resulted in deaths and injuries. On January 20, during a peaceful political rally in support of Hamid Mohamed Ali, an independent opposition gubernatorial candidate in Red Sea State, authorities arrested 38 persons, seven of whom were hospitalized [...]

### Treatment of perceived government critics, including students, journalists and human rights defenders

Excerpt from the August 2011 Sudan OGN

3.6.5 Following the elections there was also a clamp-down on political dissent, with opposition political groups, journalists, students and human rights activists at particular risk. Arbitrary arrest and detention by the National Intelligence Security Services (NISS), military and police continues to be widespread in all areas of Sudan, and is often linked to other serious violations, such as *incommunicado* detention, ill treatment and torture. UNAMIS and UNAMID Human Rights Officers have no access to most places of detention. Although the national security laws were revised in December 2009, limiting the length of time NISS could hold suspects, the legislation retained existing powers of arrest, search and seizure for NISS. The bill was opposed in Parliament by the SPLM/A as well as other political opposition parties.<sup>12</sup>

The current OGN briefly mentions the adverse treatment of particular political opponents, namely journalists, students and human rights defenders in paragraph 3.6.5 (see highlighted sentence above), but does not include any guidance for such claimants at the end of this section. However, it does provide further COI on their treatment in a different section of the OGN, namely section '3.8 Members of non-Arab ethnic groups from the Darfur State' as follows:

Excerpt from the August 2011 Sudan OGN

[...] Khartoum

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3.8.10 A UNHCR report published in November 2008 stated that the National Intelligence and Security Services (NISS) use arbitrary arrest against political dissidents in Khartoum. NISS detention can involve ill-treatment, torture and unofficial places of detention. Darfurians in Khartoum are at heightened risk of arbitrary arrest if they are suspected of links with Darfur rebel groups or movements. Of particular concern is the view that, "Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organisations abroad." 74

3.8.11 In 2010, the USSD reports continued arbitrary arrest and detention; incommunicado detention of suspected government opponents; restrictions on freedom of speech, the press, assembly and association; discrimination and violence against ethnic minorities; obstruction of the delivery of humanitarian assistance and the expulsion of individuals working for humanitarian NGOs.<sup>75</sup> Following anti-government protests in 2010/2011, there are reports of a government crackdown on opponents, human rights activists, students and journalists.<sup>76</sup> The African Centre for Peace and Justice Studies (ACPJS) reported that "targeting of demonstrators also appears to have racial, ethnic, professional and political undertones"<sup>77</sup>

Again, no guidance is provided on such claimants. These profiles (journalists, students and human rights defenders), however, should fall within a broader category of being at risk due to real or perceived political opposition. The following COI provides further information on their treatment:

➤ [Amnesty International , Government crackdown on activists and political opponent, 11/11/2011](#)

Amnesty International is alarmed by the recent wave of arbitrary arrests of activists, trade unionists and perceived or known members of opposition parties and peaceful demonstrators in Sudan. In October alone, over 100 people were arrested in and around Khartoum, the capital. Many of those arrested have stated that they were subjected to torture or other ill-treatment in detention.

Arrests of peaceful protestors

Throughout early October hundreds of people took to the streets to demonstrate against the rising cost of living in Sudan. The Sudanese authorities responded by using tear gas and batons to disperse the peaceful protestors, and arbitrarily arrested activists. On 3 October, three members from the activist group Youth for Change were arrested by the National Intelligence and Security Service (NISS) for peacefully protesting about high food prices in the Al Thora area of Khartoum. The three were released after three days of interrogation, during which they stated that they were tortured by the NISS. Following this on 11 October, the NISS raided the home of Majdi Akasha, the Youth for Change spokesperson, and detained both Majdi Akasha and his wife Sara Mohamed Alhassan for one day. Sara Mohamed Alhassan's computer was also confiscated and she was ordered to report back to the NISS for the two following days. The 2010 National Security Act provides the NISS powers to search and seize assets and arrest and detain people without judicial oversight. On 6 October, residents of Masudiya town, south of Khartoum, began demonstrating against high electricity and water prices. The authorities responded by imposing a curfew on 8 October and reportedly closing down shops in the town centre. Over 22 people were arrested on 10 October, including a mentally disabled man who was detained for three days and beaten while in custody. A 13 year old boy was also arrested and subjected to 20 lashes, as ordered by the court. He was released on the condition that he obtained a written statement from his older brother, who had participated in the demonstrations, stating that his older brother would not participate in future demonstrations. [...]

➤ [Freedom House, Freedom of the Press 2011 – Sudan, 17/10/2011](#)

[...] Press freedom in Sudan deteriorated in 2010, especially after the April elections; these were the first elections held since 1986. Prior censorship, initially lifted by presidential decree in September 2009, was reinstated in practice only weeks after voting day. President Omar al-Bashir received more than 68 percent of the vote in the election, but rather than leading to a relaxation of the constraints on the press, there was a clear tightening of the space in which the private media operate. Journalists were arrested and tortured, documents were confiscated, and papers were closed for days. The situation also became more challenging for journalists in the South, which typically has had a more liberal media environment. As Southern Sudan prepared for the January 2011 referendum on its independence, journalists there were harassed and restrictions were imposed on covering issues such as ethnic violence and corruption [...]

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- [Amnesty International, Health fears for detained Sudanese activist on hunger strike, 12/10/2011](#)  
[...] Bushra Gamar Hussein Rahma, the ethnically Nuban founder of the Human Rights and Development Organization (HUDO) was arrested on 25 June near Khartoum and is being held without charge. His detention follows a series of arrests of Nubans, intellectuals, activists, and those affiliated with the Sudan Peoples Liberation Movement-North (SPLM-N) [...]
- [International Federation for Human rights \(FIDH\)/World Organisation Against Torture \(OMCT\), Steadfast in Protest: Annual Report 2011, October 2011](#)  
[...] Sudan  
In 2010-2011, in the run-up to the referendum on Southern Sudan independence, repression intensified against all dissenting voices, largely conducted by the National Intelligence and Security Services (NISS). As in previous years, crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur continued, and humanitarian workers working in that region were subjected to further attacks and restrictions on freedom of movement. Journalists reporting on human rights violations also faced censorship and harassment. Human rights defenders promoting fair, transparent and free electoral processes and a number of women's rights defenders were also targeted [...]  
Continued crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur  
[...] Ongoing attacks and restriction on freedom of movement of humanitarian workers in Darfur  
[...] Crackdown on human rights defenders promoting fair, transparent and free electoral processes  
[...] Targeting of women's rights defenders  
[...] Repression of doctors denouncing poor working conditions  
[...] Censorship and harassment of journalists reporting on human rights violations [...]
- [Reporters Without Borders, A newspaper closed, others suspended or seized, journalists physically attacked, 29/09/2011](#)  
[...] Reporters Without Borders is very worried by the renewed crackdown on independent media and government critics in September. One newspaper was closed, several were suspended and two journalists were physically attacked. The authorities expressed their intransigence with newspapers that cover events in South Kordofan state, Blue Nile state and in relation with the Sudan People's Liberation Movement North (an armed opposition group). "When the president talked of freeing all the imprisoned journalists a month ago, was that just a political sham aimed at fooling the international community?" Reporters Without Borders asked. "We had hoped his statement would pave the way for more respect for media freedom but nothing could be further from the truth. The security forces are doing everything from police harassment to outright seizure of newspapers to gag the media. Censorship is back in big way."  
Newspaper closures  
The National Intelligence and Security Services closed the independent Arabic-language daily Al-Jarida on 27 September, citing order from authorities and without giving any further reason. The newspaper had already been prevented from publishing for several days last month (20- 22 August) and copies were seized on 4 September.  
More information about Al-Jarida  
The National Press Council, which regulates the print media, ordered the suspension of six sports newspapers – Habib Al-Balad, Al-Moshahid, Al-Zaeem, Supper, Al-Mireekh and Aalum AlNigoom – on 10 September for an indefinite period for alleged unprofessionalism and administrative errors. The council accused them of writing negative articles and publishing false information "damaging the country's security and reputation." Four of the six – Habib Al-Balad, Al-Moshahid, Al-Zaeem and Aalum Al-Nigoom – have appealed against the suspension, which violates a provision of the Press Act limiting the duration of a suspension by the council to a maximum of three days. Al-Midan, a tri-weekly published by the Communist Party of Sudan, is often harassed by the security forces. In repeated acts of censorship, copies of three of its issues were seized in September (on 4, 6 and 8 September), while the Arabic-language daily Al-Sahafa was prevented from publishing on 8 September.  
Journalists banned from covering sensitive subjects

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Al-Jazeera reporter Osama Said Ahmed was physically attacked by members of the security forces on 7 September while covering clashes in Al-Damazeen, the capital of Blue Nile state. A woman reporter, Tagwa Ahmed, was also roughed up by the security forces while covering the events from a military hospital. A few days later, National Assembly spokesman Ahmad Ibrahim Al-Tahir accused opposition parties and newspapers of maintaining links with the armed wing of the Sudan People's Liberation Movement North (SPLM-N). The authorities have banned the media from publishing anything about the SPLM-N and have imposed a news blackout on the situation in both Blue Nile state and South Kordofan. As previously reported, the National Press Council announced on 8 July, the eve of South Sudan's independence, that it was withdrawing the licences of six newspapers published in the north on the grounds that were partially owned by South Sudan citizens. In a statement exactly a month ago, President Omar al-Bashir announced the release of all imprisoned journalists. A journalist was freed the next day. It was Al-Sahafa reporter Gafar Alsabki Ibrahim, who had been held since 3 November 2010. But Abdelrahman Adam, a Radio Dabanga journalist detained since 30 October 2010, has not been freed. Reporters Without Borders reiterates its call for his immediate release.

➤ [Human Rights Watch, Political Repression Intensifies: Release Detainees, Uphold Freedom of Speech, 21/09/2011](#)

[...] Sudanese authorities should end their clampdown on opposition party members and critics of the government Human Rights Watch said today. In the past three weeks alone, government forces have arrested more than 100 real or perceived opponents of the government, including the well-known Sudanese writer, artist, activist, and former state adviser on cultural affairs, Abdelmoniem Rahma, who was arrested by national security in Damazin, Blue Nile on September 2, 2011, according to reports received by Human Rights Watch.

[...] The risk of ill-treatment and torture is a particular concern. Released detainees interviewed by Human Rights Watch in July showed signs of beatings. Earlier in 2011, Human Rights Watch and other groups documented a pattern of torture arrested by security officials during pro-democracy demonstrations in Khartoum. Human rights groups have long called on Sudan to reform the National Intelligence and Security Service, which routinely uses its broad powers of arrest and detention against opponents of the ruling NCP and is known for ill-treatment and torture of detainees. Along with the arbitrary arrests and detentions, Sudanese security officials have also tightened restrictions on media and political speech. In mid-September, security officials warned editors not to publish statements of SPLM-North opposition leaders or rebel leaders from Darfur, where the conflict is now in its eighth year and shows little sign of ending. Although Sudan has not resumed the practice of [pre-print censorship](#) employed in the past, security officials confiscated editions of *Al Midan*, *Al Jareeda*, *al Sahafa*, and *Akhbar al Yom* because they contained articles about the fighting or articles by writers who oppose the ruling party.

[...] In July, authorities banned *Ajras al Huriya*, a prominent opposition daily popular with SPLM supporters, along with five other South Sudan-run newspapers. Earlier this month, authorities banned additional newspapers and 17 political parties – including SPLM-North – for their alleged “foreign” links to South Sudan. The move appears designed to create a legal basis for the actions against the SPLM-North in recent weeks, said Human Rights Watch [...]

➤ [Rencontre Africaine Pour la Défense des Droits de l'Homme, Written statement submitted by the Rencontre Africaine Pour la Défense des Droits de l'Homme \(RADDHO\), a nongovernmental organization in special consultative status, 12/09/2011](#)

[...] Situation of persons held in custody for political reasons in Sudan\*\*

A campaign of arbitrary arrest and detention of perceived government political opponents that targets people from all walks of life including students, youth and community leaders, professionals and human rights and pro-democracy activists has intensified in recent months following the political unrest in Sudan's northern neighbours and the renewed fighting and violence in the Nuba Mountains and in Darfur. On 12 July 2011 the Sudanese National Intelligence and Security Service (NISS) announced that it has released all persons held in its custody in Khartoum and other states. The release was reportedly ordered by President Omer Al-Bashier and 66 detainees, including 11 foreigners, were released. Most of the released detainees were held in relation to the armed conflict in Darfur or because of cross-border crimes. Among those released was Mr. Mohamed Nur Ushar, half-brother of Dr. Khalil Ibrahim, Chairman of the

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Justice and Equality Movement (JEM). Mr. Ushar was sentenced to death in 2009 along with more than one hundred JEM fighters. There were reports that most of the released detainees were since then rearrested by NISS. While we welcome the release of political detainees in Sudan, we are concerned that the number of people held in NISS custody is higher than those released. At least 2000 political prisoners are held in NISS secret facilities in different parts of Sudan. Detainees were released in a selective manner and many activists were excluded from such measures. Mr. Jaffar Al-Subkey Ibrahim (33 years old) journalist and Mr. Abdelrahman Adam Abdelrahman (33 years old) have been in NISS custody in Kober prison since 31 October 2010. Four male students from Nyala University, Shakir Abdelrahman Adam, Adil Abdalla Ibrahim, Abdalla Haran Adam and Salah Al-Deen Babiker Adam were arrested and detained by the NISS since the last week of April 2011. They were accused of organising a public demonstration and conspiracy against the state. On 17 August 2011, a court in Nyala ordered their release for lack of evidence. The NISS rearrested Mr. Abdalla Haran and Mr. Salah Al-Deen Babiker immediately after they left the courtroom. Mr. Bushra Gamar Hussein Rahma, (47 years old), X-Ray Technician and human rights activist from the Nuba Mountains has been held by NISS in Khartoum since 25 June 2011. He appeared before court on 14 August 2011 and the judge ordered his immediate release for lack of evidence but he was rearrested by the NISS when he left the courtroom.

[...] Leaders of internally displaced persons (IDP) especially those critical of the government policies are regularly harassed, arrested and detained. IDP leaders in Abu-Shouk, Kalma and Al-Salaam camps are frequently held in government custody and some were rearrested several times. Arrest and harassment of IDP leaders usually intensify during opposition to government policies especially its policy to force the IDPs to leave the camps or to accept relocation to government designated villages. IDP leaders are also targeted following contacts with foreign diplomats or UN officials [...]

➤ [UN General Assembly, Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman, 22/08/2011](#)

[...] III. Northern Sudan

[...] 18. Between late October and early November 2010, a group of human rights activists from Darfur affiliated with a radio station (Radio Dabanga) were arrested and held incommunicado by the NSS. The detainees were not charged, provided with counsel or given the opportunity to challenge the lawfulness of their detention. Nine of the activists were released between 13 and 21 January 2011, while five remained in custody. One of the released activists told human rights monitors that he had been beaten by NSS agents during interrogation sessions. On 13 February, four of the released activists were re-arrested. Six of them are currently standing trial for various offences under the Criminal Act 1991, three of which carry the death penalty.

19. Following the demonstration in January 2011 in Khartoum and other places in Northern Sudan, UNMIS documented more than 100 arrests made by the NSS. Most of the detainees were released the same day. More than 30, however, remained in detention until the end of February without being charged. Many of them reported having been mistreated while in NSS custody. During the same time, a number of targeted arrests of journalists and other persons working in the media were made. Six journalists working for local newspapers were arrested by the NSS and one foreign news media journalist was arrested by the police. They were all released without charge. A second wave of arrests was made on 2 February, when the NSS detained eight journalists working with a newspaper affiliated with the Sudan Communist Party, together with nine employees of the newspaper. While all detainees were eventually released, some were kept for long periods without charge.

[...] 21. On 14 December 2010, the NSS arrested a 60-year old man for his role in planning a demonstration in Khartoum by a women's group calling for an end to the discriminatory use of public order laws. The man was held incommunicado and had no access to relatives or a lawyer prior to being released.

22. Freedom of expression and assembly were subjected to restrictions throughout the reporting period. A number of media organizations, non-governmental organizations and human rights defenders reported increasing harassment and censorship, particularly by the NSS. For example, on the night of 19 January 2011, NSS agents raided the premises of two Khartoum newspapers, Ajrass Al Hurriya and Al Sahafa, and ordered editors not to distribute their daily editions of the papers without NSS approval. The NSS intervention interrupted the operation of the newspapers for two days. Another Khartoum newspaper,

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the Khartoum Monitor, had its publication suspended on 22 and 23 December 2010 for having published an article on the subject “HIV and religion” [...]

➤ [Reporters Sans Frontières: Censorship, prosecutions and extended detention signal steady decline in media freedom, 12/08/2011](#)

[...] Reporters Without Borders condemns the steady deterioration in media freedom in Sudan where all the copies of an Arabic-language daily were seized five days ago in Khartoum, a group of journalists have been harassed for weeks because of their coverage of a serious human rights violation and others remain in detention. Already ranked last year among the world’s 10 worst countries as regards respect for journalists (172nd out of 178 countries in the Reporters Without Borders press freedom index), Sudan keeps sinking lower and lower. The first half of 2011 has been marked by censorship, arrests, prosecutions, arbitrary detention and closures of newspapers [...]

➤ [International Federation for Human Rights, Beyond the Pledge: International Engagement After Sudan’s Comprehensive Peace Agreement, 01/07/2011](#)

[...] 3. The successor state– North Sudan after 9 July

[...] Political repression continues

For millions of northern Sudanese, the promise of democratisation, pluralism and a respect for human rights laid out under the CPA has been broken. National, regional and international commitments to civil and political rights are still routinely violated.<sup>20</sup> The Government continues to impose emergency laws and uses the wide-ranging powers of the National Intelligence and Security Services (NISS) to stifle dissent and repress civil liberties.<sup>21</sup> Critical voices, including human rights defenders and journalists reporting on and denouncing human rights violations – in particular those perpetrated in Darfur – are still being targeted by the regime. They routinely face harassment, intimidation, arbitrary arrests and detentions, acts of torture and censorship. Laws that violate Sudan’s international obligations as well as its own constitution are still on the books.<sup>22</sup> The need for genuine domestic reform is even more pronounced in view of the seismic shifts in the region, including the overthrow of the regime in Egypt, Sudan’s immediate neighbour [...]

➤ [Human Rights Watch, Darfur in the Shadows: The Sudanese Government’s Ongoing Attacks on Civilians and Human Rights, June 2011](#)

[...] III. Other Human Rights Violations

[...] Repression of free expression and assembly

In Darfur, as throughout northern Sudan this year, authorities have violently repressed various demonstrations and pro-democracy protests organized by student groups inspired by the uprisings in Egypt and Tunisia. The government crackdown has violated the basic rights of Sudanese to freedom of expression, association and peaceful assembly. In one example, on March 16, security forces surrounded El Fasher University and fired at students who were peacefully protesting a ban on political activities, killing at least one student and arresting several others.<sup>58</sup> In an earlier incident in January, central reserve police in El Fasher used excessive force to disperse student protesters, wounding three high school students seriously.<sup>59</sup> Government security forces have frequently arbitrarily arrested protesters and detained them for days or weeks, ill-treating and torturing them before releasing them without charge. For instance, national security authorities arrested more than 100 protesters in the last three days of January in Khartoum and Omdurman, and detained several dozens for weeks in the Bahri office compound and subjected them to beatings, sleep deprivation, electric shock, and other forms of physical and mental abuse including death threats and threats of rape.<sup>60</sup> On April 20, security forces surrounded Nyala University and arrested more than 100 people, mostly students, who were calling for an end to the conflict in Darfur and justice for President al-Bashir, who is wanted for war crimes by the ICC. Although the authorities released most of the protesters the same day, they held five students without charge, releasing four on May 7. One of the released detainees told Human Rights Watch the authorities beat him severely on the head and hands during interrogations.<sup>61</sup> In late April, security and military forces in Nyala again arrested and detained peaceful protesters. They used tear gas and batons to disperse similar protests inside displaced persons camps in West and North Darfur, resulting in scores of injuries and arrests.<sup>62</sup> National security officials arrested six people, including three youth, in camps in El Fasher,

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North Darfur, on April 28, charging them with crimes of “rioting” and “disturbing the public order.”<sup>63</sup> Arbitrary arrests, detention and torture of Darfuri activists

One of the primary tools of government repression in Sudan is the National Security and Intelligence Service (NISS), which uses its broad powers to harass, intimidate, arrest and detain human rights activists, journalists, and those who speak out against the ruling National Congress Party or those who are suspected of links to rebel movements. Other security forces, such as military and police officials, also carry out arrests, then transfer detainees into NISS custody. NISS is well-known for ill-treating and torturing political detainees, documented in many cases by Human Rights Watch including the January crackdown on peaceful protesters.<sup>64</sup> The security forces have targeted Darfuri activists for detention and torture. In late October and early November 2010, for example, NISS arrested a group of 13 Darfuri journalists and human rights activists and detained them in their Khartoum offices before transferring them to Kober prison. Authorities released 10 of the group in January but then re-arrested others; six currently remain in detention. Those who were released reported being subjected to beatings and other ill-treatment and torture while in detention.<sup>65</sup> One former detainee, who was released in January, recounted: “They beat us all over our bodies with water pipes. They put us in a room and continued to beat us for two days. They told us, ‘You will never see the sun and we will kill you.’ [...] They asked me about my address, my tribe and when I told them Zaghawa they used very abusive racist language. They said to me, ‘You think you want to rule this country, have you ever seen someone from western Sudan become a president?’ and they accused me of being a spy.”<sup>66</sup> Inside Darfur, security officials have targeted activists in the displaced persons camps. For example, in the evening of May 6, security officials arrested a young community activist, Hawa Abdallah, for unknown reasons and have since transported her to Khartoum where she remains without access to family members or legal counsel.<sup>67</sup> Security officials also arrested those who criticized the government during a visit by the UN Security Council delegation to the Abu Shouk camp in October 2010. Two of them – Mohammed Abdallah Mohammed Alhaj and Abdallah Ishag Abdelrazik – remain in detention in Shalla prison, El Fasher.<sup>68</sup> [...]

➤ [Amnesty International, Annual Report 2011: Sudan, 13/05/2011](#)

[...] Arbitrary detentions, torture and other ill-treatment

A new National Security Act passed in December 2009 came into force in February. The Act maintained the NISS’s extensive powers of arrest and detention without judicial oversight for up to four and a half months. The NISS continued to arrest and detain political activists and human rights defenders, hold them incommunicado, torture and ill-treat them, and prosecute them for the peaceful exercise of their rights to freedom of expression, assembly and association. NISS agents remained immune from prosecution and disciplinary measures for human rights violations. As a result of these practices, human rights defenders continued to flee the country and to limit their activities when inside Sudan. Mohammed Moussa Abdallah Bahr El Din, a student at the University of Khartoum’s Department of Education, was seized by NISS agents on 10 February. His body was found a day later in Khartoum with signs of torture, reportedly including cuts and burns on his hands and feet. A postmortem confirmed the signs of torture. No independent investigation was initiated into his death. Between 30 October and 3 November, 13 people were arrested by the NISS in Khartoum, including a lawyer, a journalist and a number of youth activists. In December, family members were allowed to visit some of them in prison but the detainees still had no access to lawyers. All were of Darfuri origin.

Freedom of expression – prisoners of conscience

Between May and August, the NISS resumed its pre-print censorship of the press in the north and closed down a number of newspapers. Some were not allowed to go to print for the entire duration of the censorship. Journalists were arrested because of their work [...]

➤ [U.S. Department of State, 2010 Human Rights Report: Sudan, 08/04/2011](#)

[...] Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

[...] On February 14, the National Intelligence and Security Services (NISS) arrested University of Khartoum student Mohamed Moussa Abdallah Bahr el Din. He was found dead the next day, with his body showing signs of torture. Security forces killed demonstrators. On May 2, police opened fire on persons protesting against a North Darfur-area Ponzi scam, killing 17 and injuring 200 others. The protesters had assembled

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to submit a letter of protest to the governor of North Darfur. On May 26, at Dalanj University, police fired at student demonstrators; three students were killed and others injured during the altercation that reportedly occurred during a sit-in at the National Students' Support Fund. It was unclear why police fired on the demonstrators. Conflicting witness accounts included a report that NCP-affiliated students at the scene beat the protesters with lengths of rebar, in addition to the actions from the police. On December 1, at Zalingei University in West Darfur, security forces fired upon student demonstrators, killing two and injuring others. The demonstrators were protesting during a Doha forum civil society consultation and reportedly threw rocks at a departing convoy. Minister of Justice Mohamed Bushara Dosa reportedly ordered an investigation into the killings.

[...] For example, on October 9, in Khartoum, NISS officials arrested Simon Noye Agot and 11 others at an event organized by the Student Campaign to Support South Sudan Separation. Security forces tortured Agot. He was beaten and threatened with being arrested again, and his genitals were squeezed with metal objects. Authorities released him the following day but took his shoes, cell phone, and money. A court sentenced Agot to 15 days' imprisonment for disturbance of public peace.

[...] d. Arbitrary Arrest or Detention

[...] Arrest Procedures and Treatment While in Detention

[...] On September 21, in El Fashir, the NISS reportedly arrested Awatif Ishag Ahmed, an activist and editor of *Alrahil* magazine. She was detained for several hours and questioned regarding the International Criminal Court (ICC).

[...] On March 4, in Khartoum, security forces broke up a peaceful election event held by Girifna, charging members Taj Alsir Jafar Taj Alsir, Abdallah Mahadi Badawi, and Hisham Mohamed Alhaj Omer with creating a public nuisance.

[...] Several Darfuri university students who were arrested in April 2009 remained detained without charge or legal representation at Kober Prison. The students were members of the United People's Front party. According to representatives from HAND, one of the students may have been released for health reasons.

[...] f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

[...] Security forces frequently conducted searches without warrants and targeted persons suspected of political crimes. Police often entered IDP areas without a warrant in search of illegal alcohol brewing and seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison. The government monitored private communication and movement of individuals without legal process. A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

[...] Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The interim national constitution provides for freedom of thought, expression, and of the press "as regulated by law"; however, the government severely restricted these rights in practice. The government, including through the NISS, continued to censor print and broadcast media, arrest and torture journalists, and harass vocal critics of the government. Direct nightly prepublication censorship of newspapers occurred from May to August. The government controlled the media through the National Press Council, which administered mandatory professional exams for journalists and editors. Journalists also practiced self-censorship.

[...] Individuals who criticized the government publicly or privately were subject to reprisal, including arrest. The government attempted to impede such criticism and monitored political meetings. Journalists were subjected to arrest, harassment, intimidation, and violence due to their reporting. From May to year's end, 13 cases were filed against the pro-SPLM publication *Ajress al-Hurriya* on various charges, ranging from violations against the sovereignty of the state to defamation and erroneous reporting. Seven of the 13 cases were filed against newspaper columnist Faiz al-Silaik--four by the NISS, one by SAF (for reporting on a military execution in Darfur), one by the Council of Ministers, and one by the police. Public order police filed three other cases against the newspaper for coverage of the videotaped flogging of a woman that appeared on YouTube in December and for its coverage of the Lubna Hussein "trouser case." The remaining three cases were settled out of court. Al-Silaik was scheduled to appear in court on February 27, 2011. On May 16, the same day that authorities arrested PCP leader Hassan al-Turabi, they also arrested four employees of the PCP-affiliated newspaper *Rai al-Shaab*--deputy editor in chief Abuzar Al Amin, editor Ashraf Abdelaziz, administrator Nagi Dahab, and news desk head Al Tahir Abu Jawhara. The NISS also closed the newspaper's office. On May 27, authorities also arrested *Rai al-Shaab* editor

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Ramadan Mahjoub. Authorities tortured Abuzar Al Amin and reportedly tortured Altahir Abu Jawrah and Ashraf Abd-al-Aziz as well. On June 2, Nagi Dahab was released. The remaining *Rai al-Shaab* journalists were tried on charges related to crimes against the state. The court reportedly issued a decree barring newspapers from reporting on the trial and did not allow testimony from defense witnesses. On July 14, the court sentenced Abuzar Al Amin to five years' imprisonment, Ashraf Abdelaziz and Al Tahir Abu Jawhara to two years' imprisonment, and acquitted Ramadan Mahjoub. In July a final order was issued for the office to be closed and its assets confiscated. Between October 30 and November 1, security forces arrested several Darfuri activists and an individual who worked for Radio Dabanga (see section 5). In early November NISS officers arrested Jaafar al-Sabki, a Darfur reporter for the independent daily *al-Sahafa* on allegations that he passed reports on Darfur to an unnamed organization. At year's end Al-Sabki remained detained at Kober Prison in Khartoum. The NISS required journalists to provide the government with personal information, such as details on their tribe, political affiliation, and family. The government directly controlled some print media outlets and exerted a great degree of control over the limited number of independent newspapers, including through direct censorship. From May to August, NISS prepublication censorship, which had occurred from March 2008 to September 2009, resumed. NISS personnel went to newspaper offices to directly remove articles, went to printing houses to stop publication, and called journalists to tell them which topics were not allowed to be covered. In response to the restrictions, the newspaper *al-Maydan* did not publish during most of this time. Authorities censored several other newspapers, rendering normal printing operations impossible. Other government restrictions, including official calls to editors and writers warning of off-limit topics and prohibitions on placing ads in newspapers the government did not favor, continued after August. During the year authorities warned newspapers not to report on certain topics, including the ICC, Darfur, the June doctors' strike, the May arrest of PCP leader Hassan al-Turabi (see section 1.e., Political Prisoners and Detainees) and journalists from *Rai al-Shaab*, the prevention of journalists from traveling to a conference on the ICC in May, and the June escape of persons convicted of killing Granville and Abdelrahman Abbas Rahama. The government closed *Al-Intibaha*, an extreme right-wing newspaper, from July to October. Official censorship prevented the publication of the newspapers *al-Maydan* and *Ajras al-Hurriya* multiple times during the year. Authorities similarly harassed English-language newspapers whose primary readership was Southerners.

[...] Section 2 Respect for Civil Liberties, Including:

[...] b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

[...] On October 9, during a UN Security Council visit to the country, police arrested at least 75 Southern Sudanese General Student Union members. The students had embedded themselves into a prounity public rally organized by the NCP, during which they changed into red shirts with proseparatist slogans. Police beat some of the rally participants and also beat one of the arrested students while he was jailed; that student was released on October 11.

[...] Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government was uncooperative with and unresponsive to domestic human rights groups. Both domestic and international human rights organizations were restricted and harassed. The government harassed, arrested, beat, and prosecuted human rights activists for their activities. On February 22, the NISS reportedly closed the office of the Strategic Initiative for Women in the Horn of Africa in Nyala following a training session it held in conjunction with KACE. Between October 30 and November 1, security forces arrested several Darfuri activists, including HAND members and an individual who worked for Radio Dabanga. Persons arrested during this period reportedly included Abdelrahman Mohammed Al Gasim, Dirar Adam Dirar, Abdelrahman Adam Abdelrahman, Manal Mohammed Adam, Aziza Ali Idriss, Aisha Sardo Sherif, Abu Gasim Al Din, and Zakaria Yacoub. They were held incommunicado without access to counsel and their families for some time. On December 22, a court sentenced Mudawi Ibrahim Adam, former director of the Sudan Social Development Organization (SUDO), to one year in prison and a fine of 3,000 Sudanese pounds (\$1,186) for embezzlement. He was previously acquitted of these charges in March 2009, a finding which the Humanitarian Affairs Commission appealed, but for which it reportedly did not provide any new evidence. At year's end, Mudawi remained incarcerated. In the case of the 2009 closure of SUDO, on April 22, SUDO won a court case to allow it to reopen, but HAC won on appeal and SUDO remained closed at year's end. The Khartoum Center for Human Rights and Environmental

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Development and the Amal Center for Treatment and Rehabilitation, also closed in 2009, remained shut. Abdel Majeed Saleh Abakr Haroun, a Darfuri human rights activist and leading member of the Darfur Democratic Forum, who was arrested by the NISS in August 2009, remained in NISS custody without charge until mid-January, when he was released. He subsequently left the country [...]

## Treatment of Southerners in the Republic of Sudan

Excerpt from the August 2011 Sudan OGN

[...] Southern Sudan referendum January 2011

[...] 3.6.8 In February 2011, Amnesty International raised its concern about "many instances" where the National Intelligence and Security Service has targeted southerners" in the north.<sup>15</sup> In March 2011, Waging Peace reported targeting of southerners residing in the north.<sup>16</sup>

3.6.9 On 9 July 2011 the Republic of South Sudan was officially established, becoming Africa's 54th state, following formal recognition by President Bashir and the Republic of Sudan. However despite South Sudan now being an independent sovereign state, a number of outstanding issues still remain for the north and south to resolve, for example border demarcation, oil revenues, debt relief and citizenship, many of which, observers fear, may cause future tensions between the two sides.<sup>17</sup>

The highlighted sentences provide information on the treatment of so called southerners, although the OGN does not provide guidance on the treatment of 'Southerners' per se. This COI has to be seen in the wider context of the ongoing violence and conflict that has since escalated in Abyei, Blue Nile and in South Kordofan, as well as the ongoing animosity against the Nuba tribe. COI provided in the OGN on the situation in those areas of Sudan have been included up until the early July 2011, when the Republic of South Sudan was declared. The following COI provides a more up to date overview of the situation since the publication of the OGN covering August – November 2011 on:

- [Treatment of Southerners in general](#)
- [Treatment of people from the Nuba tribe/South Kordofan](#)
- [Situation in Blue Nile](#)
- [Situation in Abyei](#)

### > Treatment of Southerners in general

#### ➤ [BBC News, Forced to choose between Sudans, 19/07/2011](#)

[...] Makwaj Adol Malek has a problem - and it's one shared by hundreds of thousands of South Sudanese living in the north. Their region has become an independent country - and they face losing their Sudanese nationality, and maybe much more, because of the split. "South Sudan's independence has created problems for me," Mr Malek says. "I feel I am in danger. When I take public transport people tell me 'your brothers have left - what are you doing here?'" "But I tell them I have a pension and rights here." Mr Malek was born in Khartoum around half a century ago and worked as a teacher and a soldier. He speaks Arabic, not English, the new official language of South Sudan. All the same, he is one of thousands of South Sudanese gathered at a train station in the Khartoum suburbs, waiting for a ride home. Bed-frames and cooking pots are piled up next to the station as people move their whole lives to a place they may not even have seen. "I did not decide to go back to the south, but the government told me 'your part of Sudan has decided to become an independent state, so you have nothing here,'" Malek explains. He will take his family to his ancestral home, a place he scarcely knows, and then come back to Khartoum in an attempt to get his pension.

No choice but to leave

A few kilometres away along paved roads cutting through the desert, 545 Southern Sudanese are living rough under the hot sun. They left their homes in December and are still waiting for the money they say they have been promised to take buses back to the south. They have made houses out of anything they

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can find - bits of wood and old clothes and towels. Magbula Osman is a chief, and is pushed forward by the residents of the improvised tent town to talk on their behalf. "They are poor people, tired people with no money and they don't know what to do," she says. "Their children are out of school since they were told they would be taken back home." "People are living in complete misery, with nothing to eat." She and others here blame both Khartoum and the new government in Juba, saying both have responsibilities to get them to South Sudan. But all insist they have no choice but to leave Khartoum. "I am South Sudanese," says Jerome. "Even if I lose my Sudanese nationality, it is not a problem, I am going. There is no future for me in the north."

'Thank you Khartoum'

Of course, not all Southern Sudanese here are in such a difficult situation. Banguang Tap, a young opposition politician, lives in relative comfort. The sofas in his living room are comfortable and he can watch Southern Sudan TV via a satellite dish. "Those who came to Khartoum got educated here and engaged themselves in the Khartoum lifestyle," he says. "You cannot say they do not belong to Khartoum, they belong to Khartoum in all senses." "Khartoum received us during the war so we say thank you Khartoum!" All the same, he and his friends intend to go to South Sudan. They believe that as the south has seceded, they can no longer consider themselves Sudanese. That opinion will soon become fact.

No dual nationality

The national assembly has agreed on a draft law that removes Sudanese nationality from anyone the authorities consider South Sudanese. "When our government acknowledged the secession, that means all southerners living in the north will not have a right to enjoy northern nationality," explained Rabie Abdelati, a senior official at the ministry of information. "This does not mean they will be all deprived of nationality, but their situations will be looked at on a case by case basis." The law still needs to be signed off by the president, who would retain the right to restore Sudanese nationality to those who have lost it. But Sudanese officials have already made it clear dual nationality will not be an option. It seems likely that South Sudanese will be able to acquire some sort of residency right. But the current situation is very unclear. At the moment foreigners cannot own property in Sudan, which means losing their Sudanese nationality would be a big problem for the wealthier South Sudanese here. Senior presidential adviser Nafie Ali Nafie has said there will be a nine-month transitional period for individuals to sort out their situation. But in a country where many people do not have the correct papers this will be tricky. Then there is the issue of those truly caught between two countries. Mohamed Nour's grandmother was a Dinka from South Sudan, and the rest of his family is northern. He was hired as a southerner in the civil service, as part of a peace deal, and then lost his job once the south became independent. "It is a very bad thing. It is just like you are dividing one person into two," he says. But if politics took his job away, what about his Sudanese passport? "I don't think I will lose my nationality. Practically it is very hard to take people's citizenship away." All the same, the status of those with parental links to Sudan and South Sudan is still very unclear.

'Not northern or southern'

It is estimated there are 800,000 to one million South Sudanese in Sudan. Since last autumn a further 300,000 have already made their way to South Sudan. Many more are likely to follow. "Many people were born here, they've got their lives here, they've got their children in school, they've got many reasons to remain here actually," says Peter de Clerq, the Sudan representative for the UN's refugee body UNHCR. "But for them, with the withdrawal of the nationality and very high bar that has been set for maintaining their status its going to be very difficult to maintain themselves here." "So they may not have much of a choice in the long term." Back at the train station, Mr Malek's dilemma is one felt by many. "I feel like I belong to both countries." "I'm grateful to the north because I am born here. I see it as my village. "But I still love the south. I see my nationality as Sudanese, not northern or southern." Unfortunately for Mr Malek, that is no longer reality. [...]

➤ [U.S. Department of State, 2010 Human Rights Report: Sudan, 08/04/2011](#)

[...] Section 1 Respect for the Integrity of the Person, Including Freedom From:

[...] d. Arbitrary Arrest or Detention

[...] Arrest Procedures and Treatment While in Detention

[...] Security forces in the North continued to target Southern women in IDP camps because they produced and sold traditional home-brewed alcohol beverages; some of these women were arrested and

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imprisoned for up to six months under Sharia law. During the year there were documented cases of female Southerners in the North, including in IDP camps, whom security forces arrested, flogged, or imprisoned for alcohol possession. Lawyers who worked with IDPs indicated that there were fewer instances of this than in previous years. [...]

### > Treatment of people from the Nuba tribe/ South Kordofan

#### ➤ [Agence France-Presse, Sudan refugees to hit 100,000 in weeks: UN, 25/11/2011](#)

The number of people fleeing unrest in Sudan is likely to reach 100,000 by the end of the year, a UN expert said on Friday.

Since August about 76,000 have sought refuge in Ethiopia and South Sudan from fighting in the volatile Blue Nile and South Kordofan areas, according to Raouf Mazou of the UN Refugee Agency (UNHCR).

"If the trends we are seeing continue we are likely to see in the coming weeks and definitely before the end of the year up to 100,000 refugees having fled Sudan into South Sudan and into Ethiopia," said the deputy director for East and Horn of Africa, Chad and Sudan.

Mazou said an estimated 16,000 people had crossed from Sudan's Blue Nile state into Upper Nile in South Sudan as a result of fighting.

A further 20,000 have fled South Kordofan for Unity province in the newly independent south. In both Blue Nile and South Kordofan Sudan's ruling National Congress Party has been battling militiamen who fought alongside the former southern rebels during their decades-long conflict with the north.

The UNHCR has been delivering aid to the refugees who have mainly settled in the border areas. "The challenge that we are facing is that they are in an extremely remote location and it is difficult to access them," said Mazou.

"Most of the assistance has had to be provided by helicopter.

"We hope with the dry season coming up we will have easier access by road to these refugees."

#### ➤ [Agence France-Presse, Sudan's Nuba refugees protest UN 'inaction', 17/11/2011](#)

Hundreds of refugees displaced by fighting in Sudan demonstrated on Thursday at the lack of UN protection and humanitarian assistance at a camp in South Sudan that was bombed last week.

The large crowd chanted slogans like: "Wake up Ban Ki-moon, we are human just like you!" and called on the United Nations to enforce a no-fly zone to stop the Sudanese army from bombing them in war-torn South Kordofan and over the border in the newly independent south. "They are calling for the international community ... to pay attention to what happened to Nuba people and innocent people who are just killed by (Sudanese President) Omar al-Bashir's regime without any discrimination," said Mustafa Jamus, the deputy chairman of the camp. Four bombs fell on Yida on November 10, according to camp residents, who number up to 25,000 people. They are fugitives from the conflict in South Kordofan that first erupted in June between southern-aligned Nuba rebels and the Sudanese Armed Forces. No one was killed in the air strikes, and the army has denied widespread accusations that it was responsible. "These people are demonstrating to show to the world that the bombardment was targeting innocent civilians, not military garrisons," Jamus said, as the crowd chanted "Liar, liar, Daffa-Allah Elhag!" in response to claims by Sudan's UN ambassador that the refugee camp was only housing rebels.

[...]The United Nations and international aid agencies Medair and Care International pulled out after the bomb attack and only a few small US agencies remain. Humanitarian workers at the camp say medical supplies will run out this week if no more arrive. The added that there is widespread malnutrition and anaemia due to a lack of food since weeks before the bombing, which coincided with the first UN delivery of food aid [...]

#### ➤ [Agence France-Presse, Hundreds of rebels killed in Kordofan clashes: governor, 31/10/2011](#)

[...] Hundreds of SPLM-North rebels were killed in clashes with the Sudanese army in South Kordofan on Monday, said a local governor in Sudan's only oil producing state where the army is battling insurgents.

[...] South Kordofan remained under Khartoum's northern administration when South Sudan became independent in July, but violent clashes since June have pitted Nuba rebels once allied to southern rebels against the Sudanese army. It is located on the border between Sudan and the new state of South Sudan, run by the Sudan People's Liberation Movement (SPLM). The clashes first erupted when the Khartoum

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government tried to disarm militiamen in the ethnically divided state, saying it would not tolerate the existence of two armies within its borders after the south separates. Last month, the International Crisis Group warned the conflict in Sudan is spreading and that the government's efforts to crush the rebels in its southern border region could spark a wider civil war. "With hundreds of thousands of people displaced... the growing war on multiple fronts poses serious dangers for the country, for its future relationship with the Republic of South Sudan and for the stability of the region as a whole," said the think-tank.

[...] The conflict in South Kordofan state erupted just one month before southern secession, between the Sudanese army and Nuba militiamen who fought with the SPLA, the former rebel army of the south, during their decades-long war with the north. The fighting, apparently triggered by the army's insistence on disarming the opposition SPLM-North, spilled into nearby Blue Nile state as the government moved to assert its authority within its new borders [...]

➤ [Satellite Sentinel Project, In Close Proximity: Alleged abduction, detention, and extrajudicial killings by Abu Tira, 13/10/2011](#)

[...] The Satellite Sentinel Project (SSP) has corroborated multiple eyewitness accounts and United Nations High Commissioner for Human Rights (UNHCHR) reports alleging that the Government of Sudan's (GoS) Central Reserve Police (CRP) unit engaged in the unlawful abduction, detention, and extrajudicial killing of civilians in Kadugli, South Kordofan, Sudan. SSP, through the Harvard Humanitarian Initiative's (HHI) analysis of DigitalGlobe satellite imagery and field reports collected by the Enough Project, has documented that the CRP, also known as "Abu Tira," reinforced and fortified a training center within approximately 100 meters of the UN Mission in Sudan (UNMIS) compound perimeter as early as 2 June 2011. Between 2 June and 19 August 2011, CRP significantly built up the fortifications and reinforced the vehicles and personnel present at that facility during the time period that CRP forces were allegedly abducting, detaining, torturing and killing internally displaced persons (IDPs) seeking refuge there. CRP in South Kordofan is allegedly under the control of the Governor of South Kordofan, indicted war criminal Ahmed Haroun.

Central Reserve Police

CRP is a branch of the Sudanese National Police Service (NPS) under the Minister of Interior, Engineer Ibrahim Mahmoud Hamid. According to an August 2011 report by the UNHCHR,<sup>1</sup> the CRP in South Kordofan allegedly committed what may constitute war crimes and crimes against humanity under international human rights and humanitarian law, including the Geneva Conventions.

[...] Abductions and Killings

According to multiple sources, fighting in Kadugli started on 5 June. An eyewitness account collected by SSP alleges that IDPs abducted from the UNMIS compound on 6 June were taken to an area between the CRP training center and the UN compound and reportedly killed there. Their bodies were dumped in a nearby riverbed, according to the eyewitness. In a similar incident, the August 2011 UNHCHR report describes armed CRP personnel moving in and out of the UNMIS protective perimeter on 8 June, conducting identity checks among the IDPs there. CRP forces reportedly abducted three IDPs suspected of supporting the SPLM-N. Also, SSP has received an eyewitness report alleging that CRP, SAF, and PDF forces tied civilians to the gates of the Kadugli airport checkpoint on 8 June and beat them. Witness reports communicated to SSP claim that those individuals were later shot and killed, and subsequently buried in a nearby mass grave [...]

➤ [Amnesty International, Health fears for detained Sudanese activist on hunger strike, 12/10/2011](#)

[...] Bushra Gamar Hussein Rahma, the ethnically Nuban founder of the Human Rights and Development Organization (HUDO) was arrested on 25 June near Khartoum and is being held without charge. His detention follows a series of arrests of Nubans, intellectuals, activists, and those affiliated with the Sudan Peoples Liberation Movement-North (SPLM-N) [...]

➤ [IKV PAX CHRISTI, Sudan's 'New South': The War in Southern Kordofan and the Prospects for Peace - CPA Alert No. 4, October 2011](#)

[...] Executive Summary

*THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE UK BORDER AGENCY, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS.*

[...] IKV Pax Christi visited areas of Southern Kordofan held by SPLM/A-N for two weeks in August, at a time when Khartoum was denying access to government-held areas to outside observers. This report examines the descent into violence and the resulting humanitarian crisis. It finds that:

- Fighting erupted after SAF attempted aggressively to disarm Nuba fighters, disregarding already dangerous levels of discontent resulting from disputed state elections in May.
- Mutinies and defections by Nuba in SAF and associated forces prompted a violent crackdown characterized by arrests and killings of Nuba in garrison towns like Kadugli, the state capital, and Dilling. A government ban on independent access to the state has obscured the full extent, and spread, of the abuses.
- A government blockade of areas controlled by SPLM/A North has exacerbated a humanitarian crisis among the almost 1.25 million Nuba living in contested, war affected areas, of whom a quarter of a million are estimated to be displaced. Without immediate humanitarian intervention, infant and elderly mortality will increase drastically over the coming months.
- South Kordofan's Arabs, some of whom fought in government-backed militias and paramilitary groups, including at the start of this war, are beginning to be displaced as the SPLA-N widens the area it controls.
- Without urgent action, the displacement, and suffering, of Nuba and Arab civilians will increase markedly in the coming weeks because of an expected dry-season offensive by the Sudan government and obstacles to the seasonal southwards migration of Arab pastoralists [...]

➤ [International Crisis Group \(ICG\), Conflict Risk Alert: Stopping the Spread of Sudan's New Civil War, 26/09/2011](#)

[...] Civil war is spreading in Sudan, and concerted international action is needed to stem the violence and prevent it from engulfing the entire country and the wider region.

Khartoum's most recent military offensive -- this time in Blue Nile state -- adds to fresh fighting between government and opposition forces in Southern Kordofan and recent hostilities in Abyei. With hundreds of thousands of people displaced, at least 20,000 of whom have fled into Ethiopia from Blue Nile in recent days, the growing war on multiple fronts poses serious dangers for the country, for its future relationship with the Republic of South Sudan and for the stability of the region as a whole [...]

➤ [Amnesty International, Sudan: Support for human rights protection must not be based on falsehood, 26/09/2011](#)

[...] Amnesty International welcomes the decision of the African Group, working with the USA and other interested delegations, to seek the renewal of the mandate of the Independent Expert on Sudan at the current (18th) session of the UN Human Rights Council (the Council). The Independent Expert serves a crucial role in providing a comprehensive overview of the human rights situation in Sudan and in encouraging improvement in respecting human rights in Sudan. However, Amnesty International regrets that the draft resolution on Technical assistance to the Sudan in the field of human rights<sup>1</sup> fails to acknowledge the severity of persistent and ongoing human rights violations in Sudan and in that regard is wholly inadequate.

[...] The draft resolution fails to adequately reflect the gross violations of international human rights and humanitarian law taking place in Southern Kordofan, where conflict has been ongoing since June 2011. Indiscriminate aerial bombardments, destruction and looting of civilian property and allegations of extra-judicial killings, and arbitrary arrests have resulted in over 200,000 people displaced. Since 1 September, conflict has also broken out in neighbouring Blue Nile state. Contrary to Sudan's assertions that "there are no restrictions for humanitarian access there [in Southern Kordofan and Blue Nile]," <sup>2</sup> Amnesty International has documented numerous instances since June 2011, of humanitarian access repeatedly being denied or severely restricted in the region [...]

➤ [Human Rights Watch, Political Repression Intensifies: Release Detainees, Uphold Freedom of Speech, 21/09/2011](#)

[...] In June, government soldiers and other security forces arrested scores of ethnic Nuba civilians, suspected supporters of SPLM, at checkpoints and house-to-house searches in Kadugli and other towns. Government forces also carried out extra-judicial killings and beatings and looted and burned homes and churches. According to an August report released by the United Nations Office of the High Commissioner

for Human Rights, government forces also shot at and threatened to kill UN peacekeeping staff, and arrested national UN employees who were attempting to leave from the Kadugli airport on June 22. Two of those arrested are still in detention. The High Commissioner has warned that human rights violations carried out in Southern Kordofan could amount to war crimes and crimes against humanity.

On June 26, national security officials arrested Dr. Bushra Gammar Hussein Rahma, a prominent Nuba human rights activist, and detained him in a national security detention center in Khartoum for three weeks before moving him to a prison. Prosecutors ordered him released on August 14 for lack of evidence, but national security officials took him into custody again the same day and are detaining him at their headquarters office in Khartoum, where he has no access to family or lawyer visits.

A second wave of arrests accompanied the outbreak of fighting in Blue Nile on September 2. Security forces arrested more than 100 suspected party members, closed party offices, and confiscated both party and personal property of members in towns across Sudan, including in Darfur. Many detainees were released within hours or days, after being forced to sign a renunciation of their political affiliation, former detainees told Human Rights Watch. SPLM-North officials said that 149 members were detained across Sudan as of September 15, with the majority in Blue Nile and Khartoum. The exact number of detainees and their whereabouts are not known. "The government should immediately communicate the names of all detained men and women and the places of their detention to relevant community leaders and family members," said Bekele. "Authorities should release or charge them and ensure access by family and lawyers." [...]

- [Rencontre Africaine Pour la Défense des Droits de l'Homme, Written statement submitted by the Rencontre Africaine Pour la Défense des Droits de l'Homme \(RADDHO\), a nongovernmental organization in special consultative status, 12/09/2011](#)

[...] Situation of persons held in custody for political reasons in Sudan\*\*

[...] On 12 July 2011 the Sudanese National Intelligence and Security Service (NISS) announced that it has released all persons held in its custody in Khartoum and other states. The release was reportedly ordered by President Omer Al-Bashier and 66 detainees, including 11 foreigners, were released. Most of the released detainees were held in relation to the armed conflict in Darfur or because of cross-border crimes.

[...] Mr. Bushra Gamar Hussein Rahma, (47 years old), X-Ray Technician and human rights activist from the Nuba Mountains has been held by NISS in Khartoum since 25 June 2011. He appeared before court on 14 August 2011 and the judge ordered his immediate release for lack of evidence but he was rearrested by the NISS when he left the courtroom [...]

- [Society for Threatened Peoples, Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status, 12/09/2011](#)

[...] Denial of human rights in Sudan: Humanitarian crisis and conflict in South Kordofan

We are deeply concerned about the serious violations of human rights and humanitarian law being perpetrated in South Kordofan in Sudan. Violence erupted in South Kordofan on June 5, 2011, and had a devastating impact on the civilian population. According to testimonies collected on the ground, areas densely populated by the Nuba people still are subjected to indiscriminate aerial bombings and artillery shelling by the Sudanese Armed Forces (SAF), accompanied by ground attacks by SAF and aligned paramilitary groups such as the Popular Defence Forces (PDF), the National Intelligence and Security Services (NISS) and the Central Reserve Forces. These attacks have included summary and extrajudicial killings against suspected supporters of SPLM-North and Nuba people. Credible witnesses reported about mass graves, arbitrary arrests and detentions, house-to-house searches, enforced disappearances, torture and ill-treatment during detention, destruction of churches and looting. Eyewitnesses have expressed the fear that ethnic cleansing has been committed and that crimes against humanity and war crimes have been perpetrated by the SAF and aligned paramilitary forces. There are also allegations that SPLA-North has carried out extrajudicial killings. The attacks have resulted in significant loss of life and have caused the forced displacement of up to 200,000 people in the Nuba Mountains in South Kordofan. Despite concluding a framework agreement on June 28, 2011, between the conflict parties on security and political arrangements, fighting and serious human rights violations have escalated in the Nuba Mountains.

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[...] Due to the restrictions humanitarian agencies often could not provide humanitarian aid to people in need. Access restrictions on humanitarian relief remain the principle challenge to providing humanitarian assistance to the civilian population. Access to South Kordofan remains difficult, as Sudanese authorities are blocking air and road access to and in the Nuba Mountains [...]

➤ [Amnesty International, Sudan: Possible war crimes in Southern Kordofan, 30/08/2011](#)

[...] Amnesty International and Human Rights Watch have collected evidence indicating that the Sudanese Armed Forces may have committed war crimes in Southern Kordofan, the organizations said today. In a rare trip to the Nuba Mountains region of Southern Kordofan, researchers from the two human rights groups found that an indiscriminate bombing campaign carried out by Sudan since early-June is killing and maiming men, women and children.

[...] Amnesty International and Human Rights Watch documented 13 separate bombing incidents in Kauda, Delami and Kurchi towns alone, in which at least 26 civilians were killed and more than 45 others injured since mid-June. Antonov aircraft dropped bombs over farmlands and villages on a near-daily basis while researchers were on the ground from August 14-21. Researchers were present when three bombs were dropped from an Antonov aircraft on August 19, and photographed the incident. In all the attacks investigated by researchers, there were seemingly no legitimate military targets near to where the bombs struck, according to victims and witnesses. The type of munitions used - unguided munitions dropped from high altitude - and the indiscriminate manner in which they were delivered, violated international humanitarian law. Since early June, more than 150,000 people have been forced to flee due to the conflict. Tens of thousands are in opposition-held areas, where the Sudanese authorities have effectively blockaded humanitarian assistance and the flow of desperately needed goods and basic services. Displaced communities forced out of their homes by the repeated bombing live in harsh conditions in caves, on mountaintops, under trees, and in the bush far from towns. They lack sufficient food, medicine, sanitation, and shelter from heavy rains. Many displaced families told researchers they were eating berries and leaves and that their children were suffering from diarrhoea and malaria [...]

➤ [UN News Service, UN urges inquiry into alleged war crimes in Sudan's Southern Kordofan state, 15/08/2011](#)

[...] The United Nations today called for a thorough investigation into violations of international law committed in Sudan's Southern Kordofan state in June which it said could, if substantiated, amount to crimes against humanity or war crimes. A preliminary report, produced jointly by the Office of the High Commissioner for Human Rights (OHCHR) and the former UN Mission in Sudan (UNMIS), describes a wide range of alleged violations of international law in the town of Kadugli, as well as in the surrounding Nuba mountains, after fighting broke out in Kadugli on 5 June between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army North (SPLA-N). Reported violations included "extrajudicial killings, arbitrary arrests and illegal detention, enforced disappearances, attacks against civilians, looting of civilian homes and destruction of property," as well as massive displacement, according to a news release issued by OHCHR [...]

## > Situation in Blue Nile

➤ [Agence France-Presse, Sudan refugees to hit 100,000 in weeks: UN, 25/11/2011](#)

The number of people fleeing unrest in Sudan is likely to reach 100,000 by the end of the year, a UN expert said on Friday.

Since August about 76,000 have sought refuge in Ethiopia and South Sudan from fighting in the volatile Blue Nile and South Kordofan areas, according to Raouf Mazou of the UN Refugee Agency (UNHCR).

"If the trends we are seeing continue we are likely to see in the coming weeks and definitely before the end of the year up to 100,000 refugees having fled Sudan into South Sudan and into Ethiopia," said the deputy director for East and Horn of Africa, Chad and Sudan.

Mazou said an estimated 16,000 people had crossed from Sudan's Blue Nile state into Upper Nile in South Sudan as a result of fighting.

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A further 20,000 have fled South Kordofan for Unity province in the newly independent south. In both Blue Nile and South Kordofan Sudan's ruling National Congress Party has been battling militiamen who fought alongside the former southern rebels during their decades-long conflict with the north.

The UNHCR has been delivering aid to the refugees who have mainly settled in the border areas. "The challenge that we are facing is that they are in an extremely remote location and it is difficult to access them," said Mazou.

"Most of the assistance has had to be provided by helicopter.

"We hope with the dry season coming up we will have easier access by road to these refugees."

➤ [BBC News, Sudan army seizes rebel stronghold in Blue Nile state, 03/11/2011](#)

Sudanese forces have captured the key rebel stronghold of Kurmuk in the border state of Blue Nile, government and rebel sources said. Sudan's defence ministry said the rebels left behind "a large number of dead and injured" after the battle for the town, near the Ethiopian border. A spokesman for the SPLM-North rebels said they would fight on. Since September Sudan has been battling rebels allied to South Sudan, which gained independence in July [...]

➤ [Enough Project, Field Dispatch: Refugees from Blue Nile Recount Atrocities, Government's Targeting of Civilians, 01/11/2011](#)

[...] Sudanese government forces and militias are killing and raping civilians in Blue Nile state, according to refugees who recently fled the fighting. These alarming new details about how the war in Blue Nile is being conducted emerged from an Enough Project trip to the Ethiopian border—where nearly 29,000 Sudanese refugees have sought safety—and underscore the need for further investigation and international access into the area [...]

➤ [UNHCR, Hundreds more refugees flee Sudan's Blue Nile for Ethiopia, 28/10/2011](#)

[...] Aerial bombings in Sudan's Blue Nile state are driving a new wave of refugees into Ethiopia. In the last four days, nearly 2,000 Sudanese refugees have arrived in western Ethiopia amid tightening security at the border area of Kurmuk. Kurmuk, one of several refugee entry points into the country is also considered to be the busiest.

The new arrivals are mostly women, children and the elderly. They tell us they fled bombings and fear of bombings by Antonov planes in areas including Bau, Sali and Dinduro, all located between Kurmuk and the Blue Nile capital, Damazine. There are also reports that armed militia on the Sudanese side of the Kurmuk border have warned the community to leave the area, possibly in preparation for a ground offensive.

Some of the new arrivals said they had been walking for up to three weeks. One man arrived with shrapnel wounds and was taken to a hospital in nearby Assosa. Other refugees said they lived for several weeks in the bushes in Dinduro, which had been occupied by armed groups, before making the 64-km journey to Kurmuk. Refugees from an area called Derring reported abductions of women and girls six weeks ago by armed militia, and that two girls died after being raped repeatedly.

With the current situation in Blue Nile, more refugees are expected to arrive in Ethiopia. Refugees are being encouraged to relocate to Tongo camp, about 200 km from Kurmuk. Others are at the Sherkole camp, or among host communities near the border. We estimate that 28,700 refugees have fled Blue Nile state since fighting began in early September [...]

➤ [Integrated Regional Information Network: Blue Nile subsistence farmers forced to flee, 13/10/2011](#)

[...] Clashes between the two sides have been going on in Blue Nile State since 2 September when SAF forced the opposition political party-turned-rebel-group out of the state capital, Damazin. In a nearby settlement where other displaced people have gathered, Arafa Bashir stirs a pot of watery okra soup which - together with the sorghum they have scavenged from abandoned farms - will feed the 10 people crowded around one tent. Such scenes of misery are replicated across the conflict area, as people flee their villages in fear of aerial bombardment. The UN Refugee Agency (UNHCR) says 27,500 people have fled the conflict in Blue Nile State to nearby Ethiopia since early September. The agency is due to open a second camp 200km from the border with a capacity of 3,000 people as fighting and SAF aerial bombardments continue.

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[...] Last week the UN Food and Agriculture Organization (FAO) launched a \$3.5million appeal to help 235,000 people facing food shortages in the two war-affected states that are also Sudan's major sorghum producers - Blue Nile and Southern Kordofan. Erratic rainfall and tens of thousands of people being forced to abandon their farms has already led to a doubling of the price of a 90-kg bag of sorghum this year to 140 Sudanese pounds (US\$52). FAO predicts prices will continue to rise as shortages bite, but says that getting information on the real situation in Blue Nile was difficult due to the ban on aid agencies by Sudan President Omar al-Bashir [...]

➤ [Radio Dabanga, Blue Nile: Agar deplores 74 deaths, over 100 wounded, 11/10/2011](#)

[...] Dismissed Blue Nile governor and Sudanese People's Liberation movement (SPLM-North) chairman Malik Agar called on the government to stop bombing Blue Nile civilians, offer them a safe haven and open humanitarian routes.

Speaking to Reuters, Malik Agar said that the aerial raids had caused the death of 74 people since the beginning of the clashes on September 2nd, also wounding over a hundred (100) civilians in the process. He furthermore stated that an estimated 500 people have fled their homes for the forest, and that they would soon be running out of food. Mr. Agar accused Sudanese president Omar al-Bashir of using food as a weapon, and described the current humanitarian situation as catastrophic, pleading for a UN-intervention. He also urged the international community to put pressure on Mr. Bashir, stating that differences are solved on negotiation tables. Mr. Agar added that any discussion should be carried out in the presence of a third party, a condition the Sudanese President has strongly refused so far. [...]

➤ [Radio Dabanga, SAF continues shelling in Blue Nile, 04/10/2011](#)

[...] The Sudanese Air Force (SAF) continues to shell civilian areas in the Blue Nile state, the Sudan People's Liberation Movement-North (SPLM-N) said on Tuesday.

[...] The deputy governor of Blue Nile state Ali Bandar told Radio Dabanga that the bombing was now spilling over to Ethiopian territory [...]

➤ [UNHCR, Thousands more flee air strikes in Sudan's Blue Nile State, 27/09/2011](#)

[...] A fresh wave of air strikes in Sudan's Blue Nile State since last Wednesday has sent increasing numbers of refugees fleeing into Ethiopia, with some 1,500 pouring through the Kurmuk border crossing last Friday alone. The latest bombs reportedly fell Monday. "With hostilities still ongoing, we expect the numbers to continue rising," UNHCR spokesman Adrian Edwards told journalists in Geneva, reporting that an estimated 25,000 Sudanese have found refuge in western Ethiopia since the influx started on 03 September. UNHCR and its partner agencies launched a formal appeal for funds Tuesday to help refugees fleeing into western Ethiopia from Blue Nile State. The joint appeal by UNHCR, UNICEF, the World Food Programme and the International Organization for Migration amounts to some US\$18.3 million and is intended to help up to 35,000 refugees. UNHCR's share of this requirement is \$10 million. At the Kurmuk border point, refugees said they had fled fighting around Damazine, the Blue Nile State capital, and had walked for up to a week to reach safety. More recent arrivals are coming with beds, televisions and their goats – suggesting they may anticipate a long exile. "Most of the refugees are staying in local communities around Kurmuk," Edwards said in Geneva. "Many are sleeping in the open, presenting increased risk of illness and disease. An additional concern is the safety of refugees in villages near Kurmuk, because of the area's proximity to locations in Sudan where bombing is ongoing." [...]

➤ [Amnesty International, Sudan: Support for human rights protection must not be based on falsehood, 26/09/2011](#)

[...] Amnesty International welcomes the decision of the African Group, working with the USA and other interested delegations, to seek the renewal of the mandate of the Independent Expert on Sudan at the current (18th) session of the UN Human Rights Council (the Council). The Independent Expert serves a crucial role in providing a comprehensive overview of the human rights situation in Sudan and in encouraging improvement in respecting human rights in Sudan. However, Amnesty International regrets that the draft resolution on Technical assistance to the Sudan in the field of human rights<sup>1</sup> fails to acknowledge the severity of persistent and ongoing human rights violations in Sudan and in that regard is wholly inadequate.

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[...] Since 1 September, conflict has also broken out in neighbouring Blue Nile state. Contrary to Sudan's assertions that "there are no restrictions for humanitarian access there [in Southern Kordofan and Blue Nile]," 2 Amnesty International has documented numerous instances since June 2011, of humanitarian access repeatedly being denied or severely restricted in the region [...]

➤ [Radio Dabanga, 'Half of Blue Nile state displaced', 26/09/2011](#)

[...] Half of Blue Nile state's residents have been displaced because of the recent clashes between the Sudan People's Liberation Army (SPLA) and the government forces, according to sources in the Sudan People's Liberation Movement-North (SPLM-N). Hashem Erth Daw, humanitarian chief of the SPLM-N, the political wing of the SPLA, told Radio Dabanga, "510,000 people have been displaced from the region and nearly 17,000 refugees have fled to neighboring Ethiopia." Clashes broke out between the SPLA and government forces on September 2. Hashem described the humanitarian situation in the state as being catastrophic and extremely dangerous in the absence of humanitarian organizations. The region, according to him, suffers from shortage of food and medicine after the government denied access to humanitarian organizations. The areas of Geissan, Baw, Kurmuk, east and south Roseires have particularly suffered from lack of aid. Hashem confirmed that over 9,200 people fled to Ethiopia through Kurmuk and over 7,500 through Geissan [...]

➤ [Satellite Sentinel Project, State of Emergency: Threat of imminent SAF attack on Kurmuk, Blue Nile, 23/09/2011](#)

[...] Satellite Sentinel Project (SSP) is issuing a human security warning in this report for Kurmuk and the surrounding area due to the strong likelihood of potential SAF attack in the near future which may result in the use of indiscriminate and disproportionate force. The use of indiscriminate and disproportionate force includes, though is not limited to, the following: the intentional deployment of heavy armor against civilian targets, indiscriminate aerial and artillery bombardment of locations that include non-military targets, and potential extra-judicial killings of civilians by Sudan Armed Forces (SAF) troops, Government of Sudan (GoS)-aligned police units, and/or paramilitary militia groups. Since May 2011, SAF and other GoS-aligned forces, according to evidence collected by SSP and others, has routinely engaged in the disproportionate and indiscriminate use of force against targets which included civilian populations. This may constitute violations of international humanitarian and human rights law. These alleged acts have included the disproportionate and indiscriminate use of force during the May invasion of the Abyei region, which resulted in the razing and looting of civilian dwellings and infrastructure; the documented practice of indiscriminately targeting civilian populations through aerial and artillery bombardment in the Nuba Mountains, South Kordofan; and the reported extrajudicial killing of civilians in Kadugli town and elsewhere in Sudan. There are also credible reports that Sudan People's Liberation Army-North (SPLA-N) forces have conducted indiscriminate shelling and other alleged abuses in some cases. The use of indiscriminate and disproportionate force by any party to this conflict could represent a violation of the laws of war and international human rights standards.

Summary

Satellite Sentinel Project's (SSP) analysis of DigitalGlobe satellite imagery has identified a unit of Sudan Armed Forces, a brigadesized force or larger, within at least 40 miles/64 kilometers of Kurmuk, Blue Nile State, Sudan as of the morning of 21 September. News articles published on 20 September quote the newly appointed governor of Blue Nile, Al-Hadi Bushra, as saying that SAF are leading massive operations around Kurmuk to tighten their hold on the surrounding area and capture the city. Kurmuk is currently under the control of the Sudan People's Liberation Movement-North (SPLM-N). The apparent SAF vehicles shown in DigitalGlobe satellite imagery include scores of main battle tanks of multiple types, transport trucks, some of which are towing artillery, light vehicles, infantry fighting vehicles, and either artillery or logistics support trucks. The imagery reveals the extensive use of camouflage by SAF in an attempt to deliberately hide the number and type of its vehicles. Vehicles consistent with those used by SAF forces were seen approximately 7.5 miles/12 km north of Dindiro town on 21 September. SSP cannot currently prove or disprove conflicting claims by either the Government of Sudan (GoS) or the SPLM-N about who currently controls the town of Dindiro. However, SSP has concluded that SAF forces appear to be moving over terrain they previously bombarded with tank and artillery fire. This is based on the presence of tracking consistent with armored vehicles, and cratering consistent with heavy artillery and/or rocket

bombardment. Additionally, SSP has found evidence of SAF forces consistently gaining ground in Blue Nile since at least 9 September, with apparent rapid operational tempo by SAF forces south of Damazin between 9 and 11 September, including overnight trenching of fighting positions by SAF forces. SSP has also identified 6 helicopters consistent with Hind gunships and a fixed-wing aircraft consistent with an AN-24/26 Antonov on the airstrip at Damazin – all within strike range of Kurmuk and the surrounding area [...]

- [Sudan Tribune, Sudan's president declares emergency in Blue Nile, sacks governor, 02/09/2011](#)  
[...] The Sudanese president Omer Hassan al-Bashir has declared a state of emergency in the Blue Nile State and dismissed its governor Malik Agar amid reports of aerial bombardments and concomitant displacement in the unrest-hit region.  
[...] The announcement follows the eruption on late Thursday of clashes in the Blue Nile between SAF and the armed opposition Sudan People's Liberation Movement North (SPLM-N) which is chaired by Agar who was elected governor of the state in the country's elections of April 2011.  
[...] Meanwhile, the clashes had caused waves of displacements in the areas of Sinnar, Wad Alneel and Abu Hajar, according to Sudan Tribune's sources. The sources said that the eastern parts of Blue Nile were also affected as a great number of citizens fled the clashes and aerial bombardment. Sudan's foreign ministry announced that it intends to include the violent events in Al-Damazin to the complaint it lodged to the UN Security Council (UNSC) against the newly established state of South Sudan.  
[...] The Sudanese government this week sent a letter to the UNSC accusing South Sudan of supporting SPLM-N rebels in South Kordofan State which neighbors the Blue Nile. Both states are part of north Sudan but their population sided largely with the South during the second Sudanese civil wars 1983-2005. The SPLM-N, which Khartoum refuses to recognize as a legal political party, was affiliated to the party that rules South Sudan [...]

## > Situation in Abyei

- [Refugees International, Agok: State of Limbo in South Sudan, 18/10/2011](#)  
[...] Refugees International traveled last week to Agok, on the southern side of the Kurr River, to look into the living conditions of tens of thousands of displaced Abyei residents. When Sudan Armed Forces (SAF) troops attacked Abyei Town in May of this year – before South Sudan became fully independent – about 100,000 people fled to this small town and farther south into Warrap and neighboring states. The SAF attacks and the exodus of Abyei's population served to further delay the Abyei Referendum, whereby residents would decide whether to remain part of Sudan or be incorporated into the South. In June, Sudan and South Sudan signed an accord (the Addis Ababa Agreement) to halt the fighting. That same month, the UN Security Council called for the demilitarization of the Abyei Area and deployed a peacekeeping force known as the UN Interim Security Force for Abyei (UNISFA). But at this point the demilitarization has slowed, and the remaining troops and landmines are preventing the return of civilians. RI spoke with many displaced in Agok. Aluel D. fled Abyei Town with her husband and seven children, as well as her aunt and her three children. "We ran to Twic County [Warrap State] and first stayed under a tree. Then we came back as far as Agok and are living here in these rakoubas," she said, gesturing at the basic hut structures that serve as her family's temporary home. "But staying here is a problem, as the owner [who fled farther south to the city of Wau] will soon come back and we will be left without any shelter." Aluel wants to return to Abyei Town, but not before the SAF troops and landmines are removed. "But we will go back if there is security and the administration is there," she said. Unfortunately, Aluel knows all her belongings in Abyei are gone, and that her home there has burnt down. Many displaced are also suffering from a lack of food. "Before, World Food Programme (WFP) was giving food, but the rations are finished," Aluel said. "The last time we received [rations] was August." When asked how they manage, Aluel and her neighbors told us that some of them "have relatives who are farmers [in the Agok area] who give us some sorghum," the staple grain here. Others sell tea in the market – "but you have to have money to set up shop." Another woman RI met, Allatch M., described what happened to her family during the attack on Abyei Town in May. "We heard bombing and shooting in the town, so we ran without anything," she said. "After we arrived here [in Agok], we were told that my husband was killed. So we could not run further, even though people in Agok ran further south." Near the main market in Agok, we met Mary B. "My home is in Abyei. We ran up to Kwajok [in Warrap State], but the situation was not good there," she said. "So we

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came to Agok. There was no shelter, so we stayed in a school until we were chased out by the government.” Now Mary lives in a simple lodge near the market, as she has not been able to get a plot of land – or the materials to build something on it. As for returning to her home, she told us, “Only if SAF leaves can I go back to Abyei – otherwise I cannot take my children to Abyei.” Out by Agok’s little-used airstrip, we met a group of people receiving small amounts of food aid – corn kernels sent by the South Sudanese government. Once divided amongst its chosen recipients, the corn will only last two days at most. WFP is doing its best to bring in more food, but the number of people dependent on food rations (and the length of time they need them) has exceeded WFP’s expectations. And because the Abyei crisis has lasted through the rainy season, Abyei’s residents have not been able to cultivate their fields, so food shortages will continue into next year. With the UNISFA peacekeeping mission building to full strength, there is hope that the Abyei Area will finally be demilitarized and demining efforts will begin in earnest. Aid workers in Agok have already noticed that the population of Agok has significantly increased in the last month, as more displaced from Abyei arrive. They are eager to know if it will soon be possible to cross the Kurr River and return to their homes. Independent aid organizations and UN agencies, whose presence here has been crucial, will follow Abyei’s displaced back across the river when the time comes. And at that point, there will be a need not only for food assistance and basic services, but also a considerable effort to rebuild a traumatized community. [...]

➤ [Small Arms Survey/Sudan Human Security Baseline Assessment \(HSBA\), The Crisis in Abyei, 10/10/2011](#)

[...] Nearly two months after South Sudan became Africa’s newest state, the political crisis over Abyei remains intractable, with both Sudan and South Sudan publicly claiming the territory as rightfully theirs, and neither side giving any indication that it is willing to compromise. The security situation is in a period of uncertain transition. The implementation of the 20 June Addis Ababa agreement has been slow due to difficult rainy season conditions and disagreement over whether the Sudan Armed Forces (SAF) must withdraw before the UN Security Council (UNSC)-authorized brigade of Ethiopian peacekeepers (the UN Interim Security Force for Abyei, or UNISFA) is fully deployed. As of 6 October just under half of the UNISFA force—about 1,800 personnel—has deployed, and most of the peacekeepers will not be in place until late October 2011, after the end of the rainy season. On 8 September in Addis Ababa, at the first meeting of the Abyei Joint Oversight Committee (AJOC)—composed of two members from the government of Sudan (GoS), and two from the Government of South Sudan (GoSS)—both sides committed to a phased withdrawal of troops that would lead to SAF and the Sudan People’s Liberation Army (SPLA) fully withdrawing from Abyei by 30 September. Six days later, the GoS denied making such an agreement, and as of 30 September SAF continue to occupy Abyei. AJOC meetings for 22 and 30 September were postponed. There is still no agreement on the composition of the Abyei Area Administration. The GoSS accuses the GoS of attempting to paralyze the situation. Civilians have little confidence in UNISFA’s ability to protect them. The force’s capacities will be tested if and when large numbers of Ngok Dinka return to the territory from which they were displaced. A small number of Ngok Dinka have returned to the area south of Abyei town and have reportedly resumed farming at Abothok and Marial. But the vast majority of civilians who fled remain across the border in South Sudan and are unlikely to return before SAF fully withdraws. UNISFA’s ability to maintain security in the Abyei area has been reduced by heavy flash flooding, impassable roads, and the presence of mines in the territory, which led to the death of four Ethiopian soldiers in early August [...]

➤ [UN News Service, UN warns of more tension as Sudan and South Sudan maintain troops in disputed area, 06/10/2011](#)

[...] Neither Sudan nor South Sudan have fulfilled their pledges to withdraw their forces from the disputed Abyei area, threatening a “serious deterioration” in tensions between migrating herders and displaced farmers returning to plant their crops, the United Nations warned today [...]

➤ [UN Security Council, Report of the Secretary-General on the situation in Abyei, 29/09/2011](#)

[...] II. Security situation

2. Following the displacement of a large majority of its inhabitants, the security situation in Abyei remained relatively calm during the reporting period. Heavy and sustained rains impaired UNISFA

movement by road throughout much of the Area. As of 22 September, the Sudanese Armed Forces (SAF) had not yet removed their elements from the area north of the Kiir/Bahr el-Arab river, including Abyei town, and the Sudan People's Liberation Army (SPLA) had not yet withdrawn from the area south of the river. Movements across the river by the two forces have reportedly also been limited

[...] III. Implementation of the 20 June 2011 Agreement

6. During the reporting period, some progress was made towards the implementation of the 20 June 2011 Agreement between the Government of the Sudan and the Sudan People's Liberation Movement (SPLM), in the context of negotiations on outstanding elements of the Comprehensive Peace Agreement that were facilitated by the African Union High-level Panel led by the President of South Africa, Thabo Mbeki, and attended by my Special Envoy, Haile Menkerios, the Head of Mission, Lieutenant-General Tadesse Werede Tesfay, and international partners. From 6 September, the African Union High-level Panel convened the parties in Addis Ababa and two days later the Panel facilitated the first substantive meeting of the Abyei Joint Oversight Committee, which was attended by my representatives. The parties agreed on the terms of reference for that Committee and on a timeline for the redeployment of SPLA and SAF forces, beginning on 11 September and concluding by 30 September. However, on 14 September the Government of the Sudan stated in the press that it had not agreed to a withdrawal. As of 23 September, UNISFA had not yet witnessed the withdrawal of SAF, SPLA or other armed groups from the Abyei Area.

7. The parties have yet to agree on the chairmanship of the Abyei Area Administration, which is preventing the establishment of that body. As a result, there is no formal civilian authority in the Area to facilitate the return process or to support reconciliation, the rule of law and the provision of basic services in the context of that process.

IV. Humanitarian situation

8. Approximately 110,000 displaced persons remain in Twic County (Warrap State) and in Agok, necessitating humanitarian coordination and response continuing to be supported from South Sudan. The humanitarian community's response was, however, hampered by difficult access conditions due to heavy rainfall. The World Food Programme distributed food to all the displaced population for three months, up to August. Humanitarian organizations have put arrangements in place to ensure that all schoolchildren displaced from Abyei town and its surroundings continue to attend classes and tents were distributed to provide additional classroom space. A total of 140 teachers, who had been based in Abyei town and nearby schools, started teaching in Agok and its surroundings [...]

➤ [International Crisis Group \(ICG\), Conflict Risk Alert: Stopping the Spread of Sudan's New Civil War, 26/09/2011](#)

[...] Civil war is spreading in Sudan, and concerted international action is needed to stem the violence and prevent it from engulfing the entire country and the wider region.

Khartoum's most recent military offensive -- this time in Blue Nile state -- adds to fresh fighting between government and opposition forces in Southern Kordofan and recent hostilities in Abyei. With hundreds of thousands of people displaced, at least 20,000 of whom have fled into Ethiopia from Blue Nile in recent days, the growing war on multiple fronts poses serious dangers for the country, for its future relationship with the Republic of South Sudan and for the stability of the region as a whole [...]

## Situation in the Republic of South Sudan (Protection & Internal Relocation)

Excerpt from the August 2011 Sudan OGN

[...] Abyei

[...] 3.6.20 On 5 August, the Sudan Tribune reported that over 5,000 refugees had arrived in South Sudan's Unity State after being displaced by fighting over the previous month. Most of the 70,000 estimated to have been displaced had moved north but some had moved south into the newly independent South Sudan. A joint committee of international NGO's and the Unity State government had agreed to offer immediate permanent settlement to refugees from South Kordofan in Parieng County. The commissioner has indicated that Yida would be an appropriate place to resettle refugees coming from South Kordofan.<sup>30</sup>

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[...] 3.6.27 Where this category of applicants’ fear is of ill-treatment/persecution by the Republic of Sudan state authorities, they cannot generally apply to these authorities for protection and a grant of asylum may be appropriate in individual cases. However, internal relocation may be an option. Given the fluidity of the situation in Sudan, it is important that case owners refer to the most up to date country information to ascertain whether, in the circumstances prevailing at the time the decision is made and according to the individual profile of the claimant, internal relocation may be viable. Citizens of South Sudan who fear mistreatment in the north will need to demonstrate why they would be unable to avail themselves of the protection of the authorities in South Sudan.

The above two paragraphs and highlighted sentences suggest that ‘Southerners’ who fear persecution in the north can find safety in the Republic of South Sudan. However, this needs to be assessed in the wider context of the current human rights and humanitarian situation there, as well as the challenges faced by those who are currently attempting to move from Sudan to the Republic of South Sudan. New forms of persecution might arise depending on the individualised characteristics of your client.

The following COI published since the establishment of the Republic of South Sudan on 9<sup>th</sup> July 2011 is presented under the relevant headings below regarding the availability of effective protection there and the relevance and reasonableness of relocating to and within the Republic of South Sudan. Please note that given the new statehood of the Republic of South Sudan it is essential that case-specific COI research is conducted taking into consideration relevant individual characteristics of your client.

- [Availability of effective protection](#)
- [Access to the Republic of South Sudan](#)
- [Security situation in the Republic of South Sudan](#)
- [Access to basic services](#)

#### > Availability of effective protection

➤ [UN News Service, South Sudan shows progress in State-building, but faces security challenges – UN, 02/11/2011](#)

South Sudan has made significant progress in establishing State institutions and integrating militias into the national army, but faces challenges in protecting civilians and brokering peaceful coexistence among feuding tribes, the head of the United Nations peacekeeping mission in the new nation said today. Outlining the key achievements of the State since it became independent from Sudan in July, Hilde Johnson, the Secretary-General’s Special Representative and head of the UN Mission in South Sudan (UNMISS), cited the formation of a new and more representative Government. [...]

➤ [International Crisis Group, South Sudan: Compounding Instability in Unity State, 17/10/2011](#)

[...] Executive Summary

[...] Unity state confronts a set of challenges unparalleled in South Sudan. Some exemplify concerns that register across the emerging republic; others are unique to the state. Situated abreast multiple frontiers, its political, social, economic and security dilemmas make for a perfect storm. Some have festered for years, while more recent developments – prompted by the partition of the “old” Sudan – have exacerbated instability and intensified resource pressure. Recent rebel militia activity has drawn considerable attention to the state, highlighting internal fractures and latent grievances. But the fault lines in Unity run deeper than the rebellions. A governance crisis – with a national subtext – has polarised state politics and sown seeds of discontent. Territorial disputes, cross-border tensions, economic isolation, development deficits and a still tenuous North-South relationship also fuel instability, each one compounding the next amid a rapidly evolving postindependence environment. Situated along the North-South border and atop much of the South’s known oil deposits, Unity is a strategic territory and a primary

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source of the country's economic lifeblood. Its subterranean resources made it a centrepiece in Sudan's civil war; its people, land, and social fabric were devastated by two decades of conflict that pitted national forces, border-area proxies, Southern rebels and its own ethnic Nuer clans against one another. As both wounds and veiled allegiances remain, the legacies of this era continue to influence the politics, and instability, of the present. Politics in Unity are deeply polarised, and the reverberations are felt well beyond state boundaries. Citizens in many states harbour grievances about their local governments, but resentment is particularly palpable and widespread in Unity. The dispute at the heart of the state's body politic is partly linked to broader national politics, the unreconciled legacies of a long and divisive war, and fundamental questions of identity and ethnic competition. As new political realities emerge, it remains to be seen whether the alliances of the recent past will endure. Many have high hopes that independence will pave the way for a new, more democratic and transparent administration in Bentiu (as well as in the national capital, Juba), but those hopes are conditioned on fundamental changes taking place in the state. [...]

➤ [Congressional Research Service, The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country, 16/09/2011](#)

[...] Introduction

[...] South Sudan faces serious challenges in the coming years.

[...] As an independent country, South Sudan will also assume additional responsibilities currently managed by the Government of National Unity. South Sudan also lacks the infrastructure and institutions necessary for governance and delivery of basic services [...]

➤ [Cairo Institute for Human Rights Studies, Written statement submitted by the Cairo Institute for Human Rights Studies \(CIHRS\), a non-governmental organization in special consultative status, 12/09/2011](#)

[...] The human rights situation Sudan: The need for continued engagement by the UN independent expert [...]

[...] The SPLA, now the South Sudanese army, infamously known for using excessive force in quelling rebel groups, has caused the displacement of close to 260,000, destroyed 7000 homes, and killed approximately 1800 civilians since January [...]

➤ [Sudan Council of Voluntary Agencies \(SCOVA\)/International Women Bond \(IWB\)/ African American Society for Humanitarian Aid and Development \(ASHAD\), Joint written statement submitted by the Sudan Council of Voluntary Agencies \(SCOVA\), the International Women Bond \(IWB\), non-governmental organizations in special consultative status, the African American Society for Humanitarian Aid and Development \(ASHAD\), a nongovernmental organization on the roster, 09/09/2011](#)

[...] Tribal and religious xenophobia in Southern Sudan

In the Republic of South Sudan, partition has created both opportunities and obstacles. Against a backdrop of regional and ethnic tensions, reports of human rights abuses continue to surface from many locations in Southern Sudan, while escalation of tensions in the Jonglei seems likely.

[...] The root causes of Southern Sudan massacres are closely interrelated to tribal and religious xenophobia. While the above mentioned terrible incidents are obvious examples of tribal xenophobia, the recent kidnapping, torture and assassination of the late Fuad Richard Hassan Mabrook, a Muslim human rights activist, can be considered as a clear incidence of religious xenophobia. Exacerbation of religious xenophobia in the newly born state in Southern Sudan will definitely endanger the peaceful coexistence between Muslims and Christians; it will also threaten the highly needed tolerance among various religious and tribal entities in Southern Sudan

[...] It is a matter of a great concern that while the country is still a new born, a threat of a new and more fierce war is renewed with an increasing targeting of women and children in the tribal clashes in southern Sudan, where a large number of people were killed and thousand others displaced [...]

➤ [UN General Assembly, Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman, 22/08/2011](#)

[...] V. Southern Sudan

43. On 9 July 2011, South Sudan became a new State. Undoubtedly, it will be confronted with enormous challenges, such as consolidating political stability, through the continuation of democratic governance reforms and the promotion and protection of human rights. The Government will have to address many outstanding human rights issues, including enhancing accountability and ending the pervasive culture of impunity and violence in the region. There are also major concerns linked to the general lack of trained security forces and law enforcement authorities, the persistence of inter-communal violence and the weakness of State structures that underpins the persistent human rights abuses.

[...] V. Southern Sudan

[...] 45. Hundreds of civilians, including women and children, were killed in fighting between the SPLA and rebel militia groups. Since the referendum in January 2011, UNMIS has documented massive human rights violations committed in the context of this fighting. The violence can be traced to events following the April 2010 elections, when several former SPLA generals fell out with the movement over allegations of vote-rigging, formed militia groups and launched armed rebellions against the SPLA. While a majority of the casualties were soldiers on both sides, a substantial number of civilians has been targeted and killed on suspicion of being affiliated with rebel militia groups. The SPLA and other militia groups have committed human rights abuses, including the deliberate burning of villages and indiscriminate killing of civilians, including women and children, looting and rape and sexual violence against women. Between January and April 2011, UNMIS reported that more than 1,000 people, including hundreds of civilians, were killed in the fighting concentrated in the Greater Upper Nile region of Jonglei, Upper Nile and Unity State. Tens of thousands of civilians have been forced to flee their villages and many of them remain inaccessible to humanitarian actors.

46. Systematic human rights abuses continue in an environment of impunity, with the most frequent and worst abuses perpetrated by the security forces of Southern Sudan. There have been numerous reports of human rights abuses by the SPLA, including extrajudicial killings, arbitrary arrests, detentions and cases of sexual and gender-based violence. During the referendum, most of the human rights violations documented by UNMIS involved the SPLA. Like the SPLA, the Southern Sudanese Police Service (SSPS) commits serious human rights violations in its law enforcement operations. The SSPS remains ill-trained and under-equipped, and consists of many former militia and ex SPLA members, many of whom are illiterate and unqualified. In January 2011, an UNMIS investigation into the operations of the only training centre for police in Southern Sudan, at Rajaf, near Juba, uncovered allegations of serious human rights violations, including cases of extrajudicial killing, torture, rape and inhumane and degrading treatment meted out to trainees. The investigation also revealed a culture of training practices reflecting the guerrilla force orientation of SPLA. On 8 April, the Government of Southern Sudan established a committee to conduct credible investigation into the allegations. It is imperative that the findings of the investigations be made public and the alleged perpetrators be brought swiftly to justice.

47. In addition to the generalized insecurity and continuing violence, South Sudan currently has very little capacity to dispense justice through the formal system. Weaknesses in its law enforcement capacity and the acute shortage of qualified staff in the justice sector have fuelled impunity for crimes. Illegal, prolonged and arbitrary detentions continue to be a major concern. Large numbers of people are put in prolonged detention without mandated legal warrants, very often in overcrowded and dilapidated cells. In Lake and Western Bahr el Ghazal, UNMIS observed that more than half of pretrial detainees had been held without the appropriate warrant extension. Despite the lack of due process, the criminal code of South Sudan allows the application of the death penalty; executions have indeed been carried out. In Malakal, Upper Nile, a prisoner was executed in October 2010 even though prison authorities had confirmed that he was illiterate and he did not receive legal representation during his trial. Of four prisoners executed in the State of Northern Bahr el Ghazal in September 2010, only one was reported to have benefited from legal aid.

48. Concerns also remain about continuing human rights violations linked to discrimination against women in South Sudan. Sexual and gender-based violence, forced marriages and abduction of women and children associated with inter-communal violence remain widespread. Serious crimes against women are

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sometimes settled through the traditional justice system, which very often applies discriminatory customary norms focused more on reconciliation than on ensuring accountability. In Western Equatoria, a man suspected of raping his two under-aged stepdaughters was released on bail after he agreed to compensate the victims' family. Another man suspected of murdering his wife was also released by the police after the families agreed to a settlement out of court [...]

➤ [IRIN, SUDAN: Beyond the euphoria of Southern independence, 08/07/2011](#)

[...] Shiny new government buildings are being built in South Sudan's capital, Juba. "Given the regional autonomy with which the South operated... much of the architecture necessary to govern at the national level is in place, even if rudimentary," the International Crisis Group said in an April report. But effective officials are still absent, or woefully lacking in even basic skills, at state and county levels. The South has only "the highest levels of the executive branch set up", said Ronald Wasilwa from the Africa Peace Forum. "The structures that have been put up in South Sudan are good, but they need to go down to the people." Forging those institutions into effective providers of the rewards of peace and independence that the people expect will be a giant task. Many accuse the government of rampant corruption, and of domination by the ruling Sudan People's Liberation Movement (SPLM) over smaller opposition parties.

[...] "While the South has made some progress in state-building and reforms, the early signs of governance - forcing through constitutional changes, restricting the media, centralizing power in the office of the President, and resorting to military violence over mediation in conflicts with rebel groups - have not been encouraging," a recent report by a coalition of 22 international and Sudanese campaign groups, Beyond the Pledge, warned.

[...] "There are real concerns about the Southern government and its capacity," Temin said. "There are concerns about its real commitment to democracy; the process of developing a new constitution has been troubled; there are worrying reports of pretty high levels of corruption in the South."

[...] The ex-rebel Sudan People's Liberation Army (SPLA) will change its name at independence to the South Sudan Armed Forces. The challenge, however, will be to ensure it also begins to change its ways: it has been accused of rape, massacres, extra-judicial killings and abuse. This has been the most violent year for South Sudan since the peace deal was signed six years ago, with the SPLA battling at least seven rebel militia groups. More than 2,300 people died in violence across the South, according to figures collated by the UN Office for the Coordination of Humanitarian Affairs (OCHA), from local, government and UN assessments.

[...] Experts argue that the new state is not lacking a justice system: it is just very far from perfect. "Thousands of cases are being heard and very often settled every week across South Sudan, often by chiefs and magistrates with limited formal legal education but with an understanding of the source and context for disputes," said Cherry Leonardi, a Sudan expert from Britain's University of Durham. Many, however, are drawn from an "authoritarian, centralizing and security-focused culture of government", and they have been joined by many people coming from a military background and similarly authoritarian army hierarchies, she added.

➤ [Human Rights Watch/Amnesty International, South Sudan: A human rights agenda, 30/06/2011](#)

[...] Amnesty International and Human Rights Watch urge the Republic of South Sudan to demonstrate its commitment to human rights by taking action in the following areas as a matter of priority:

1. Ensure accountability for abuses by soldiers, police, and other security forces
  2. Uphold the right to freedom of expression and association
  3. Review the legality of all detentions, particularly of juveniles
  4. Immediately place a moratorium on the death penalty
  5. Promote and protect the rights of women and girls
  6. Ratify international human rights treaties
1. Hold Security Services to Account

Fighting between the Sudan People's Liberation Army (SPLA) and armed opposition groups since January has killed hundreds of civilians, including women and children, and displaced more than 10,000 people in Upper Nile, Unity, and Jonglei states, according to the United Nations. SPLA soldiers have been responsible for serious human rights and international humanitarian law violations in the course of this fighting, including unlawful killing of civilians and the destruction of homes and other civilian properties.

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Soldiers also are committing serious human rights violations during law enforcement operations. The Southern Sudan Police Service (SSPS) remains under-equipped, ill-trained, largely illiterate, and insufficiently deployed. The SPLA is often called in to fill the policing void, but instead of upholding the rule of law the soldiers commit further violations against civilians, including unlawful killings, beatings, and looting, particularly when conducting forcible community disarmament operations.

[...] 2. Protect Free Expression and Association and Peaceful Assembly

During Sudan's April 2010 elections, southern Sudanese security forces harassed, arrested, and detained people thought to be opposed to the ruling Sudan People's Liberation Movement (SPLM), including journalists and opposition party members. In 2011, Human Rights Watch and Amnesty International continued to document cases in which security personnel harassed and arbitrarily arrested and detained journalists for criticizing the government. A new pattern has emerged, with security personnel arbitrarily arresting people suspected of links to armed opposition groups. Further contributing to the atmosphere of political intolerance, the government limited participation of opposition political parties in drafting the new constitution.

[...] 3. Review Detentions, Reduce Case Backlog

Weaknesses in law enforcement capacity and the justice system as a whole resulting from the shortage of qualified staff and reliance on customary law have fuelled impunity for crimes and given rise to serious human rights violations in the administration of justice. These violations documented by Amnesty International and Human Rights Watch include arbitrary arrests and detentions, lack of legal assistance and aid, prolonged periods of pre-trial detention, and poor conditions of detention characterized by overcrowding, dilapidated structures, and insufficient food and medicine in police cells, county jails, and prisons. Children are often tried as adults and in most detention centers are detained together with adults, exposing these children to a heightened risk of sexual abuse. Very few educational opportunities are available to detained children, making their imprisonment punitive rather than rehabilitative. Although the Child Act of 2008 guarantees juveniles a full range of rights and protections, including protections for children in conflict with the law, most of the necessary steps to provide these protections have not been carried out. Many mentally ill people are in prison, although imprisoning them on the grounds of their illness is unlawful, whether for their "protection" or for the "protection of others." The prisons lack sufficient medical services to treat them, there is no system of voluntary commitment, and confining them to prisons contributes to overcrowding.

[...] 5. Protect the Rights of Women and Girls

Although many of South Sudan's statutory laws contain protections for women and girls – such as prohibiting rape and sexual assault and allowing land ownership by women – the government is rarely able to enforce them. Women and girls are routinely deprived of the right to choose a spouse or to own and inherit property, and they are subjected to practices such as forced and early marriage, wife-inheritance, and the use of girls to pay debts, and various forms of domestic violence. Across the South, women and girls have little knowledge of their rights under the law; more than 80 percent are illiterate. They have limited access to justice, with most domestic disputes resolved by traditional courts applying discriminatory customs and traditions based on discriminatory policies. Community leaders and traditional authorities applying these customs also lack awareness of women's rights and how to uphold them [...]

## > Access to the Republic of South Sudan

### ➤ [Agence France-Presse, Slow resettlement stalls S.Sudanese dreams, 28/11/2011](#)

South Sudan's independence attracted thousands back home from the north, but hopes for a new and better life have eluded many still struggling to survive in transit camps. Under brick- or plastic-walled shelters in the central town of Rumbek, some 60 families are waiting to be resettled three months since returning from the Sudanese capital; some of their belongings still in suitcases and huge sacks. The centre run by the UN refugee agency was established to offer temporary shelter for returning South Sudanese, but delays in receiving land has prolonged their stay, while the rising influx is worsening living conditions. "Life is so hard, I have even had to sell my belongings to buy food," said Debora Agum David, who returned to the south after a 22-year-stay in the northern capital Khartoum, to where she had fled from bloody civil war. Finding a job in the world's newest country has been difficult for Agum, a mother of

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seven who worked as a nurse in the north. The local hospital here in Rumbek -- the impoverished capital of Lakes state -- turned her down and now she is contemplating starting a business. Since October 2010, more than 340,000 South Sudanese have returned home, with more than 17,000 estimated to have returned to the central Lakes state in a single year, according to the International Organisation for Migration. "We are thinking of expanding, we need more space" at the transit centre, said Xhemil Shahu, UNHCR head of office in Rumbek. According to authorities, many of those returning from the north had decided to come home due to worries over job security and their legal status. Upon South Sudan's July 9 independence, Khartoum gave southerners living there nine months to either leave or regularise their status.

[...] Long-neglected by Khartoum, South Sudan offers few opportunities for its citizens. Despite its huge oil reserves, the new country lacks public services and infrastructure, and the austerity is brutal for many southerners. "They came from urban areas expecting the good services they used to get," said Philip Kot Job, the director of the Relief and Rehabilitation Commission, a state organisation. More than half of South Sudan's eight million people live in poverty, according to World Bank figures. "The north never invested in the south," said Chol Tong Mayay, the governor of Lakes State. Authorities in Rumbek, however, have said they will give returning citizens a two-year land rent waiver to help them re-establish at home. But just outside Rumbek, a town of dirt roads and few permanent buildings, Ajak Majok prefers to live with some 180 people on a piece of land temporarily given to them by the local authority rather than relocate further from amenities. "It's closer to the main road, if someone is sick, you can rush to the hospital," Majok said. Aside from difficulties restarting life back home, some have also faced resentment -- especially those who served in the Sudanese police force and army. Having suffered more than two decades of a brutal civil war, some South Sudanese remain wary of their returning countrymen. "My priority is to settle, to contribute positively to the development of the country," said of them, Akuocpir Achol [...]

➤ [International Crisis Group, South Sudan: Compounding Instability in Unity State, 17/10/2011](#)

[...] Executive Summary

[...] Tens of thousands of Southerners returned from the North to their places of origin, their future uncertain as the state struggles to absorb them. A Khartoum-imposed blockade of North-South transit routes has choked supply chains and caused economic shock in an already isolated state capital. The outbreak of war in neighbouring Southern Kordofan further undermines cross-border movement and trade, protracts North-South tension and has driven refugees into Unity, many of whom need emergency services [...]

➤ [Sudan Tribune, Sudan, S. Sudan form committees to tackle post-split issues, 08/10/2011](#)

[...] Sudan and South Sudan have setup five task-forces to trash out issues of economy and border security among others as the visit of the southern president Salva Kiir Mayardit entered its second day.

[...] Citing South Sudan's minister of foreign affairs and international cooperation, Nihal Deng, SUNA reported that the external relations committee had agreed to dispatch northern diplomatic cadres to train southerners and help in constructing government institution.

[...] Commissioner Suleiman Abdel Rahman further said the two sides also touched on the issues of southern returnees who are stuck in Kosti port and Blue Nile in Sudan, agreeing to provide financial support to transport them to the south [...]

➤ [Agence France-Presse, S. Sudan refugees await train ride home, 06/10/2011](#)

[...] For nine months, Carlo has lived like so many South Sudanese stranded in the north -- hungry and jobless, in a makeshift camp, never knowing when he will leave for his newly-independent homeland. Finally, the 1,300-kilometre (810-mile) train journey looks set to begin, but it will take him through a war-zone and could last more than two weeks. "We have stayed here a long time, and we have suffered from many things. When the train comes to collect us, we will be so happy," said the 60-year-old father of five. The camp that has sprung up around Shajara train station, in a southern suburb of Khartoum, now has around 3,700 inhabitants, all from South Sudan's Bahr al-Ghazal region, but remains without running water or sanitation. Some have been waiting here for 11 months. There are many more stuck in other transit camps, most notably in the port town of Kosti, south of Khartoum, where 13,000 people await

barge transport up the White Nile river, and in Renk, south of the border. But over the next three months, the International Organisation for Migration (IOM) plans to repatriate 18,000 southerners, two-thirds of them by rail and the rest by river, with the first train due to leave Shajara by the end of next week. "There is no work here. So we don't have any money and we don't have food. We want to go to our country," said Adud Wol Wol, a mother of six. Coming to Khartoum in 1988, Adud was among the millions of southerners who fled north during the devastating 22-year conflict between the government and the former southern rebels. Since last year, they have been streaming back to participate in the building of their new nation, which gained formal independence on July 9, and to escape the uncertainties in the north where they have been forced to apply for residency and many stripped of their jobs. "There is fear here. Sometimes there is violence. They have taken away our freedom and if we stay here we will not find work," said Carlo, adding that separation had "complicated everything." At least 360,000 southerners have returned to the south since October, but support from Juba, the southern capital, has been limited and sporadic, mainly due to lack of funds. The IOM has already transported 14,000 returnees from the north by barge this year and says the poor conditions in the transit camps have galvanised financial support for its latest repatriation project. "The biggest argument for getting more money from the donors was to avert a humanitarian crisis," said Johannes Braun, the group's deputy programme coordinator. At crowded camps like the one in Kosti, which was built to accommodate only 1,200 people, there is a high risk of diarrhoea and malaria outbreaks among its inhabitants, many of whom already suffer from malnourishment. The IOM says it faces major logistical challenges in maintaining international standards during the train journeys -- which could take up to three weeks -- including the provision of food, water and medical care. Travelling in convoys of three, each carrying up to 1,500 people, the trains will pass through the conflict state of South Kordofan. So their safety is also a serious concern, especially after a deadly attack on a train carrying southern returnees in June. On Wednesday, the ministry of humanitarian affairs agreed to ensure the security of the train convoys. Another problem facing the returnees is the question of luggage, which the IOM says it has to limit due to space constraints, and because it slows down the process. In the Shajara camp, huge piles of belongings such as metal bed frames, chairs and mattresses, are stacked up behind the tents, simple possessions that they want to use to build their new lives, when they eventually reach their destination. Carlo says he sent members of his family ahead of him and waited behind, specifically so that he could bring his furniture with him. "I think they will be able to take our things -- one load each time," he added hopefully. [...]

➤ [IRIN, Sudan-South Sudan: Southern Kordofan refugees still vulnerable, 30/09/2011](#)

[...] While a majority of the arrivals are refugees, there are also a number of returnees. The affected began arriving in Unity in July following heavy fighting and air strikes in South Kordofan and are the first refugees to reach post-independence South Sudan, according to the UN Refugee Agency. Unity State, which borders Sudan's regions of Abyei and Southern Kordofan, is already grappling with the largest number of returnees - 83,851 - between 30 October 2010 and 13 September 2011, according to OCHA. Amid safety and access concerns, discussions are ongoing about the possible relocation of the new arrivals [...]

➤ [Reuters, South Sudanese find their way home slow going, 28/09/2011](#)

[...] Four months after Paula Lodo left her Khartoum slum to head back to South Sudan, she finds herself in yet another makeshift home south of the Sudanese capital. "I am stuck on the way home for four months, can you believe this?" Lodo said, sitting with her six daughters in a dusty tent camp near this northern White Nile city. Like tens of thousands of other southerners, Lodo packed up and left Khartoum in anticipation of the coming split between Sudan and South Sudan, catching a truck to Kosti to continue southwards by barge. But the barge to bring her home never showed up and she is now stranded with 17,000 others in a camp originally built for 1,200. Heavy rain has created a large pool in the middle of the facility, filled with garbage and attracting scores of flies. Lodo has put up a tent made from the same plastic sheets, blankets and wood branches used to build her home in Khartoum where she lived for 32 years after fleeing the civil war. "We were promised boats to continue but we are still here. I don't know why. It's very bad," Lodo said, seeking relief from the scorching sun under the shade of a large tree. The United Nations has estimated that more than 342,000 people have made the move southward since October, a few months before the independence referendum in January set July 9 as the date when South

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Sudan would become independent. Khartoum has given the more than one million southerners who still live in the predominantly Muslim north until spring to either leave or get residency and work permits -- a complicated process. Mostly Christians or people who follow traditional beliefs, and facing legal or employment uncertainties, many southerners can't wait to leave. But many are also somewhere stuck on the way home -- at railway stations, major roads or in Nile ports like Kosti. The delays are partly to do with a lack of coordination among the two governments and partly to do with the financial difficulties of South Sudan, which cannot provide sufficient transport. Non-governmental organisations are trying to help.

#### WANT TO HEAD HOME

"We want to go to our home village. We don't know why we can't go on," said Samira Otsmu, who has been waiting in the Kosti camp since July for a barge to bring her family and few belongings to the southern capital of Juba. Experts mostly blame the shortage of barges on the Juba government which started a programme to bring southerners home but is running out of funds. More barges are being rented with the help of United Nations and NGOs but many more is needed. Much poorer than the north, South Sudan is facing a myriad of challenges from setting up state institutions and building infrastructure to ending widespread tribal and rebel violence. "The situation is improving now but we need more efforts," said Sultan Ali Kanji, an official in South Sudan's relief commission who is trying to coordinate travel. He said the key problem apart from finding funds was a lack of coordination between north and south on how to organise the return of southerners and accommodate them in transit camps. "What we want from the NGOs and the Republic of South Sudan and this government is to agree on one thing. They should bring the returnees to their home villages," he said, standing in front of a rusty barge being loaded with luggage.

#### DIFFICULT TRIP

Many thousands have gone home by trains or made the arduous journey by bus or lorry. But those like Lodo coming from eastern regions often have no choice but to go by barge as their villages lie by the Nile and are not serviced by good roads. More than 18,000 southerners are stuck in Renk, the first southern port on the White Nile after Kosti, the United Nations said on Monday. One big obstacle is that many are bringing with them their entire household belongings and even, as in Lodo's case, the branches and corrugated iron they used to build their slum homes. "Twenty-six river barges now left of which 15 were loaded only with luggage and nine with passengers," said Mohammed Abdul Raziq, a senior northern relief official working in the camp. "If it hadn't been for the luggage it would have been possible to transport all the returnees," he said, speaking as a truck from Kosti town prepared to distribute water in the camp. But for poor southerners like 34-year-old Charles Nelson, leaving behind furniture is out of question. "It's impossible, nobody can leave his luggage behind," he said, sitting with his family in front of a tent they live in. With nothing to do, a group of young men nearby play dominoes at a plastic table, their main activity for months. "It's the unemployment that makes us play dominoes," said Yaqoub Agolav, who also came from Khartoum. "If we go to the south we will find work, but we have been here for three months unable to go to the south and we don't know why." [...]

### > Security situation in the Republic of South Sudan

#### ➤ [Voice of America, Relentless Use of Landmines in South Sudan Sparks Fear, 23/11/2011](#)

In South Sudan's oil-rich Unity state, aid agencies blame suspected rebel militias for planting new landmines in their fight against the five-month old government. The state capital Bentiu is being called "a prison" by experts because all routes leading in and out of the city are thought to be mined. A de-mining expert calls out that he is ready for the huge machine to rumble slowly forwards, shouting out when the computer screen he is watching intently shows up pieces of metal that could be a mine. These machines, used by the United Nations Mine Action Coordination Centre [UNMACC], cost \$10,000 an hour to run and clear up to seven kilometers of road a day.

#### Deadly issue

Speaking at a noisy airfield where U.N. helicopters deliver aid to the many places now not reachable by road, U.N. Mine Operations Officer Chris Fielding said the recent re-mining in Bentiu is a huge problem. "It's had a major impact on the people of Unity state. It's stopped the trading. It's stopped normal business. It's impeded humanitarian aid efforts. It has caused general suspicion and chaos in many parts of Unity," said Fielding. "We're experiencing re-mining of the re-mining. We're clearing routes and having to

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re-clear them, time and time again - chasing our tails [wasting our time] on some of the routes." There are thousands of unexploded ordnances and mines littering the country from the decades of war, which eventually led to South Sudan's independence from Sudan in July. Mining agencies expect it to take another six years to declare the country mine-free. But in places like Unity and other northern states where new mines are being discovered, it could push the country back even further. Fielding said that local people often start using the roads the moment his team leaves. But it is a false sense of security, as mines often are being re-laid within hours. Last month, 20 people died when a passenger bus hit an anti-tank mine on the road to Mayom County. Locals say the bus had used the same route several times that day.

#### Treating victims

At Bentiu Hospital, theater attendant Elizabeth Tindil said that landmine incidents have increased since South Sudan gained its independence. She said the community does not dare to travel either by foot or by road, and people are plagued by sadness and fear at having loved ones maimed or killed in the explosions. "We are not happy. We are sad all the time when we saw our people are broken. The young men, and the small children, and the women. We become sorry for them because they are our family," she said. One of Tindil's "broken people" is six-year-old Gatwech Riak Kornyut, whose car-print pajamas are rolled up to the knee stump where his left leg was blown off. The cheery little boy, sitting on a hospital bed, survived a mine blast in September that killed three women, including his grandmother. His family said they no longer use the Mayom road where the blast occurred. Major General Mangar Buong, acting head of the 4th division of the Sudan People's Liberation Army [SPLA] that fought the north for South Sudan's independence, accuses Khartoum of funding the rebel groups to destabilize the country by planting these mines. "I don't know exactly the objective of these people who are fighting. That time, we are fighting a general war with the north. Then we achieve what we want - that is why we raised our flag. And we made also the procedures, the democratic procedures," said Buong. Shortly after the interview, the SPLA found a second anti-tank mine in as many days on the same road leading out of Bentiu. They found it only because it had been poorly buried in haste.

#### ➤ [BBC News, Border battles threaten the new Sudans, 15/11/2011](#)

The steady, low drone of the Antonov over their temporary shelters sent the refugees running - and announced a dangerous new phase in Sudan-South Sudan relations. Despite Khartoum's denials, Juba is convinced Thursday's bombing of the refugee camp in Yida, in South Sudan's Unity State, was the work of the Sudanese military. It is reported that several people were killed in another aerial bombardment the next day in Upper Nile, also in South Sudan. The war of words has come a step closer to a genuine conflict, in the tense lands either side of the still not completely defined new international frontier. In the last few days South Sudan's President Salva Kiir has accused Sudan of wanting to drag his country back into a "meaningless war".

[...] The new government in Juba believes that Sudan's President Omar al-Bashir is supporting southern rebels behind periodic attacks near oilfields in Unity State and Upper Nile. "Omar al-Bashir believes only in war. He has problems in the north so he is trying to shift this to South Sudan to cover his weakness in his own country," Maj Gen Mangar Buong of the South Sudan army told the BBC. Sudan denies this and has repeated its accusation that Juba is supporting rebels north of the border in the states of South Kordofan and Blue Nile. It is very hard to prove any of the competing claims, but the impact of the fighting on people is clear to see

[...] Others complain about their fear of travelling because of the landmines.

The South Sudan Liberation Army (SSLA) rebels in Unity say they are fighting against corruption, underdevelopment and mismanagement of the oil revenues, and liken South Sudan's leaders to the mafia and former Ugandan dictator Idi Amin. And it is surely no coincidence the rebels are operating where South Sudan's oil reserves are - the southern army spokesman has even called this a "war about oil". In Upper Nile, southern rebels have attacked the army and now the charity Oxfam has pulled its staff out of the state because it said they were too near aerial bombardments over the border and a reported troop build-up. There are probably similar stories to be told over the border in South Kordofan and Blue Nile, but Sudan is not keen to let journalists visit these sensitive areas [...]

#### ➤ [International Crisis Group, South Sudan: Compounding Instability in Unity State, 17/10/2011](#)

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[...] Executive Summary

[...] A series of armed rebellions emerged in the South in 2010-2011, several in Unity. Though sometimes dismissed as mere armed opportunism, they have together drawn attention to more endemic grievances, some of which are manifest in Bentiu. Divisions over security policy and a flawed counter-insurgency strategy highlighted a familiar dilemma of army integration. An inconsistent response has yielded mixed results, sometimes generating more violence, fuelling community grievances, or hampering efforts to bring other rebels back into the fold. Northern support for such groups is highly inflammatory and must cease, but external subversion remains an exacerbating agent as much as a root cause. A demonstrable commitment to reforms in the security sector and rule-of-law institutions, an opening of political space, as well as a more stable North-South relationship will be necessary to discourage future rebellions. Meanwhile, boundary disputes and cross-border tensions persist. The North-South border is now an international boundary, but it is not yet demarcated and critical sections – including in Unity – remain dangerously militarised. The seasonal migration of nomadic Misseriya cattle-herders to Unity has been interrupted in recent years, generating violence and anxiety along the already tense border. In the absence of negotiated migratory arrangements and implementation of a North-South security pact, there remains considerable uncertainty as to what the coming seasons hold. Likewise, still undefined internal boundaries fuel inter-communal tensions inside Unity state and many others [...]

- [Integrated Regional Information Network: Heading for severe food shortages, 27/09/2011](#)  
[...] In addition to refugees from Abyei, demobilized South Sudanese troops marching back south on empty stomachs have created further resource problems. Grande said UN humanitarian operations were being hampered by 116 incidents involving mainly looting or violence towards staff by rebel militia and the Sudan Peoples' Liberation Army (SPLA), and the laying of new mines. Two UN staff members were killed in an attack in May after SPLA troops commandeered six vehicles. More than 8,000 new refugees have entered the country, fleeing violence in neighbouring Southern Kordofan, while 7,500 more have fled attacks from Lord's Resistance Army (LRA) in the southwest [...]
- [Congressional Research Service, The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country, 16/09/2011](#)  
[...] Introduction  
[...] South Sudan faces serious challenges in the coming years. There are a number of unresolved issues between the governments of Sudan and South Sudan, which could pose a serious threat to peace and stability in both countries.  
[...] There are also a number of new rebellions, often backed by the government in Khartoum, against the Government of Southern Sudan (GOSS).<sup>3</sup> In 2010-2011, more than 1,500 people were killed and over 200,000 people displaced as a result of these conflicts in the South, according to United Nations and South Sudanese officials [...]
- [Cairo Institute for Human Rights Studies, Written statement submitted by the Cairo Institute for Human Rights Studies \(CIHRS\), a non-governmental organization in special consultative status, 12/09/2011](#)  
[...] The human rights situation Sudan: The need for continued engagement by the UN independent expert  
[...] 4. In the South, the government of South Sudan (GoSS) faces many security challenges with attacks by the LRA on the borders with Uganda, fights between the cattle herders on the borders with Kenya, as well as the continual threat of conflict with the North because of the unresolved Abyei issue. The SPLA, now the South Sudanese army, infamously known for using excessive force in quelling rebel groups, has caused the displacement of close to 260,000, destroyed 7000 homes, and killed approximately 1800 civilians since January [...]
- [Sudan Council of Voluntary Agencies \(SCOVA\)/International Women Bond \(IWB\)/ African American Society for Humanitarian Aid and Development \(ASHAD\), Joint written statement submitted by the Sudan Council of Voluntary Agencies \(SCOVA\), the International Women Bond \(IWB\), non-governmental organizations in special consultative status, the African American](#)

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[Society for Humanitarian Aid and Development \(ASHAD\), a nongovernmental organization on the roster, 09/09/2011](#)

[...] Tribal and religious xenophobia in Southern Sudan

In the Republic of South Sudan, partition has created both opportunities and obstacles. Against a backdrop of regional and ethnic tensions, reports of human rights abuses continue to surface from many locations in Southern Sudan, while escalation of tensions in the Jonglei seems likely. The top United Nations official in South Sudan today called for an end to the "cycle of violence" engulfing the newly independent country's state of Jonglei, where hundreds of people have been killed in recent days in fighting between ethnic groups. At least 600 people have reportedly died and unconfirmed reports indicate almost 1,000 others were wounded during clashes between the Murle and Lou Nuer communities in Jonglei, the UN Mission in South Sudan (UNMISS) said in a press release.

[...] The root causes of Southern Sudan massacres are closely interrelated to tribal and religious xenophobia. While the above mentioned terrible incidents are obvious examples of tribal xenophobia, the recent kidnapping, torture and assassination of the late Fuad Richard Hassan Mabrook, a Muslim human rights activist, can be considered as a clear incidence of religious xenophobia. Exacerbation of religious xenophobia in the newly born state in Southern Sudan will definitely endanger the peaceful coexistence between Muslims and Christians; it will also threaten the highly needed tolerance among various religious and tribal entities in Southern Sudan

[...] It is a matter of a great concern that while the country is still a new born, a threat of a new and more fierce war is renewed with an increasing targeting of women and children in the tribal clashes in southern Sudan, where a large number of people were killed and thousand others displaced [...]

➤ [BBC News, South Sudan attacks 'leave 600 dead', 23/08/2011](#)

At least 600 people have been killed in ethnic clashes in South Sudan's eastern state of Jonglei, the UN says. Up to 985 people have been wounded in the unrest, the UN estimates.

[...] The clashes took place on Thursday when members of the Murle group are said to have attacked the majority Lou Nuer, stealing nearly 40,000 cattle. Jonglei is one of the newly-independent country's least safe areas.

[...] The BBC's James Copnall, in the Sudanese capital Khartoum, says cattle rustling frequently leads to bloody clashes in the state and elsewhere in South Sudan. The attack is the latest in a string of deadly incidents between the Murle and the Lou Nuer. Hundreds of people die in inter-ethnic clashes in Jonglei each year. The Murle are often accused of stealing children, allegedly because they do not have many of their own. South Sudan has been independent for just over a month, and faces serious security challenges, particularly in Jonglei. Many civilians are armed and the poor roads make it difficult for the security forces to move around the state. But a representative of the Lou Nuer community has expressed his anger, saying the government of South Sudan was failing to provide security for its people [...]

➤ [UN General Assembly, Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman, 22/08/2011](#)

[...] V. Southern Sudan

[...] V. Southern Sudan

[...] 44. Inter-communal violence continues to cause loss of life and property across southern Sudan. On 22 May 2011, a cattle raid by unidentified armed elements in Lafon County in Eastern Equatoria State killed 17 children. On 2 May, UNMIS investigated allegations of human rights violations following fighting between Dinka Gok and Dinka Agar tribes in Rumbek, Lake State. A total of nine people, including four women, were reportedly killed in the fighting. In Jonglei State, the traditional rivalry between Lou Nuer and Murle tribes intensified in late April in Pibor County, claiming more lives. The County reported that more than 60 people were killed when fighting broke out between the feuding tribes between 18 and 20 April. An unverified number of children were reported missing after the fighting. According to figures released by the State Security Committee, more than 1,000 lives were lost in the State through communal violence in the first three months of 2011. Impunity and lack of accountability continues to fuel the cycle of violence. To date, the Government has been unable to bring to justice any of the perpetrators of the numerous crimes committed.

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45. Hundreds of civilians, including women and children, were killed in fighting between the SPLA and rebel militia groups. Since the referendum in January 2011, UNMIS has documented massive human rights violations committed in the context of this fighting. The violence can be traced to events following the April 2010 elections, when several former SPLA generals fell out with the movement over allegations of vote-rigging, formed militia groups and launched armed rebellions against the SPLA. While a majority of the casualties were soldiers on both sides, a substantial number of civilians has been targeted and killed on suspicion of being affiliated with rebel militia groups. The SPLA and other militia groups have committed human rights abuses, including the deliberate burning of villages and indiscriminate killing of civilians, including women and children, looting and rape and sexual violence against women. Between January and April 2011, UNMIS reported that more than 1,000 people, including hundreds of civilians, were killed in the fighting concentrated in the Greater Upper Nile region of Jonglei, Upper Nile and Unity State. Tens of thousands of civilians have been forced to flee their villages and many of them remain inaccessible to humanitarian actors.

➤ [IRIN, Mine clearance to boost agriculture, 04/08/2011](#)

Farming communities living along the South Sudan-Uganda border are afraid to till their land, with the risk of landmines and other unexploded ordnance (UXOs) remaining high in the region after years of civil conflict.

[...] On the South Sudan side of the border, farming activities have been adversely affected by the landmine threat, said Ajweng Yubu of Laboni village. "The situation is bad in Laboni and other places in South Sudan where landmines were planted along roadsides, water points and farming areas," said Yubu. "I don't know when we will confidently walk and cultivate our land without fear." Even in demined areas, officials recommend caution. "Cleared mine fields can contain remnants of landmines," said Rodger Lutalo of UN Development Programme. "Deminers normally do 98 percent of the work while the community does 2 percent, so it's up to you to remain vigilant and report any suspicious objects lying on the ground." [...]

➤ [IRIN, SUDAN: Beyond the euphoria of Southern independence, 08/07/2011](#)

[...] South Sudan becomes the world's newest nation on 9 July, the final step in the six-year Comprehensive Peace Agreement (CPA), a deal that ended the 1983-2005 North-South war. The government is upbeat, but after the euphoria of celebrations and the pomp of speeches, the new nation faces a mammoth task.

[...] Exactly how North and South Sudan divorce is critical to the future for both states. Key negotiations still remain - most importantly over oil. Border conflict has already forced thousands to flee, including some 110,000 people following the northern occupation of the contested Abyei region in May. Bombings continue in the northern oil state of South Kordofan, where fighters once loyal to the South complain they have been left abandoned as the South splits away. Both sides have traded accusations that the other is backing rebel movements, claims also rejected by both. The two sides are masters of continuing to talk, despite the violence and accusation.

> Access to basic services

➤ [Integrated Regional Information Network: Heading for severe food shortages, 27/09/2011](#)

UN agencies are warning that newly independent South Sudan will face chronic food shortages next year due to internal and border insecurity, erratic rains and a huge influx of returnees from the North. The UN Food and Agricultural Organization (FAO) said a Rapid Crop Assessment carried out in August showed South Sudan was likely to produce 420,000-500,000MT of food this year - half the required amount. Elijah Mukhala, FAO food security specialist, said it estimated 1.2 million people would be "severely food-insecure" next year, compared with 970,000 last year, with the deficit set to increase by about a quarter from 300,000MT last year.

[...] "For 2012, we are worried for food production on the northern side as they have also had erratic rains," Mphatso said. In addition, the North has lost many South Sudanese farm labourers, which could result in dramatic price increases and food insecurity for all but the three southern states. UN Resident and Humanitarian Coordinator Lise Grande said more than three million people (36 percent of the

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population) in South Sudan were classed as moderately or severely food insecure in 2011, and the burden was increasing. More than 340,000 people have arrived in South Sudan since January, and internal violence has pushed around the same number again away from their homes and fields.

[...] "A lot of those people who were coming back were poor. They were running," Grande said of the massive influx around the January secession referendum. While 80 percent have been resettled, the lack of jobs in a country where the majority rely on small-scale farming and those coming from the north have to transition their skills from urban to rural, is also cause for concern. This year, World Food Programme (WFP) has fed 1.8 million vulnerable people with 62,000MT of food, while late harvests prolonged the usual May-to-August hunger season by a month. But with a 13,500MT food shortfall, WFP is concerned about rising food insecurity as fuel and commodity prices rocket.

[...] The FAO predicts that all but three southern states will face major food shortages due to insecurity and problems near the Sudan border.

[...] There is a steady flow of goods from Uganda and Kenya, but in Juba's crowded market, fruit and vegetable sellers say they are not earning enough. "We are making a very small profit now. All things now, they are expensive: green beans, rice, fruits," said Simaiya Nassara, a vendor who buys produce from her native Uganda. South Sudan's National Bureau of Statistics says the inflation rate rose 9 percent last month, and more than 57 percent compared to August 2010. "The biggest problem we are having here is taxes, and fuel in the whole country. That's why the price of food is very expensive. All the food is coming from Uganda. Even Khartoum, now they divided the country, things will be difficult now... and prices will also go up," said vendor Margaret Akulu, who says some produce is now impossible to get because of northern blockades. Market vendors said local authorities increased three-monthly permits for the tiny stalls from 150 (US\$35) South Sudanese pounds to 1,110 (\$280). This, in addition to more checkpoints and traffic police charging food trucks from the Ugandan border, would push up prices further. The government recently pledged to crack down on corruption, seen as the new nation's major stumbling block, starting with the removal of 13 illegal checkpoints in the capital, and work with local businesses to try to curb rising food prices in a country that is a net importer of almost all food. Only 4 percent of available agricultural land is cultivated, despite South Sudan's fertile soil. The lack of basic infrastructure seriously hampers its ability to feed itself and the World Bank has identified agricultural support and road-building as priorities in the world's newest nation. Before that, however, the violence must stop [...]

➤ [Congressional Research Service, The Republic of South Sudan: Opportunities and Challenges for Africa's Newest Country, 16/09/2011](#)

[...] Introduction

[...] South Sudan faces serious challenges in the coming years.

[...] South Sudan lacks the capacity to deliver basic services to its people and demands are likely to increase in the coming years.

[...] As an independent country, South Sudan will also assume additional responsibilities currently managed by the Government of National Unity. South Sudan also lacks the infrastructure and institutions necessary for governance and delivery of basic services [...]

➤ [BBC News, South Sudan attacks 'leave 600 dead', 23/08/2011](#)

[...] Many civilians are armed and the poor roads make it difficult for the security forces to move around the state [...]

➤ [USAID, South Sudan – Complex Emergency, 10/08/2011](#)

KEY DEVELOPMENTS

On July 9, the Republic of South Sudan became the world's newest country. Upon independence, USAID designated a new mission in Juba, the capital. On July 14, U.S. Chargé d'Affaires R. Barrie Walkley declared a disaster in South Sudan due to an ongoing complex emergency caused by population displacement and returnee inflows from Sudan, continued armed conflict, and perennial environmental shocks—including drought and flooding—that may further compound humanitarian needs

Security and Humanitarian Access

Humanitarian access to conflict-affected populations in Unity State remained restricted through July due to ongoing insecurity and the presence of landmines along main roads. As of August 5, the main roads

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between Maper town, Lakes State, and Leer and Bentiu towns, Unity State, as well as roads in and out of Mayom town, Unity State, remained closed to all traffic, according to the South Sudan Logistics Cluster—the coordinating body for humanitarian logistics activities in the country. However, on August 4, OCHA reported that the U.N. Mine Action Office had begun clearing landmines along the road between Bentiu and Leer towns. Proactive contingency planning and pre-positioning efforts supported by USAID/OFDA have allowed humanitarian agencies to respond to the immediate needs of conflict-affected populations in Unity State, despite access challenges

#### Food Security and Nutrition

During the first half of 2011, food security deteriorated to crisis levels in many areas of South Sudan due to the combined effects of conflict, large-scale displacement, the rapid influx of returnees from Sudan, and restricted trade between Sudan and South Sudan, according to the USAID-funded Famine Early Warning System Network (FEWS NET). Food insecurity was concentrated in Northern Bahr el Ghazal (NBeG), Unity, Warrap, Lakes, Upper Nile, and Jonglei states, as of late July. North–south trade restrictions eased somewhat in mid-July, allowing increased flows of food and fuel to South Sudan, according to FEWS NET. However, due to persistent insecurity along trade routes and ongoing fighting in Southern Kordofan, Sudan, FEWS NET predicts that below average market supplies and above average prices will prevail in the northern border states of South Sudan, at least through September. Among children under five years of age, levels of acute malnutrition exceed the internationally accepted global acute malnutrition (GAM) threshold of 15 percent in South Sudan, according to a July 14 report released by the U.N. Children’s Fund (UNICEF). In certain areas, particularly in states that border Sudan, acute malnutrition levels exceed 20 percent, according to UNICEF [...]

➤ [IRIN, SUDAN: Beyond the euphoria of Southern independence, 08/07/2011](#)

[...] South Sudan has some of the worst health and development indicators in the world, but while it is already struggling with its existing population, more people continue to flood in. At least 309,000 people have returned from the North since October 2010, and still more are expected. The UN World Food Programme (WFP) said it helped feed about half the population last year, or some four million people [...]

➤ [Norwegian Refugee Council, Challenging new reality for urban returnees, 08/07/2011](#)

High-rise buildings, factories and city jobs are not to be found in Northern Bahr el-Ghazal (NBeG) and Warrap, two states bordering the northern part of Sudan in the soon-to-be independent nation of South Sudan. Here, most people walk on dirt roads instead of asphalt, ride donkeys instead of in cars, and live in tukuls instead of brick houses. Khartoum and Aweil, the state capital of NBeG, are only a journey of a few days from each other but a world apart in terms of lifestyle.

[...] In the past six months, around 65,000 people have returned to Northern Bahr el-Ghazal. Currently, there are five large transit sites occupied by the returnees in this state, that has received the majority of the returnees so far.

[...] At the big open space between the shelters in Apada, some of the returnees have set up small stalls where they sell tea and other products, to have a little income until they settle somewhere permanent. Young girls in city clothing are walking around to the music beat from a couple of guys with a stereo. George Tong Ganang (34) is eagerly approaching NRC to ask if there may be any work opportunities. “My family fled to Darfur when I was ten. After having lived in camps there for many years, we felt that it would be safer to find shelter in South Kordofan. But, because of the ongoing fighting there, I have now returned to Aweil,” he says. Through its Information, Counselling and Legal Assistance programme, NRC is supporting the returnees in making informed decisions on where to settle and how to adjust to new ways of living and obtain basic services from the local authorities. On 9 July, South Sudan will become the world’s youngest nations. It is one of the least developed areas in the world marked by post-conflict challenges in combination with ongoing disputes along the border to North Sudan [...]

### 3.8 Members of non-Arab ethnic groups from the Darfur States

Excerpt from the August 2011 Sudan OGN

3.8.15 *Conclusion*. Case owners must assess the credibility of the applicant and the evidence they submit in accordance with the relevant Asylum Instructions (see para 3.2 – 3.5 above). The expulsion of international NGOs in 2009 and recent expulsions of individuals working for NGOs, together with continued press censorship and repression of human rights defenders, has reduced the ability of the local human rights community to monitor and report on human rights violations. Although there continue to be reports of arrests and detention of Darfurians, there is no evidence of systematic or widespread persecution outside of Darfur of ordinary Darfurians, on account of their ethnicity or place of origin alone and it is reasonable to assume other risk factors would be present to attract such attention. However, restrictions in Sudan mean it continues to be difficult to obtain reliable information.

There appear to be contradictory statements being made in this paragraph, which forms part of the guidance provided to case owners for claims made by members of non-Arab ethnic groups from the Darfur States. On the one hand, the paragraph acknowledges that expulsion of NGOs and repression of human rights defenders has resulted in a reduced ability to monitor and report on human rights violations, especially on the local level. On the other hand, the paragraph suggests that “there is no evidence of systematic and widespread persecution outside of Darfur of ordinary Darfurians on account of their ethnicity or place of origin alone”. Not only does this somewhat distort findings of the most recent and relevant CG case that non-Arab Darfuris are at risk in Darfur and cannot be expected to internally relocate within the Republic of Sudan (see below), but is also not in line with COI included in the ‘treatment’ section for this category of claims (see also below).

Excerpt from the August 2011 Sudan OGN

3.8.16 The Tribunal established in AA (Non Arab Darfurians – relocation) Sudan CG [2009] UKAIT 00056, that all non-Arab Darfuris, regardless of their political or other affiliations, are at risk of persecution in Darfur and cannot reasonably be expected to relocate elsewhere in Sudan. Therefore claimants who would be obliged to internally relocate are likely to qualify for asylum.

Excerpt from the August 2011 Sudan OGN

[...] *Khartoum*

3.8.10 A UNHCR report published in November 2008 stated that the National Intelligence and Security Services (NISS) use arbitrary arrest against political dissidents in Khartoum. NISS detention can involve ill-treatment, torture and unofficial places of detention. Darfurians in Khartoum are at heightened risk of arbitrary arrest if they are suspected of links with Darfur rebel groups or movements. Of particular concern is the view that, “Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organisations abroad.” 74

3.8.11 In 2010, the USSD reports continued arbitrary arrest and detention; incommunicado detention of suspected government opponents; restrictions on freedom of speech, the press, assembly and association; discrimination and violence against ethnic minorities; obstruction of the delivery of humanitarian assistance and the expulsion of individuals working for humanitarian NGOs.<sup>75</sup> Following anti-government protests in 2010/2011, there are reports of a government crackdown on opponents, human rights activists, students and journalists.<sup>76</sup> The African Centre for Peace and Justice Studies (ACPJS) reported that “targeting of demonstrators also appears to have racial, ethnic, professional and political undertones”<sup>77</sup>

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More recent COI found in the public domain suggests that the 2009 CG findings are still representative of the current treatment of Darfurians, particularly as Darfurians outside of Darfur continue to be targeted by the Sudanese authorities as documented in the following sources:

➤ [Radio Dabanga, Three Darfuris detained since a year; press freedom deteriorating in Sudan, 31/10/2011](#)

[...] Three Darfuri activists have been in prison since one year ago on charges of undermining state security and breaking the media law for collaborating with Radio Dabanga, a radio station that broadcasts from the Netherlands to the people of Darfur. After a year, a court case is still pending against several Darfurians who were arrested after attending a youth forum about the future of Darfur. They were accused for being collaborators for Radio Dabanga. The three detained Darfuris, among 15 people who were arrested one year ago, are still under detention. The men who remain in detention in Khartoum's Kober prison are Abdelrahman Adam, Zakaria Yaqoub and Adam Al Nur. They face charges including 'waging a war against the nation' and 'threatening the Constitution'. Earlier this year, four others – Abdulrahman Gassim, Kauthar Abdel Haq, Khalid Ishaq and Jaafar Al Sabky– were released on bail by a court in Khartoum. They are facing similar charges [...]

➤ [Radio Dabanga, Darfuri Students attacked in Omdurman, 13/10/2011](#)

[...] Dozens of students affiliated to the National Congress Party (NCP) assaulted the Darfuri student Elsaddig Younis at the Omdurman Civil University on Tuesday. The victim was taken to the hospital to receive treatment from the blows he had received to various parts of his body. The victim, a post-graduate student, told radio Dabanga he was sitting with a group of students affiliated to Minawi's faction at the headquarters of their association when he was attacked by dozens of other students who opened fire in the air, resulting in injuries to his head, hands and the rest of his body. He added that the aim of the attack was to eliminate the members of Minawi's faction in the university, as it is one of the armed movements opposing the Government.

Also in Omdurman, four Darfuri students sustained injuries - among which three critical - when dozens of students affiliated to the NCP attacked Darfuri students inside the headquarters of Union of the Holy Quran University on Tuesday. The Darfuri students had been on strike since 8 in the morning to protest against a new directive refusing them enrollment before the completion of the fees payment. A student told Radio Dabanga that the university administration ended up coming to an agreement with the students to enroll them without fees, as the Vice-President of the Republic had ordered to enroll Darfuri students based on previous agreements. He also stated that the students were planning to end the strike since their demands were met, but that they were surprised by the attack of dozen of students affiliated to the NCP. The aggressors were armed with white weapons, which led to the injury of the secretary-general of the Darfur students' association in the university Sanosi Salih Sanosi, along with Nasr al Din Suleiman, Elhadi Abakr and Ibrahim Tijani, who were taken to the hospital to receive treatment. [...]

➤ [International Federation for Human rights \(FIDH\)/World Organisation Against Torture \(OMCT\), Steadfast in Protest: Annual Report 2011, October 2011](#)

[...] Defenders fighting for the truth and against impunity for grave violations of human rights remain preferred targets of repression

[...] In Sudan, thirteen Darfuri defenders were arrested in late 2010, while others were intercepted and detained at the Darfur airport in June 2010, as they were travelling to Uganda to attend the Review Conference of the Rome Statute.

[...] Continued crackdown on human rights activists aimed at preventing any independent reporting on the human rights situation in Darfur

[...] In an effort to completely stop any reporting on the region and the human rights violations taking place on a daily basis, in October and November 2010, the NISS conducted a crackdown on Darfurian human rights defenders and journalists. On October 30, 2010, Mr. Abdelrahman Mohamed Al-Gasim, the Legal Aid and Training Coordinator of the Darfur Bar Association, was the first one to be arrested in Suq al Arabia in Khartoum by NISS agents. The same day, the NISS conducted a raid at the Human Rights and Advocacy Network for Democracy (HAND)<sup>18</sup>. They confiscated the organisation's equipment and arrested Messrs. Abdelrahman Adam Abdelrahman and Dirar Adam Dirar, respectively Deputy Director and

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Administrative Officer of HAND, as well as Ms. Manal Mohamed Ahmed, Ms. Aisha Sardo Sharif, Ms. Aziza Ali Edris, Ms. Kuwather Abdelhag Mohamed, and Messrs. Abu Ghassim El Din, Zacharia Yacoub, Ibrahim Adam, Adam Alnour Aldam Momen Abdelrahman Adam and Khalid Ishag Mohamed Yosuf, all members of the HAND network. On November 3, 2010, Mr. Jaafar Alsabki Ibrahim, a Darfuri journalist working for Al Sahafa, was arrested in a NISS raid on the newspaper's offices. All men were detained at Kober prison and the women at Omdurman women's prison. They were all released without charge on January 13 and 23, 2011, except for Messrs. Jaafar Alsabki Ibrahim and Abdelrahman Adam Abdelrahman, who remained in detention without charge as of the end of April 2011 [...]

- [Rencontre Africaine Pour la Défense des Droits de l'Homme \(RADDHO\), Written statement submitted by the Rencontre Africaine Pour la Défense des Droits de l'Homme \(RADDHO\), a nongovernmental organization in special consultative status, 12/09/2011](#)

[...] The security forces in Sudan particularly target activists from Darfur where a large number of individuals – women and men – are currently held in government custody in different prisons and unidentified security facilities. Most of these people are held for prolonged periods without proper charges or trials. In some cases such detention dates back to May 2008 when the Darfur insurgents launched a military attack against Sudan's capital. Some of these detainees are held incommunicado without access to legal counselling, medical service or family visits. Torture and degrading treatment and punishment as well as ill-treatment were reported in many cases. It has also been reported that the security forces confiscate all personal belongings especially cash and other valuables as well as mobile phones, personal computers and laptops and other properties owned by people from Darfur when such persons are arrested and detained. Such properties are usually not recovered because of theft or because the NISS forced the detainees to leave without them.

[...] Physical and psychological torture, solitary confinement and ill-treatment of detainees are widespread in Sudan's detention centres. They are practiced against political detainees, especially persons from Darfur, in a systematic manner in order to extract confessions. Most of the people interrogated by DRDC and DBA confirmed that their bodies carry torture marks. Torture and degrading treatment contravene article 33 of Sudan's Constitution which states that: "No person shall be subjected to torture or to cruel, inhuman or degrading treatment." [...]

- [UN General Assembly, Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman, 22/08/2011](#)

[...] III. Northern Sudan

[...] 18. Between late October and early November 2010, a group of human rights activists from Darfur affiliated with a radio station (Radio Dabanga) were arrested and held incommunicado by the NSS. The detainees were not charged, provided with counsel or given the opportunity to challenge the lawfulness of their detention. Nine of the activists were released between 13 and 21 January 2011, while five remained in custody. One of the released activists told human rights monitors that he had been beaten by NSS agents during interrogation sessions. On 13 February, four of the released activists were re-arrested. Six of them are currently standing trial for various offences under the Criminal Act 1991, three of which carry the death penalty [...]

- [Human Rights Watch, Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights, June 2011](#)

[...] III. Other Human Rights Violations

[...] Arbitrary arrests, detention and torture of Darfuri activists

One of the primary tools of government repression in Sudan is the National Security and Intelligence Service (NISS), which uses its broad powers to harass, intimidate, arrest and detain human rights activists, journalists, and those who speak out against the ruling National Congress Party or those who are suspected of links to rebel movements. Other security forces, such as military and police officials, also carry out arrests, then transfer detainees into NISS custody. NISS is well-known for ill-treating and torturing political detainees, documented in many cases by Human Rights Watch including the January crackdown on peaceful protesters.<sup>64</sup> The security forces have targeted Darfuri activists for detention and torture. In late October and early November 2010, for example, NISS arrested a group of 13 Darfuri

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journalists and human rights activists and detained them in their Khartoum offices before transferring them to Kober prison. Authorities released 10 of the group in January but then re-arrested others; six currently remain in detention. Those who were released reported being subjected to beatings and other ill-treatment and torture while in detention.<sup>65</sup> One former detainee, who was released in January, recounted: "They beat us all over our bodies with water pipes. They put us in a room and continued to beat us for two days. They told us, 'You will never see the sun and we will kill you.' [...] They asked me about my address, my tribe and when I told them Zaghawa they used very abusive racist language. They said to me, 'You think you want to rule this country, have you ever seen someone from western Sudan become a president?' and they accused me of being a spy."<sup>66</sup>

[...] According to the Darfur Bar Association, 64 Darfuri civilians are currently detained in prisons in Darfur and Khartoum arbitrarily without charge, some for prolonged periods in violation of Sudan's own National Security Act of 2010, which allows for detention without judicial review for up to four and a half months.

<sup>70</sup> The Darfur lawyers alleged that one detainee, a 30-year-old pro-democracy activist from Zalingei has been arbitrarily detained since July 2008 during a peaceful protest following the Justice and Equality Movement attack on Omdurman in May 2008, and is in urgent need of medical treatment.<sup>71</sup> In May 2011, the minister of justice appointed a representative to investigate allegations of unlawful detentions of Darfuris.<sup>72</sup> [...]

➤ [Waging Peace, Update on the humanitarian and security situation in Darfur, June 2011](#)

[...] Humanitarian Update

On 22 June 2011, the security bureau arrested Adam Mohammed Ahmed Salih, a man of Darfuri origin living in Port Sudan. One of Salih's relatives said the government forces came to his shop and arrested him without explanation. The relative also said that Salih was not involved in any political organisations.<sup>8</sup> On 22 June 2011, three female students from Darfur were injured during a fight at Bakht Elruda University in White Nile State. A leader of the Darfur student's association said that the three girls, Fatima Bashir, Intisar Mohammed Omar and Zamzam Abdul Azim, were attacked in their dorm and beaten by student supporters of the National Congress Party (NCP). The Darfuri students filed a complaint and were admitted to the hospital under the pretense of "mental instability". Two of the women were later taken to prison. The director of welfare at the university claimed that this was just a normal fight between students and that the welfare office had reconciled the students.<sup>9</sup>

[...] On 17 June 2011, Hussein Ibrahim Angabo, a Darfuri student from Kas, was kidnapped on the streets of Khartoum. His dead body was found the next day in an open area near his home. Angabo was a fourth year student in education at Delenj University. The day before he was abducted, Angabo attended a public rally at the University of Khartoum organised by the United Popular Front (UPF). This is not the first time a student activist has been abducted and killed by security services.<sup>14</sup>

[...] On 2 May 2011, two students of Kassala University, Mubarak Hamid and Elfadil Abdul Rahman, were kidnapped on their way to school in the city of New Halfa. According to other student activists, Hamid, a Darfuri, had been shot at the previous Saturday by an armed group in Land Cruisers. Rahman had been subpoenaed by the government of New Halfa regarding a complaint filed against him under Article 139 of Sudanese criminal law.<sup>61</sup>

[...] Persecution of political opposition

[...] On 3 February 2011, Abdul Fattah Tibin, a Darfuri student at Ahlia University, was detained in Khartoum North. He was accused of affiliation with the Darfuri armed movements and suffered severe beating and electric shocks.<sup>398</sup> On 30 January 2011, Taj Al Deen Mohamed Ibrahim, a Darfuri student at Khartoum University, was arrested in front of the University. He was taken to a NISS office near North Khartoum Police Station and severely beaten by five NISS agents with thick black hoses. He was then put on a bus with 50 other detainees. They were all forced to blindfold themselves with their shirts. Ibrahim overheard the driver being told to drive to the "execution site". The detainees were taken to the NISS headquarters in Khartoum North, where they had to sit in the sun for three hours, and were interrogated while being beaten. Ibrahim was interrogated about his political affiliation and his alleged ties to the Darfuri rebel movements. Threatening him with electric shocks NISS agents demanded from Ibrahim to admit to his relationship with the Sudan Liberation Army and the Justice and Equality Movement. He was released the following day.<sup>399</sup>

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[...] On 30 October 2010, six Darfuri human rights defenders disappeared in Khartoum. It was confirmed on 31 October that all six individuals had been arrested, though no charges were filed. Some of the members of the group had just attended a youth forum on social development hosted by Girifna, a pro-democracy student movement. The first disappearance occurred in Suq al Arabia in downtown Khartoum, when National Intelligence and Security Services (NISS) agents arrested Abdelrahman Mohamed Al-Gasim, a prominent human rights defender from Tulus, South Darfur. Al-Gasim is based in Khartoum and is the Legal Aid and Training Coordinator of the Darfur Bar Association. He was not seen by his family and never returned home, and his mobile has been switched off since Saturday evening. On 31 October, his family received confirmation that he had been arrested, though no charges had been filed and they were not allowed access to him. He was being held separately from the rest of the group. Another round of disappearances occurred almost immediately after, suggesting a coordinated effort by the NISS.<sup>403</sup> The other human rights activists arrested in Khartoum included staff (male and female) of the Human Rights and Advocacy Network for Democracy (HAND), who were arrested after a raid by NISS. HAND, a coalition of grassroots Darfuri organisations, publishes weekly human rights monitoring reports from Darfur and has provided valuable information in recent months. Security official closed the HAND offices, and their computers, documents and Radio Dabanga equipment was confiscated.<sup>404</sup>

[...] Impact of events in Libya

[...] On 16 March 2011, dozens of men of Darfuri origin were arrested after arriving at Khartoum airport on a flight from Libya. Security forces arrested the men, most of whom were from West Darfur, because they “suspected elements of the Darfuri rebel movements to be among the passengers arriving in Khartoum”.<sup>422</sup> [...]

➤ [Amnesty International, Five Sudanese activists detained, 03/05/2011](#)

[...] On 20 April, students and activists took part in demonstrations at Nyala University. Security forces surrounded the university and arrested 100 people; 55 people were swiftly released with a further 40 people being released afterwards. The students and activists were demonstrating against the poor living conditions and insecurity in Darfur as well as for accountability for human rights violations committed in Darfur. Similar protests took place in other places in Sudan including Zalingei, in West Darfur, Wad Medani in east-central Sudan, and Khartoum, the capital of Sudan, where there are large numbers of Darfuri residents. Arrests have been reported during most of the protests, and people in Zalingei, West Darfur, were taken to hospital after allegedly being injured by the police [...]

➤ [United Nations Mission in Sudan/ Public Information Office, Media Monitoring Report, 17/03/2011](#)

[...] Other Highlights

Sudan security detain Darfuris arriving from Libya

Radio Dabanga 17/3/11 - The National Intelligence and Security Service (NISS) arrested dozens of Darfuris who arrived at Khartoum airport on suspicion grounds. Sources at the Khartoum Airport said that men of Darfuri origin arriving from Libya were separated after arriving at airport gates. Security men separated Darfuris from non-Darfuris, inspecting passports. They allowed people from other states to leave the airport immediately while detaining those from Darfur. Security forces made clear to the sources that they suspected elements of the Darfuri rebel movements to be among the passengers arriving in Khartoum. Most of those detained were from West Darfur. Sources also indicated that more returnees coming overland via Kufra may have been detained [...]

➤ [Waging Peace, The Human Rights Situation in North Sudan: Regression to Repression, March 2011](#)

[...] Suppression of political freedom

[...] 28 March 2010 - Abdelmageed Salih was arrested again by the NISS in Khartoum, just two months after being freed from a four and a half month detention. Salih, a human rights defender of Darfurian origin, was working at the time with one of the bodies monitoring the elections. He was reportedly interrogated about his work before being released on the same day.<sup>43</sup>

[...] 25 March 2010 - NISS agents released three Darfuri students who were part of a larger group of students arrested on 9 May 2009. None have been charged with any crime. They had been arrested from

different universities in the Khartoum area and at the funeral of the Darfuris executed for the killing of Sudanese journalist Mohamed Taha Mohamed Ahmed in 2006. The entire group was subjected to torture before being transferred to Dabak Prison, where they were interrogated on their affiliation with Abdul Wahid Mohamed al Nur, a leader of the Sudan Liberation Movement.<sup>45</sup> [...]

➤ [Waging Peace, The Human Rights Situation in North Sudan: Regression to Repression, November 2010](#)

[...] Repression of NGOs and Civil Society Groups

[...] 1 November 2010 - Between 4 and 4:30 PM on 30 October, six Darfuri human rights defenders disappeared in Khartoum. It was confirmed on 31 October that all six individuals had been arrested, though no charges have been pressed. Some of the members of the group had just attended a youth forum on social development hosted by Girifna, a pro-democracy student movement. The first disappearance occurred in Suq al Arabia in downtown Khartoum, when National Intelligence and Security Services (NISS) agents arrested Abdelrahman Mohamed AlGasim, a prominent human rights defender from Tulus, South Darfur. Mr. Al-Gasim is based in Khartoum and is the Legal Aid and Training Coordinator of the Darfur Bar Association. He was not seen by his family and never returned home, and his mobile has been switched off since Saturday evening. On 31 October, his family received confirmation that he had been arrested, though no charges had been pressed and they were not allowed access to him. He is being held separately from the rest of the group. Another round of disappearances occurred almost immediately after, suggesting a coordinated effort by the NISS.<sup>43</sup>

[...] Media Censorship

[...] 5 November 2010 - In a wave of arrests, the Sudan National Security moved against Darfurian journalists in Khartoum on Saturday afternoon. Journalist, Gafar Alsabki (37) of Al Sahafa newspaper, was arrested on Wednesday. Radio Dabanga has learnt the names of some of those who disappeared, but the government has not confirmed any of the names of those detained.<sup>84</sup> [...]

➤ [Human Rights Watch, Government Repression Threatens Fair Elections National and Southern Officials Should End Abusive Practices, 21/03/2010](#)

[...] Harassment, Arrests, and Detention of Political Activists in Northern Sudan

The national government continues to target political activists, creating a climate of fear for those who challenge the NCP. In addition to the arrests of activists from Girifna, Human Rights Watch remains concerned about the continued harassment and detention of Darfuri student activists. Four students from the United Popular Front, a student group affiliated with the Abdel Wahid faction of the Sudan Liberation Army that has publicly supported the International Criminal Court (ICC) arrest warrant for Al-Bashir, have been held in detention without charge since April 2009. Other members of their group, released in February 2010, told Human Rights Watch that national security officials abducted them in Khartoum, blindfolded them, and beat them severely with plastic pipes and sticks in detention. The students bore physical marks that were consistent with their mistreatment. They reported that security officials told them, "If you are from Darfur you will never get out," and later threatened to kill them if they did not sign papers stating they would no longer engage in any political activities upon their release [...]

➤ [United Nations Mission in Sudan/ Public Information Office, Media Monitoring Report, 14/02/2010](#)

[...] Darfuri student tortured, killed as vote campaign opens

Reuters 12/2/10 - Students in Khartoum accused Sudanese authorities of abducting, torturing and killing a colleague from Darfur, as tensions rose a day before campaigns opened for the first democratic elections in 24 years. Police who delivered the body to a morgue said they had found the body of Mohamed Musa, 23, on the street and denied he had ever been arrested. "We consider this to be a normal crime," a security source said, adding four other Darfuri students had been arrested on Thursday at the morgue for causing "public disorder". Dozens of Khartoum University students from Darfur gathered in the morgue to mourn on Friday. Witnesses who had seen the body said his hands were burned, his head and body beaten, cut and swollen and his clothes soaked in blood. "He was taken from the gate of the university by a group of men in a pick-up truck," Darfuri student Mutasim Boker told Reuters. He blamed the ruling National Congress Party (NCP) for the abduction on Wednesday, saying they were always targeting and

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beating Darfuri students. "This was definitely NCP ... this is not the first time they have targeted us." Another Darfuri student at the morgue, Mohamed Adam, told Reuters he thought an anonymous call informing students that the body was in the morgue had come from government authorities. "His hands were burnt, his skin cut up ... and his clothes soaked in blood," he said, after seeing the body. A correspondent for the Sudanese website Sudaneseonline.com, Nagla Seedahmed, said police had tried to arrest her at the morgue and confiscate a photo she had of the body. "This raises a lot of doubts on how we are going to have a free and fair election," said leading presidential candidate Yasir Arman, from the former southern rebel Sudan Liberation People's Movement (SPLM), who visited the morgue. He said the murder echoed dozens of similar crimes by the security services, urged an investigation and said a law passed by the NCP last year giving the security organs wide powers of arrest, search and seizure must be repealed [...]

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### 3.11 Prison conditions

Excerpt from the August 2011 Sudan OGN

3.9.3 *Consideration.* Prison conditions throughout the country remained harsh and overcrowded in 2010. Health care was below standard; prisoners sometimes relied on family or friends for food. Officials continued to arbitrarily deny visits to prisoners. **The government routinely mistreated persons in custody.** There were credible reports that security forces held detainees incommunicado; **beat them;** deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions. Juveniles did not occupy adult prisons or jails but sometimes were held with adults elsewhere in the North. Political prisoners were held in special sections of prisons.

The section on prison conditions is limited in that it only refers to the mistreatment and beatings of prisoners (see highlighted sections above), but fails to include any information on the prevalence of torture in detention, as well as the fact it is committed with complete impunity. The use of torture in detention has been, however, noted in other sections of the OGN as illustrated below:

Excerpt from the August 2011 Sudan OGN

[...] 2.3 Actors of protection

[...] 2.3.2 It was reported that in 2010, government forces beat and **tortured persons in detention,** including members of the political opposition, civil society activists and journalists. Sharia law provides for physical punishments including flogging, amputation, stoning and crucifixion. In Darfur and other areas of conflict, government forces, rebel groups and tribal factions committed torture and abuse.

[...] 3.6 Members or associates of the SPLM/A and civilians from South Sudan

[...] 3.6.5 Following the elections there was also a clamp-down on political dissent, with opposition political groups, journalists, students and human rights activists at particular risk. **Arbitrary arrest and detention by the National Intelligence Security Services (NISS), military and police continues to be widespread in all areas of Sudan, and is often linked to other serious violations, such as incommunicado detention, ill treatment and torture.** UNAMIS and UNAMID Human Rights Officers have no access to most places of detention. Although the national security laws were revised in December 2009, limiting the length of time NISS could hold suspects, the legislation retained existing powers of arrest, search and seizure for NISS. The bill was opposed in Parliament by the SPLM/A as well as other political opposition parties.

[...] Members of non-Arab ethnic groups from the Darfur States

[...] 3.8.10 A UNHCR report published in November 2008 stated that the National Intelligence and Security Services (NISS) use arbitrary arrest against political dissidents in Khartoum. **NISS detention can involve ill-treatment, torture and unofficial places of detention.** Darfurians in Khartoum are at heightened risk of arbitrary arrest if they are suspected of links with Darfur rebel groups or movements. Of particular concern is the view that, "Darfurians may raise the suspicion of the security forces by the mere fact of travelling from other parts of Sudan to Darfur, by having travelled abroad, or by having been in contact with individuals and organisations abroad."

The highlighted information is all referenced as the *2010 Human Rights Report: Sudan* published by the U.S. Department of State and the information from paragraph 3.6.5 as from the *Country of Origin Information Report: Sudan* published by COIS-UKBA in April 2010, which in turn cites the June 2009 report by the UN Special Rapporteur on the situation of human rights in the Sudan.

The U.S. Department of State report also contains the following additional information on documented torture practices and lack of prosecutions for such abuses:

➤ [U.S. Department of State, 2010 Human Rights Report: Sudan, 08/04/2011](#)

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[...] Section 1 Respect for the Integrity of the Person, Including Freedom From:

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Interim National Constitution prohibits such practices; however, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict, government forces, rebel groups, and tribal factions committed torture and abuse (see section 1.g.).

[...] For example, on October 9, in Khartoum, NISS officials arrested Simon Noye Agot and 11 others at an event organized by the Student Campaign to Support South Sudan Separation. Security forces tortured Agot. He was beaten and threatened with being arrested again, and his genitals were squeezed with metal objects. Authorities released him the following day but took his shoes, cell phone, and money. A court sentenced Agot to 15 days' imprisonment for disturbance of public peace.

[...] For example, on March 15, authorities reportedly detained and tortured Girifna member Abdallah Mahdi Badawi. An individual claiming to be a new Girifna member had arranged to meet with him; however, he was instead taken to an office where 13 men interrogated and abused him.

On July 5, in Khartoum, police reportedly arrested Girifna members Hassan Ishag, Azzi Eldine Al-Anssari, and Hassan Mohamed while they were distributing the group's magazine. They were released the following day after being taken to national security offices, where they were questioned, reportedly tortured, and asked to become informants.

[...] Security forces in the North raped women, including in connection with the conflict in Darfur.

[...] Prison and Detention Center Conditions

[...] Authorities permitted prisoners, but not detainees, to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions in prisons and documented the results of such investigations. However, these rights were not always granted to pretrial detainees, political prisoners, and those in the custody of police or security forces.

[...] d. Arbitrary Arrest or Detention

[...] Role of the Police and Security Apparatus

[...] Security force impunity was a serious problem. The 2010 National Security Act provides NISS officials with impunity for acts involving their official duties. Abuses by security forces were not generally investigated.

[...] e. Denial of Fair Public Trial

[...] Political Prisoners and Detainees

The government held an undetermined number of political prisoners and detainees. Security forces detained without charge, tortured, and held incommunicado political opponents. Detentions of such persons often were prolonged [...]

The following sources of COI available in the public domain also document that torture is common and committed with impunity:

- [Rencontre Africaine Pour la Défense des Droits de l'Homme, Written statement submitted by the Rencontre Africaine Pour la Défense des Droits de l'Homme \(RADDHO\), a nongovernmental organization in special consultative status, 12/09/2011](#)

[...] The security forces in Sudan particularly target activists from Darfur where a large number of individuals – women and men – are currently held in government custody in different prisons and unidentified security facilities. Most of these people are held for prolonged periods without proper charges or trials. In some cases such detention dates back to May 2008 when the Darfur insurgents launched a military attack against Sudan's capital. Some of these detainees are held incommunicado without access to legal counselling, medical service or family visits. Torture and degrading treatment and punishment as well as ill-treatment were reported in many cases.

[...] Physical and psychological torture, solitary confinement and ill-treatment of detainees are widespread in Sudan's detention centres. They are practiced against political detainees, especially persons from Darfur, in a systematic manner in order to extract confessions. Most of the people interrogated by DRDC and DBA confirmed that their bodies carry torture marks.

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- [Cairo Institute for Human Rights Studies, Written statement submitted by the Cairo Institute for Human Rights Studies \(CIHRS\), a non-governmental organization in special consultative status, 12/09/2011](#)

[...] 2. [...] There are many allegations of torture and rape in prisons and detention facilities housing political opposition and human rights activists. This is illustrated by the example of Safiya Ishaq, a female activist who was raped in NISS custody for participating in Khartoum's mass protests on 30 January.<sup>10</sup> [...]

- [UN General Assembly, Report of the independent expert on the situation of human rights in the Sudan, Mohamed Chande Othman, 22/08/2011](#)

[...] II. Key developments in the Sudan

[...] 6. On 2 February 2011, the South Sudan Referendum Commission announced the official results of the referendum, confirming that more than 98 per cent of electors had voted in favour of secession.

[...] 7. Following the referendum, the wave of public discontent with a number of Governments in the Middle East and North Africa emboldened students, political activists and human rights actors to demand political reforms and the formation of a broad-based Government in Khartoum. The demonstrations were quelled by the Sudanese police and the security forces. More than 70 people, including journalists and members of political opposition groups, were arrested, some of them injured in the process. Many were released shortly after their arrest without being charged. However, an unknown number were held in custody long after the riots. According to United Nations reports, some of the detainees were subjected to torture and other forms of ill-treatment while in custody.

[...] III. Northern Sudan

[...] 17. Cases of arbitrary arrest and detention by the National Security Service (NSS) remained a major concern during the reporting period. The body continues to arrest and detain people for prolonged periods without charge, and sometimes without the possibility of family visits. There were also allegations of incommunicado detention, torture and other forms of ill-treatment of detainees by the NSS. The independent expert's repeated requests to meet with the Director General of the NSS to discuss these concerns were declined during both of his visits to the Sudan during the reporting period.

[...] VI. Darfur

[...] 54. [...] Perceived critics of the Government were routinely arrested and kept in prolonged detention without judicial oversight, and sometimes subjected to torture or ill-treatment [...]

- [Waging Peace, The Sudanese National Intelligence and Security Service. 04/08/2011](#)

The Sudanese National Intelligence and Security Service (NISS) is perhaps the most powerful wing of the Government of Sudan<sup>1</sup>, with no checks on its authority to arrest and detain anyone perceived to be at odds with the incumbent regime.<sup>2</sup>

[...] NISS rarely provides a reason or warrant for arrests and often releases people without telling them the charges against them.<sup>5</sup> It regularly holds prisoners incommunicado, without legal representation or trial.<sup>6</sup>

[...] Under the National Security Act of 2010, NISS officers have immunity from prosecution for their actions, including those of torture and rape. Detention and torture are systematic tools of obtaining intelligence in Sudan [...]

- [International Federation for Human Rights, Beyond the Pledge: International Engagement After Sudan's Comprehensive Peace Agreement, 01/07/2011](#)

[...] 3. The successor state– North Sudan after 9 July

[...] Political repression continues

For millions of northern Sudanese, the promise of democratisation, pluralism and a respect for human rights laid out under the CPA has been broken. national, regional and international commitments to civil and political rights are still routinely violated.<sup>20</sup> The government continues to impose emergency laws and uses the wide-ranging powers of the national Intelligence and Security Services (NISS) to stifle dissent and repress civil liberties.<sup>21</sup> Critical voices, including human rights defenders and journalists reporting on and denouncing human rights violations – in particular those perpetrated in Darfur – are still being targeted by the regime. They routinely face harassment, intimidation, arbitrary arrests and detentions, acts of torture and censorship laws that violate Sudan's international obligations as well as its own constitution are still

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on the books.<sup>22</sup> The need for genuine domestic reform is even more pronounced in view of the seismic shifts in the region, including the overthrow of the regime in Egypt, Sudan's immediate neighbour [...]

➤ [Human Rights Watch, \*Darfur in the Shadows: The Sudanese Government's Ongoing Attacks on Civilians and Human Rights\*, June 2011](#)

[...] III. Other Human Rights Violations

[...] Arbitrary arrests, detention and torture of Darfuri activists

One of the primary tools of government repression in Sudan is the National Security and Intelligence Service (NISS), which uses its broad powers to harass, intimidate, arrest and detain human rights activists, journalists, and those who speak out against the ruling National Congress Party or those who are suspected of links to rebel movements. Other security forces, such as military and police officials, also carry out arrests, then transfer detainees into NISS custody. NISS is well-known for ill-treating and torturing political detainees, documented in many cases by Human Rights Watch including the January crackdown on peaceful protesters.<sup>64</sup> The security forces have targeted Darfuri activists for detention and torture. In late October and early November 2010, for example, NISS arrested a group of 13 Darfuri journalists and human rights activists and detained them in their Khartoum offices before transferring them to Kober prison. Authorities released 10 of the group in January but then re-arrested others; six currently remain in detention. Those who were released reported being subjected to beatings and other ill-treatment and torture while in detention.<sup>65</sup> One former detainee, who was released in January, recounted: "They beat us all over our bodies with water pipes. They put us in a room and continued to beat us for two days. They told us, 'You will never see the sun and we will kill you.' [...] They asked me about my address, my tribe and when I told them Zaghawa they used very abusive racist language. They said to me, 'You think you want to rule this country, have you ever seen someone from western Sudan become a president?' and they accused me of being a spy."<sup>66</sup> Inside Darfur, security officials have targeted activists in the displaced persons camps. For example, in the evening of May 6, security officials arrested a young community activist, Hawa Abdallah, for unknown reasons and have since transported her to Khartoum where she remains without access to family members or legal counsel.<sup>67</sup> Security officials also arrested those who criticized the government during a visit by the UN Security Council delegation to the Abu Shouk camp in October 2010. Two of them – Mohammed Abdallah Mohammed Alhaj and Abdallah Ishag Abdelrazik – remain in detention in Shalla prison, El Fasher.<sup>68</sup> In South Darfur, security officers arrested two women on December 5 and 6, and charged them with crimes against the state. The evidence against them included a doctored photograph of al-Bashir in handcuffs, and notes about the conflict in Darfur, including witness testimonies. The authorities released the women in February 2011, but their cases are still pending.<sup>69</sup> According to the Darfur Bar Association, 64 Darfuri civilians are currently detained in prisons in Darfur and Khartoum arbitrarily without charge, some for prolonged periods in violation of Sudan's own National Security Act of 2010, which allows for detention without judicial review for up to four and a half months.<sup>70</sup> The Darfur lawyers alleged that one detainee, a 30-year-old pro-democracy activist from Zalingei has been arbitrarily detained since July 2008 during a peaceful protest following the Justice and Equality Movement attack on Omdurman in May 2008, and is in urgent need of medical treatment.<sup>71</sup> In May 2011, the minister of justice appointed a representative to investigate allegations of unlawful detentions of Darfuris.<sup>72</sup> The 1997 Emergency and Public Safety Act, which authorizes the executive branch to detain people indefinitely without any judicial review, is used in Darfur. Since August 2009, authorities in North Darfur have held a group of displaced persons who were initially arrested in connection with the murder of a sheikh, then re-arrested under the emergency laws, without charge for long periods; four remain in detention. Detainees in El Fasher's Shalla prison told Human Rights Watch that more than 20 people are being held there under emergency laws, some without access to family members or legal counsel.<sup>73</sup>

IV. No Accountability for Past or Current Abuses

While the Sudanese government has paid lip-service to justice in Darfur with various declarations and appointments, it has made no real progress in prosecuting war crimes and human rights abuses, or reforming laws and repealing legal immunities present in several relevant laws that shield members of the security forces from prosecution [...]

➤ [Amnesty International, \*Annual Report 2011: Sudan\*, 13/05/2011](#)

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[...] Arbitrary detentions, torture and other ill-treatment

A new National Security Act passed in December 2009 came into force in February. The Act maintained the NISS's extensive powers of arrest and detention without judicial oversight for up to four and a half months. The NISS continued to arrest and detain political activists and human rights defenders, hold them incommunicado, torture and ill-treat them, and prosecute them for the peaceful exercise of their rights to freedom of expression, assembly and association. NISS agents remained immune from prosecution and disciplinary measures for human rights violations [...]

➤ [UK Foreign and Commonwealth Office \(FCO\), Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report \(Eritrea excerpt\), 31/03/2011](#)

[...] Prisons and detention issues

The new National Security Act, which came into force on 28 January, maintained wide discretionary powers of arrest and detention for the National Security Service, in contravention of the Interim National Constitution and the Comprehensive Peace Agreement. Under the new law, the security service can arrest and detain people for up to four-and-a-half months without judicial review. It also maintains security service members' immunity from prosecution [...]

➤ [Amnesty International, Agents of Fear: The National Security Service in Sudan, 19/07/2010,](#)

[...] 2. LEGAL FRAMEWORK

[...] IMMUNITY FOR MEMBERS OF THE NISS

[...] Article 33(3) of the 1999 NSFA provides NISS members and their associates<sup>21</sup> with immunity from criminal and civil procedures for acts connected with the official work of the member. Immunities can only be waived by the Director of the NISS, when it appears that their actions are not connected to their work. Article 33 in practice provides NISS members with immunity from prosecution for all crimes committed in the course of their work. In response to the Group of Experts' recommendation to remove immunities for NISS members, the government reportedly stated that the immunities were "procedural rather than substantive" and that "the practice was to waive a person's immunity whenever there is prima facie evidence to justify the laying of charges against the person".<sup>22</sup> The 2010 National Security Act maintained the same immunity for NISS members and their associates. Article 52(3) again repeated the wording of article 33 of the NSFA, providing immunity to members of the NISS for all acts committed in the course of their work as long as the immunity was not waived by the NISS Director. Article 52(1) states that any act committed by the NISS while pursuing their duties and with "good intentions" should not be considered a crime. The lack of legal remedies for victims of human rights violations committed by the NISS demonstrates that these immunities, even if procedural by law, are substantive in practice. In the period covered by this report, Amnesty International has not been able to document a single case where these immunities were lifted and a member of the NISS was investigated and prosecuted for human rights violations.

[...] 4. TORTURE AND OTHER ILL-TREATMENT

[...] The practice of torture has been used systematically against supporters of the political opposition, human rights defenders, civil society activists and any individual seen to pose a threat to the government or the ruling party. Torture has become a means to silence political opposition in Sudan, despite the government's promises of reform and in breach of the various safeguards against torture in the Interim National Constitution and Bill of Rights. Abdel Monim El Gak, a human rights defender who was arrested in November 2008, interrogated about any involvement with the ICC investigations in Sudan and tortured, wrote an open letter to Salah Gosh, director of the NISS. He pointed out the parallels between his case and that of another human rights defender who had been tortured by the NISS 18 years earlier: "Do you not find it strange Mr Gosh that two persons find themselves drafting almost the same letter in substance, with a span of almost 18 years between the incidents? There is complete stagnation in the river of your regime Mr Gosh despite the many agreements promising movement..." The use of torture by the NISS is systematic. In a report to the UN Security Council, the UN Panel of Experts on Sudan stated that "Interlocutors interviewed by the Panel informed it that while ill-treatment or torture are not introduced as part of the curriculum prepared for officers undergoing NISS training, everyone in NISS is left with the impression that some physical violence is acceptable in the process of extracting information from suspects. According to a middle-level NISS officer the dilemma is obvious: "how else can I extract

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information from a criminal when I know that he's got it inside of him?"<sup>34</sup> In most of the cases documented by Amnesty International, NISS agents maintained control over detainees even after their release. In some cases, they unlawfully limited the survivor's right to freedom of movement within Sudan, including by making former detainees report to their headquarters at least once a week. Some former detainees were subjected to phone and text messages from NISS agents and to regular visits to their home or their family's home. The technique of threatening and harassing an individual's family to put pressure on them is commonly used by the NISS.

[...] TORTURE METHODS USED BY THE NISS

[...] NISS agents develop new techniques of torture all the time. Over the past two years Amnesty International has recorded numerous new methods of physical and psychological torture.

'THE INFLICTION OF PAIN'

Methods of torture and other ill-treatment used against detainees in NISS detention include, but are not limited to, the following:

- Kicking and stamping on detainees, beating with water pipes, beating with heavy and sharp objects, and with bare hands over different parts of the body, including the face
- Intravenous injections into male genital organs
- Sleep deprivation, by keeping the lights on in detention cells or conducting interrogations at night
- Crowding a large number of detainees in small rooms where they cannot lie down, in unhygienic conditions and among the wounded and the sick
- Placing detainees in the sun for entire days
- Beating detainees while held upside down against a wall
- Throwing detainees into deep holes with their hands and legs tied and leaving them there for considerable periods
- Electric shocks
- Forcing detainees to sit on hot surfaces
- Depriving detainees of access to toilets and washing facilities
- Depriving detainees of food for days, or providing food that is inedible
- Burning detainees with cigarette ends
- Whipping
- Putting detainees in closets or very small spaces for long periods of time
- Making detainees stand in bathrooms filled with water, to stop them from sitting down or resting, for hours or throughout the night
- Falaqa*, beating the soles of the feet with a stick, whip or other implement
- Making women drink water until they lose consciousness
- The "sand bath": making detainees crawl on burning sand
- Putting detainees in rooms with hot air conditioning systems and no windows.

'WHETHER PHYSICAL OR MENTAL'

*"I was planning to kill myself that night... Every hour I was at risk. I knew it was a matter of time until they [the NISS] reached me".<sup>37</sup> "When they tortured us, they used to play loud music, which we thought was strange since the house was in the middle of nowhere. When I asked about it after my release, someone told me the reason they did it was to make us relive our torture every time we heard music playing".<sup>38</sup>*

NISS agents use psychological torture as much as physical torture. This is demonstrated by the environment they create during interrogations, the vocabulary they use, as well as some of the methods they rely on to weaken the mental state of their victims and make them more vulnerable and hence more willing to "confess". The scene of an interrogation was described by many survivors of torture as a stage on which NISS agents perform different roles and where the victim is made to go through various stages of psychological suffering, leading sometimes to a "confession". Survivors of torture often link a certain feeling, smell or sound to their memory of torture. One Chadian survivor of torture at the hands of the NISS told Amnesty International that during his detention in Darfur, NISS agents used to play music every time they tortured them. They, the detainees, found it strange because the house in which they were kept was remote and it was unlikely that anyone could hear their screams. "When I asked some people about it after my release, someone told me the reason they did it was to make us relive our torture every time we heard music playing..." Many survivors described emotional and psychological alienation arising from being treated kindly one moment then beaten another. Abdel Monim El Gak described it as "a dangerous form of schizophrenia" when his torturer suddenly brought him a glass of water and apologized for any

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harm he might have done, and another promised to come and visit him and his family. Amnesty International has documented the use of the following techniques:

- Blindfolding victims during interrogation and torture
- Performing mock executions
- Insulting victims
- Racist or sexual verbal abuse
- Taking detainees' clothes off during interrogation
- Making torture victims think that they have revealed information under the influence of drugs
- Creating the impression that the detainee might have been raped under the influence of drugs
- Telling victims that they will be forced to drink a poisonous substance if they do not confess
- Threatening family and friends of detainees
- Threatening women, as well as men, with rape
- Making detainees sign papers committing them financially and accusing them of fraud and other financial crimes
- Taking pictures of detainees while naked and threatening to publish them on internet sites
- Threatening detainees with the same fate as other known victims of torture or extrajudicial execution.

A number of torture victims suffered from mental disabilities before their detention, but this did not prevent them being tortured.

#### THE "RACIALIZATION" AND "GENDERIZATION" OF TORTURE IN SUDAN

*"I remember during the attack on Omdurman in late May 10th, when I was working as one of the founders of the civil society National Committee for the Protection and the Defence of the Affected People of 10th May that your incensed security personnel were hunting down all who appeared to be of Darfurian appearance. I was horrified by the torture scars of many of those who were subsequently detained (including of women and children) and, as I recall them now, know that they are much greater than mine, the protected Arab northerner".<sup>39</sup>*

Sudanese society comprises a variety of languages, ethnicities and religious beliefs. The diversity of Sudanese culture and society appears to have been exploited by the authorities to exacerbate divisions. Many detainees described NISS agents using terms that accentuate the differences between various Sudanese groups to insult detainees and humiliate them. For example, during interrogations NISS agents have referred to people from Darfur as "slaves" and "blacks". In the days following the Omdurman attack in May 2008, people with braids, a common hairstyle in Darfur, were allegedly arrested in the streets and had their braids shaved off. Degrading and insulting adjectives are often used to address women. Evidence collected by Amnesty International suggests that torture and ill-treatment is more systematically used by the NISS against people from Darfur than "northern Sudanese" who are nevertheless also subjected to arbitrary arrest and torture. A man from north Sudan told Amnesty International that NISS agents said to him during his interrogation and while illtreating him: "you are one of us". One human rights defender who conducted interviews with a large number of victims of torture said that his work suggested that NISS officers are often personally prejudiced. He told Amnesty International: "In their minds, often an 'African' Sudanese is a second class citizen. He has no rights. And when he has no rights, his torture becomes lawful". Although they may carry racial and gender stereotypes into their work, no one deemed to pose a potential threat to the government is safe from the NISS, even if they are not from the marginalized ethnic groups in Sudan. Following the Omdurman attack in May 2008, although the vast majority of the detainees were from Darfur and in particular from the Zaghawa ethnic group, some detainees were from the north of Sudan. Most were arrested on suspicion of cooperating with the JEM, for example by providing shelter to JEM fighters. The ICC prosecutor's application for a warrant of arrest against President Al Bashir on 14 July 2008 led to a further clampdown on human rights defenders and the staff of national and international NGOs. Prominent human rights defenders who had previously been allowed to carry out their work were arrested. Some were tortured, including Abdel Monim El Gak and Osman Humeida. Abdel Monim El Gak's letter refers to the "racialization of the politics of torture in Sudan". He expressed how the structure of the NISS itself reflects racial divides and says: "There were seven individuals who participated in arresting, interrogating and torturing me, two of whom clearly gave the orders and provided the supervision of the others. There were the 'white-collar' officers and both were of Arab northern appearance. The rest of the group, to whom was delegated the sweaty work of beating, torture and terrorizing, carried the characteristics of those from what you would term the "African" or non northern parts of Sudan".

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[...] DEATHS IN DETENTION

It is impossible to verify the number of deaths that have occurred in NISS detention since the present government took power. During the Omdurman events in May 2008, several people were reported to have been unlawfully killed by NISS agents in the streets of Khartoum or after arrest. [...] More than one person suspected of hiding members of the JEM was allegedly unlawfully killed by the NISS. When the families of the victims went to inquire about their whereabouts, the response of the NISS was reportedly to claim that they had died in a car crash. According to the families, however, the deceased had been shot. One detainee who was arrested following the Omdurman attack and held for months in NISS detention told Amnesty International that several other detainees with whom he was being held died in detention. He explained that the detainees were all held in cells with the wounded and sick, and that those who needed medical attention were not given adequate treatment [...]

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