



## Annual Report on the Human Rights Situation in Sudan March 2005 – March 2006





## *Objective of Report*

This report is SOAT's eighth annual account on the human rights situation in Sudan. Through SOAT's extensive work inside Sudan, including the provision of legal aid, medical treatment and documentation of human rights abuses, this is SOAT's definitive account of the human rights situation inside Sudan.

Special emphasis is given to the human rights situation in the conflict stricken Darfur region where efforts towards building sustainable peace in the region including a carrot and stick approach by all interested parties' namely the government of Sudan, Chad, the AU, the UN and human rights groups and humanitarian workers have yet to yield the hoped for outcome.

Throughout the year, security officers resorted to torture and ill-treatment during arrests and whilst interrogating detainees. Therefore as with SOAT's previous reports, torture and ill-treatment are highlighted extensively.

In light of the historic political developments in the country during 2005, this report considers the effect of the Comprehensive Peace Agreement (CPA) on the general population. The major factor underpinning the continual political crisis in the country is the economic disparity between Khartoum and the regions and the impact of this disparity on human rights and democratic transformation. This report emphasis the current situation of internally displaced persons living in official camps and the estimated 1.5 million distributed in different squatter settlements and peripheral areas of Khartoum.

In addition to SOAT staff based inside Sudan, in producing this report, SOAT undertook a mission to Sudan including inspections in prisons, IDP camps and reformatories to highlight the plight of the most disadvantaged in Sudanese society, women and children. The conditions of detained women and children observed were distressing, female prisoners were held with their children in inhumane conditions, effectively criminalising children who have not committed any offence in overcrowded conditions with non-existent health provisions. The findings of the inspections and recommendations have been presented to the relevant government ministries; and will be produced in a separate report shortly; SOAT reiterates its pleas for the government to immediately implement the recommendations.

During the mission, meetings were held with the United Nations Mission in Sudan (UNMIS), national NGOs, and other international organisations with active presence inside Sudan. The report is a culmination of twelve months of observations and work undertaken by SOAT inside Sudan. It is the product of expertise provided by numerous people inside Sudan and outside and SOAT extends its sincere thanks to our network of lawyers and journalists across Sudan who volunteered their time without reservations.

This report does not purport to include all the economic and social rights accorded to the Sudanese people by international human rights conventions and agreement. It provides an overview of the state of human rights in Sudan and aims to be a valuable resource through the provision of an in-depth insight into the state of fundamental human rights in the Sudan.



# Contents Page

<b>Glossary and Acronyms</b>	<b>2</b>
<b>Summary</b>	<b>3</b>
<b>Recommendations</b>	<b>5</b>
<b>1. Political Developments</b>	<b>9</b>
1.1 CPA – Peace without Justice	9
1.2 National Democratic Alliance (NDA)	10
<b>2. Implementation of the Interim Constitution for Sudan</b>	<b>11</b>
2.1 Political Activists	11
2.2 Internally Displace Persons (Naziheen) in Khartoum	14
2.3 Case Study: Mayo IDP Camp	18
2.4 IDP Return	21
<b>3. Darfur</b>	<b>22</b>
3.1 IDPs in Darfur	26
3.2 Cases of Violations	27
3.3 Political Association in Darfur	29
3.4 Arbitrary Arrests and Incommunicado Detentions	31
3.5 Enforced and Involuntary Disappearances	33
<b>4. Special Courts on Crimes Committed in Darfur</b>	<b>34</b>
4.1 Impunity and Accountability	35
<b>5. Eastern Sudan</b>	<b>37</b>
5.1 Cases of Violations	39
<b>6. Torture</b>	<b>41</b>
6.1 Torture, Inhumane and Degrading Treatment	42
6.2 Torture in Darfur	43
6.3 Inhumane and Degrading Treatment in Darfur	44
<b>7. Death Penalty</b>	<b>47</b>
7.1 Imposition of the Death Penalty	48
7.2 Persons Charged with Offences that Carry the Death Penalty	49
<b>8. Freedom of Expression</b>	<b>51</b>
8.1 Print Media	52
8.2 Cases of Violations	52
8.3 Freedom of Peaceful Assembly and Freedom of Association with Others	54
8.4 Cases of Violations - Freedom of Association with Others	55
8.5 Cases of Violations - Freedom of Peaceful Assembly	58
<b>9. Human Rights Defenders</b>	<b>58</b>
9.1 Cases of Violations against Human Rights Defenders	59
9.2 Cases of Violations against Humanitarian Workers	61
<b>10. Women</b>	<b>63</b>
10.1 Cases of violations	64
10.2 Women in Darfur	64
10.3 Victims of Rape and sexual violence	65
10.4 Testimonies	67
10.5 Women Killed	67
10.5 Enforced and Involuntary Disappearances	68
10. 6 Other Cases of Violations	68
<b>11. Victims of Darfur</b>	<b>70</b>
11.1 Killed 2005 -2006	70
11.2 Wounded	72
11.3 Killed 2004 -2005	73

## *Glossary and Acronyms*

<b>AMIS</b>	African Union Mission in Sudan
<b>AU</b>	African Union
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>COI</b>	UN Commission of Inquiry on Darfur
<b>CPA</b>	Comprehensive Peace Agreement
<b>CPA</b>	Comprehensive Peace Agreement
<b>DLF</b>	Darfur Liberation Front
<b>DUP</b>	Democratic Unionist Party
<b>FGM</b>	Female Genital Mutilation
<b>GoNU</b>	Government of National Unity
<b>GoS</b>	Government of Sudan
<b>GoSS</b>	Government of Southern Sudan
<b>HAC</b>	Humanitarian Aid Commission
<b>ICC</b>	International Criminal Court
<b>IDP</b>	Internally Displaced Person
<b>INGO</b>	International Non-governmental Organisation
<b>JEM</b>	Justice and Equality Movement
<b>NC</b>	National Congress Party
<b>NDA</b>	National Democratic Alliance
<b>NGO</b>	Non-governmental Organisation
<b>NIF</b>	National Islamic Front
<b>NPPC</b>	National Press and Publications Council
<b>NSB</b>	National Security Bureau
<b>PDF</b>	Popular Defence Forces
<b>PIF</b>	Police Investigation Forces
<b>PNC</b>	Popular National Congress
<b>SAF</b>	Sudan Alliance Forces
<b>SAF</b>	Sudan Alliance Forces
<b>SDF</b>	Student Democratic Front
<b>SGBV</b>	Sexual and Gender Based Violence
<b>SLA</b>	Sudan Liberation Army
<b>SPI</b>	Sudan Peace Initiative
<b>SPLA</b>	Sudan People's Liberation Army
<b>SSDF</b>	South Sudan Defence Forces
<b>SSLA</b>	Southern Sudan Legislative Assembly
<b>SSUM</b>	South Sudan Unity Movement
<b>UN</b>	United Nations
<b>UNMIS</b>	United Nations Mission in the Sudan
<b>UNSC</b>	United Nations Security Council

1991 Sudanese Penal Code refers to The Criminal Act 1991

Constitution/Interim Constitution refers unless otherwise stated to the National Interim Constitution adopted on 11 July 2005.

**GoS** refers to the National Congress prior to the formation of the GoNU

All criminal offences refer to articles in The Criminal Act unless otherwise stated.

**Camp/s** refer to internally displaced camps, commonly areas where persons who have been 'uprooted', namely lost their livelihoods including homes or where persons who fear for their lives, gather in search of international protection.

## *Summary*

2005 – 2006 has proved to be a historic year in the history of modern Sudan, on 9 January 2005, the government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) signed a Comprehensive Peace Agreement (CPA) in Nairobi, thereby ending two decades of conflict, fought largely in the Southern states of Sudan. The conflict cost the lives of an estimated 1.5 million people through fighting and deprivation associated with war. A further four million people are estimated to have been displaced internally or made refugees.

Although the CPA had been in progress for almost a decade, it omitted several significant provisions; it neglected to provide sufficient representation for all other political groupings; failed to highlight the issue of impunity and accountability, and granted a de facto amnesty for war crimes and crimes against humanity committed in the South, the Nuba Mountains and the Southern Blue Nile province. The CPA was expected to usher in a period of national reconciliation and healing including laying the basis for a comprehensive peace agreement in the Western region of the country. In line with these expectations, on 24 March 2005, the UN Security Council (UNSC) adopted resolution 1590, which established a United Nations Mission in the Sudan (UNMIS) mandated to support the implementation of the CPA. As stipulated in the CPA, a new National Interim Constitution was adopted on 9 July 2005 followed on 10 July 2005 by the lifting of the State of emergency, which had been in place in Sudan since 1989, for non-conflict zones. The lifting of this repressive structure and draconian rule was one of the major achievements in the year. Regrettably, Eastern Sudan and the Western region, Darfur, continue to operate under emergency rules.

Other areas of implementation of the CPA have been difficult. The deployment of the full complement of UN peacekeeping troops has been slow, as have many elements of the CPA, including the implementation of the Abyei Boundary Commission Report, movement of South Sudan Defence Force out of Eastern Sudan and the general disarmament of various militias in the South and in Khartoum. It was expected that at this stage, the displaced population would have returned to the South in substantial numbers, however this has not been the case. Interviews conducted with the displaced population in Khartoum confirmed that whilst the vast majority wish to return to their original villages, they have yet to be informed about the means to return especially as many of them are destitute. For these people, little has changed; they continue to be criminalised for carrying out income generating activities. In addition, the situation for many of the displaced has deteriorated rapidly as the government has continued to use all means necessary, including lethal force to move the displaced population further from the outside the outskirts of Khartoum.

Despite the shortcomings of the CPA, it has had a notable effect on the human rights situation, which, whilst not overwhelming, are encouraging. Throughout 2005-2006, the government in rhetoric acknowledged the importance of reforming the state in line with the CPA, however disappointingly it took no discernable steps to address and to resolve the most pressing matters facing the Sudanese people namely the ongoing human disaster that is Darfur, insecurity, draconian security laws, harassment, detention, arbitrary arrests and torture.

Sudan continued to be an inhospitable place for those who seek to highlight and bring to national and international attention widespread human rights abuses, perpetrated across the country with impunity. The situation of persons and organisations that attempted to educate and spread a culture of human rights was precarious throughout the period of this report, particularly in the conflict area of Western Sudan and in the tense Eastern part of the country. Human rights defenders were throughout the year routinely targeted for arbitrary arrests, incommunicado detention, constant intimidation and threats of reprisals. Furthermore, international NGOs were frequently denied visas to enter the country and once inside, many more were denied access via passes to other regions of the country especially to Darfur. The situation for humanitarian workers across Sudan was precarious particularly in the Darfur region. Throughout the year, as the security situation continued to deteriorate, aid workers emerged as targets for attacks by all parties to the conflict. In the political arena, the government introduced to Parliament in November 2005, a new NGO law, the 'Organization of Humanitarian Voluntary Work Act, 2005'. Despite the sweeping powers it bestows on government including the legal means to interfere in the work of human rights defenders, both foreign and local humanitarian and human rights organisations operating inside Sudan, the Act was

passed by Parliament in March 2006. Once the Act is fully implemented in the absence of the necessary amendments, NGOs and their members will be effectively controlled and criminalised through its creation of a 'General Registrar of Organisations' assigned to *"register, renew and cancel registration of the federal civil society organisations and INGOs"*. Moreover, this 'General Registrar' will not supersede the discredited Humanitarian Aid Commission, the body that currently monitors the activities of NGOs.

Women and children although forming over 50% of the population of Sudan continued to be marginalised. In the Darfur context, they proved to be the innocent victims of both government forces and rebel forces aggression. The use of torture to intimidate, humiliate and to extract confession by government security apparatus continued to be prevalent throughout the year. Although there was a reduction in the incidences of torture in the capital, Khartoum, and in the north in general, civilians in the Eastern and the Western part of the country were especially subjected to torture, degrading and inhumane treatment on an uncomfortably frequent basis.

As in previous years, the practice of imposing death sentences, amputations, cross amputations and other inhumane and degrading punishments continued throughout the year. Hundreds of death sentences and cross amputations were passed and numerous executions were carried. Given the Child Act, 2004 (which remains on the Statutory book), provides under article 85 (1) (a) that *"if crime is punishable by death sentence child shall be sentenced to imprisonment not less than six years and shall not exceed ten years"* that death sentences against children would be abolished. However and despite its removal from the Southern Sudan Constitution, the National Interim Constitution included an exception clause, which allows the death penalty to be imposed on children below the age of 18. Government security apparatus including the National Security Bureau (NSB) continued to place restrictions on freedom of expression in Sudan albeit in a less direct form. Despite the fact that the rights to freedom of peaceful assembly and association are guaranteed by the Interim Constitution and international human rights law, police abuse of power and use of excessive force, which began in January 2005, with their assault on peaceful demonstrators in Port Sudan repeatedly reared its ugly head throughout 2005.

Despite the consistent abuse throughout of the year of human rights and international humanitarian law, measures to hold accountable members of government security forces and armed groups across Sudan and reform of the judiciary have yet to be undertaken. Similar to 2004, the situation in Darfur throughout 2005-2006 was characterised by an absence of rule of law; forced displacement of people and separation of families; sexual and gender based violence; harassment; marauding armed militias and armed groups; violence and pain; destruction and ruin; and fear and death. Although the political landscape in Sudan changed dramatically in the last year, regrettably these changes have not been reflected in prisons, reformatories or in the lives of the IDP population in the peripheral area of Khartoum. Inhuman conditions of detention, degrading and or discriminatory treatment, denial of medical and mental health care, and other constitutional violations continued to be widespread



## *Recommendations*

Consequently, much work remains to be done to secure the effective protection of human rights in Sudan. To this end, this report makes five effortless recommendations, which can be implemented quickly and effectively. Each recommendation is important in itself; taken together they form a strong base for building the foundations necessary for an effective reduction in the instances of human rights violations and address the culture of impunity so widespread in Sudan:

### *Darfur*

Since the outbreak of full-blown hostilities in the region, tens of thousands of non-combatants have died. An estimated 2 million people have been displaced from their lands, approximately 200,000 people are now living as refugees in Chad and many more, including children, continue to be subjected to gross violations of fundamental human rights including torture, harassment, arbitrary arrests, and rape by government security forces with impunity. SOAT believes that it is due time for the warring factions, including the government of Sudan and the rebel opposition groups to recognise and undertake their moral and legal responsibility, the protection of the civilian population in Darfur and reach a comprehensive conclusive final peace agreement immediately. To this end, SOAT urges all parties to the conflict to:

- Cease all attacks on civilians and adhere to their commitments under the ceasefire agreement and all UN Security Council resolutions;
- Recognise the significant progress in addressing impunity made by the referral of the situation in Darfur to the jurisdiction of the International Criminal Court (ICC) by acknowledging its central role in holding to account persons who bear the greatest responsibility for war crimes and crimes against humanity committed in the region;
- So far, there has been little political will to bring the perpetrators of crimes against humanity, war crimes and other serious violations of international law, to justice notwithstanding the establishment of the Special Criminal Court for Events in Darfur. SOAT calls on the government to identify and bring to justice all security apparatus and militias responsible for attacks on civilians;
- Ensure the Special Courts for Events in Darfur are in line with international standards of fair trial

### *Implementation of the Interim Constitution*

The Interim Constitution provides for a comprehensive Bill of Rights. SOAT calls on the government of Sudan to:

- Undertake a nationwide education campaign, including practical elements of the Constitution, to this end, the government must engage with and the support civil society activities;
- Allow free access to all regions in the Sudan for national and the international human rights organisations to monitor the human rights situation and the process of implementation of the Interim Constitution;
- Ensure the Bill of Rights benefits all the people of Sudan, including those in Darfur and in the East even as these regions continue to be subjected to emergency rules;
- Establish a regime of safeguards in Darfur and in the East to ensure
  - In Darfur, the state of emergency is limited to only those derogation of rights permitted in international human rights law
  - Eastern Sudan, the state of emergency is temporary, and that you provide a thorough written explanation why this region continues to be subjected to emergency laws; the situation in the East does not threaten the life of Sudan;
- Disseminate to the state and local levels of government in Darfur and the East that certain rights are non-derogable, including the right to life; the prohibition of torture; the principle of legality in the field of criminal law; and freedom of thought, conscience, and religion;
- Implement the fundamental principles in the Interim Constitution and the CPA as regards the status of Khartoum as a symbol of national unity that reflects the diversity of Sudan, including ensuring the implementation of secular law, with particular reference to respect for various religions, beliefs and customs.

## *Legal Reforms*

The culture of impunity and the lack of accountability for the various branches of the security apparatus are legislated into the Statute books in Sudan. It is enshrined in the National Security Forces Act 1999. The accompanying summary provisions to the Act provide, under Article 33, a number of immunities for members of the National Security Forces;

- (a) "No member/collaborator can be compelled to provide information obtained in the course of discharging his duty";
- (b) "No civil or criminal proceedings shall be instituted against a member/collaborator for any act connected with the official work of the member, save upon approval of the Director" and (c) "Member/collaborator's testimony on acts done in connection with his official work shall be secret".

These provisions must be immediately lifted utilizing the structural changes stated in the Interim Constitution, including the creation of a Constitutional Court which shall be, according to Article 122(1), "the custodian of this Constitution..." and a National Judiciary Authority as provided for in Article 123. These bodies must begin their work immediately.

SOAT calls on the government of Sudan to implement the following changes:

- Establish an independent panel of experts to undertake an immediate review into the areas of appointment of judges; access to justice; penal system, and the Juvenile Justice system. Criminal suspects continue to be held in police custody beyond legal limits;
- Strengthen the judicial system in the country by appointing suitably qualified judges and lawyers, regardless of ethnic, religious, and gender background or political affiliation;
- Ensure only judges of the highest calibre are appointed to the Constitutional Court. Most importantly, ensure all judges have personal integrity, are independent and respected nationally and internationally in order to ensure independence and quality are maintained and strengthened as a guardian of the National Interim Constitution;
- The ICC will try only a small number of people; others responsible for serious crimes throughout the conflict must be brought to justice. This requirement must be incorporated into existing national legislation particularly the Sudanese Penal Code 1991 as opposed to the ad hoc tribunal established in June 2005. We urge the government to enact the relevant international principles into national legislation.

## *Reform of the Security Sector*

The labyrinth security apparatus and the existence of secret branches of government security organs, reportedly there are twenty-three such security bodies in Sudan, coupled with their apparent ability to act without outside control requires that they should immediately be restructured with the principal aim of protection of civilians in line with other state civil institutions. The extent of the illegality of the security apparatus was demonstrated throughout the year, they arbitrarily arrested thousands of people, detained persons without charges and subjected them to torture with several dying in their custody. In the Darfur region, the impunity has known no bounds as reflected in the reports of incidents collected throughout the year.

SOAT urges the government of Sudan to undertake comprehensive reform of the security sector; cosmetic changes such as reorganising and renaming will not suffice and will not bring about the necessary changes required for a culture of respect of human rights to emerge in the Sudan. SOAT urges the government to implement the following recommendations immediately:

- Complete revision of the National Security Act – The provision in this Act which allows for 3 months detention without charge, renewable by the Director of Security for another 3 months has been grossly abused and has led to the indefinite detention of hundreds of persons without charges, many of whom were and continue to be kept in unknown places and subjected to torture;
- Amend the law to ensure judicial supervision over all security branches and operations. The immediate disarmament and reintegration of persons exercising police powers who are not part of the regular forces as stipulated in accordance with **article 7 (a)** of the Agreement on Security Arrangements in which you agree to "to expedite the process of incorporation and reintegration of armed

*groups allied to either Party, into their armed forces, other organized forces, the Civil Service and Civil Societal Institutions;*

- Dismantling the various branches of security forces including armed militias operating across the Sudan;
- Human rights education for the security sector;
- Security forces must recognise the importance of the promotion and protection of human rights and the constructive role played by civil society groups in building society.

## ***Education System***

Twenty years of war has created an education system rooted in politicisation with distrust of critical and independent thinking and creativity and self-integrity of students. The war has destroyed the infrastructure of Southern Sudan causing a serious shortage of qualified teachers, textbooks and school buildings; it is vital that the education system itself in Sudan be completely overhauled to allow for the development of a democratic political culture, grounded in a respect for human rights. Thus, a comprehensive reform process of education institutions including teachers' education and curriculum development must be undertaken in the whole country and not be limited to the South, working in partnership with various sources around the world.

These reforms must include:

- The establishment of a national commission to revise the current educational system and the national curriculum;
- The establishment of national educational standards for the teaching and learning of civics and government;
- Elimination of polarising perspectives in the historical, philosophical, and social science content of the education curriculum;
- A renewed study of Sudanese history, culture, heritage, geography, linguistics to build an appreciation and understanding of cultural diversity;
- A shift from merely transmitting information to passive students to prompting inquiry and active learning.



# 1. Political Developments

Friendship Hall, Khartoum during AU Meeting in Jan 05



On 9 January 2005, the ruling party, the government of Sudan (GoS), which had been in power since 1989 concluded final peace negotiations with the Sudan People Liberation Movement/Army (SPLA/SPLM), bringing to an end two decades of war, two and a half years after the first protocol was signed at Machakos, Kenya. The conflict has cost the lives of an estimated 1.5 million people. A further four million people are estimated to have been displaced through fighting and deprivation associated with war.

## 1.1 CPA - Peace without Justice

The CPA provided for the ruling party to retain the position as Head of State and the leader of the SPLM to be First Vice-President. It was agreed that the SPLM would control a semi-autonomous administration in the South for a period of six years, with a referendum scheduled at the end of this period regarding Southern secession from the rest of Sudan. In terms of wealth sharing, the CPA provided for sharing on an equal basis between the government in Khartoum and the government of Southern Sudan over Sudan's natural resources situated in the South. In addition, the CPA stipulated an immediate formation of a new national government incorporating the SPLM as well as the establishment of a Government of Southern Sudan (GoSS). Following much wrangling and delays, a government of national unity (GoNU) was duly formed in June 2005. The Protocol on Power Sharing, states, "*there shall be equitable representation of the people of South Sudan in both legislative chambers*",<sup>1</sup> and under **Section 2.5.3** provides that, "*Cabinet posts and portfolios in all clusters, including the National Sovereignty Ministries, shall be shared equitably and qualitatively by the two Parties*".

However, despite these provisions, the GoS has continued to dominate the executive branch, legislative branch, civil service, military and GoNU security apparatus. The majority of GoS nominees for government posts have been individuals with Islamist fundamentalism backgrounds and commonly known for their association with various GoS security organs. These individuals are largely perceived by the Sudanese public as hardliners insofar as they are extremely committed to the Islamic Movement agenda. Most significantly, many of the individuals are suspected to have committed grave crimes including alleged war crimes and crimes against humanity in the GoS's twenty-year war

---

<sup>1</sup> Protocol Between the Government of Sudan (GoS) and the Sudan People's Liberation Movement (SPLM) on Power Sharing, Naivasha, Kenya, 26 May 2004

with the SPLM and are strongly implicated in the ongoing conflict in Darfur. However, there was no discernible change in the makeup of undersecretaries for the various ministries, ambassadors and senior civil servants. GoS appointed state ministers to SPLM ministers continue to be the de facto 'power behind the throne' ensuring that any changes anticipated by the public of SPLM participation in the GoNU have yet to be realized. A year after the signing of the CPA, it is apparent that a representative GoNU as envisaged by the architects of the CPA including John Garang De Mabior and the public has yet to be formed.

There was widespread jubilation following the signing of the peace agreement regardless of its blatant shortcomings. The eventual Interim Constitution, which was adopted six months after the signing of the CPA, reflected the value that the Sudanese people placed on the historic peace agreement and the Constitution. Simultaneously, it was also recognised that this indeed was a fragile peace and could be reversed. Sudan has known only 11 years of peace since independence in 1956. The previous peace agreement between the North and South collapsed in 1983 amid rancour and accusations of duplicity. It appeared this fear and unease had been confirmed when the government announced on 1 August 2005, the death of Dr. John Garang De Mabior, the main architect behind the SPLM following an air crash. The premature death of Dr. Garang left Sudan for a short period unstable and in fact it appeared at certain points in the immediate aftermath to be tilting on the edge of civil war. Nonetheless, the march for a peace for the whole of Sudan continued apace, in large part due to the swift replacement of Dr. Garang by his deputy Salva Kirr Mayardit.

## ***1.2 National Democratic Alliance (NDA)***

On 18 June 2005, the ruling party signed a reconciliation agreement with the National Democratic Alliance (NDA) in Cairo, an umbrella opposition group, headquartered in Eritrea. The NDA was founded in 1989 by a troika grouping of trade unions, the Sudanese Army, and political parties. The NDA currently encompasses over 15 groups including the Beja Congress, Free Lions Movement, SPLM and more recently the Sudan Liberation Army (SLA).

Similar to the CPA, the process through which the Cairo Agreement was eventually reached was fraught and was the culmination of several steps in a long process extending from Machakos Protocol (July 2002), Egyptian/Libyan Initiative, the Naivasha Peace Agreement, to the Jedda Protocol, (4 December 2005). It was the latter, signed between then Government of Sudan (GoS) and the NDA, which led to the Cairo Agreement and paved the way for NDA participation in the formation of a government of national unity. However, this participation has not been without reservations.

According to members of the NDA interviewed for this report, the NDA whilst recognising the 'significant and remarkable' achievements of 2005, notes with concern the inherent dangers posed by ongoing conflicts in Darfur and civil disaffection in the East combined with armed groups in the region. NDA expressed concerns that the CPA neglected to address many fundamental concerns including the issue of accountability and therefore further entrenched the culture of impunity. The NDA therefore, limited itself to participating merely in the legislative branch of the government of national unity, acting in effect as a 'checks and balances' body. This self-appointed parliamentary monitoring role has, six months into the establishment of the new parliamentary proved to be an essential and invaluable role. The CPA and the Interim Constitution contain provisions guaranteeing judicial reforms, including statutes governing the various government security apparatus. However, the government issued several presidential decrees prior to the formation of the GoNU. Once the GoNU parliament was in session, the GoS immediately submitted the decrees before parliament requesting approval. Among the decrees issued was a request for an Amendment to the Criminal Procedure Act to remove the requirement of authorisation from a Prosecution Attorney or a Judge in cases where the security officers use firearms. The decree also requested discretionary powers for its security organs including powers to use live ammunition in "*unlawful gathering in which firearm is used or any tool the use of which may cause death or serious injury*".<sup>2</sup> In short, this would have legalized and legitimized the use of excessive and/or deadly force by security forces in all public demonstrations thereby ignoring the reality that good policing practices alongside trust and confidence in the

---

<sup>2</sup> Provisional Decree, The Criminal Procedures Act Amendment, 2005

administration of justice are essential for the development of a culture of human rights and accountability. In this instance, the Bill was withdrawn following criticism from the SPLM and the NDA and their refusal to support the bill.

Notwithstanding the historic nature of the CPA and the significance of the agreements with the NDA, the parties to the CPA have dissipated much of the good will and momentum generated by the agreement and failed in the last year to work towards building normal economic functions and development with exceptions in Southern Sudan. To the casual observer, both the National Congress and the SPLM continue to be reluctant in implementing all stages of the CPA, particularly the Interim Constitution, which provides a Comprehensive Bill of Rights and was agreed by all parties would replace the existing Constitution and would be in place for the six-year interim period.

## ***2. Implementation of the Interim Constitution for Sudan***

On 9 July 2005, following protracted negotiations and compromises the Interim Constitution was finally adopted with immediate effect. On 10 July 2005, the state of emergency was lifted for non-conflict zones, which exclude the Darfur region and Eastern Sudan. This lifting of emergency rules was initially believed to be a rejection of draconian rule and a welcome step towards creating a culture of respect for human rights. Events in the latter half of the year, however, did not support this belief, but rather reinforced the Government complete disregard for international law and universal human rights.

The Interim Constitution provides extensive human rights provisions albeit with omissions which could have further enhanced the Constitution and contributed to ensuring accountability and justice for victims of human rights abuses. Regardless of the fact that the Constitution is a set of laws and principles containing a social agreement between the Sudanese people and their political leaders, the Constitution itself failed to provide a means for holding the latter accountable and responsible in a court of law.

The Constitution bestowed many rights on the Sudanese people, including the granting of equal rights for men and women, the recognition and acceptance of children's rights and a prohibition on the use of torture and inhumane and degrading treatment. However, the capacity to exercise all these rights depends on the Sudanese people having all the relevant information and understanding of the provisions contained in the Constitution. Throughout the year, the government failed to undertake this initiative and have yet to embark on any public education on the new Constitution, including how the public can take advantage of the protection provisions it contains. Notwithstanding that, **article 82(d)** places an obligation on the government to undertake "*implementation of an information campaign throughout the Sudan in all national languages to popularise the Comprehensive Peace Agreement, foster national unity, reconciliation and mutual understanding*". Yet many Sudanese people continue to have their fundamental rights violated on a daily basis including "*the right to liberty and security of the person; no person shall be subjected to arrest, detention, deprivation or restriction of his liberty except for reasons and in accordance with procedures prescribed by law*"<sup>3</sup>. Throughout the period of this report, numerous persons were arbitrarily detained under archaic national security laws.

### ***2.1 Political Activists***

On 30 June 2005, in accordance with the interim Constitution, 29 political prisoners were released from Kober prison, Khartoum, including Dr. Hassan Al Turabi, the leader of the opposition party, the

---

<sup>3</sup> Article 29 of the Sudanese National Interim Constitution

Popular National Congress (PNC) who had been in detention since March 2004 without charges. The release of the prisoners followed a public statement by President Bashir. They are:

**Salah Mohammed Abdalrahman**, (49 yrs), member of the Sudanese Democratic Movement (SDM) - arrested on 24 January 2005 and released on 17 August 2005 without charge. Mr. Salah's whereabouts were unknown until 17 March 2005 when his sister was allowed to visit him. Mr. Salah was subjected to torture whilst in detention; he was beaten, punched and kicked all over his body including his back, head and genital area. Mr. Salah is currently receiving medical treatment at SOAT's partner organisation in Khartoum, the Amel Centre for Treatment and Rehabilitation of Victims of Torture.

#### **PNC members**

**Hassan Al Turabi, Gibriel Alnaiel, Ibrahim Sultan, Noureldin Adam Ali, Ahmed Alshain Alwali, Kamal Alhedai, Yousif Haggar and Sharief Alshaieb.**

#### **Immigrants Movement 'INSAF'**

The following detainees are leaders of the Manaseer tribe. They were arrested after they resisted relocation to other areas as part of the mass clearance of along the river banks in Almansiar area to develop the Marawi Dam. The men had criticised the absence of consultation between the government and the local population and the lack of fair compensation for loss of homes and livelihoods. **Sheikh- Tahir Babikir, Babiker Ahmed Babiker, Alkhair Hamadnallah, Hasan Sidig Atoalie, Inazeer Omer Altahir, Asan Ahmed Omer Arabi.**

#### **Beja Congress:**

**General Secretary Abdullah Mosa, Dr. Onoor Sidi, Tagelsir Sidi Eisa, Hashim Modi, Dhirar Ahmed Dhirar, Alhasan Osman, Hashim Ahmed Oshaiek, Mohamed Musa, Ahmed Taha Tahir, Mohamed Alamin, Mohamed Taha, Omer Abdullah, Hashim Ali Doura, Mohamed Habieb Mohamed Tahir, Abdelrahiem Alborie, Omer Mohamed Abdullah Bamkar.**

Whilst the release of these men, all of whom were detained without charges, was very much welcome, it has in no way diminished the persistent harassment and intimidation faced by political activists in Sudan. There are still hundreds of political prisoners, particularly in the Darfur region, with no access to lawyers or to their families. The government has yet to set a timetable for the release of these prisoners. It has also refused to release information or allow access to these prisoners. Even with the CPA and the formation of a GoNU, democratic discourse in Sudanese political process is far from the government agenda.

On 20 July 2006, over 50 PNC prisoners at Kober Prison began a hunger strike in protest of their long-term detention without charge and at the failure of the government to release them along with the above prisoners following the lifting of the state of emergency on 9 July 2005. On 29 July, nine days into the hunger strike, 19 of the detainees were transferred to hospitals to receive medical treatment after deterioration in their health. The detainees' lawyers submitted several applications for a judicial review of the legal basis for the continued detention of the prisoners before the Constitutional Court prior to its suspension in line with the CPA pending the formation of the GoNU. The Constitutional Court response was repetitive. It continually referred the case to the security authorities urging them to respond to the detainee lawyers. The security authorities' response thus far has been that the prisoners are being detained because of their alleged links with the rebel opposition groups in Darfur and as the Darfur region remains under emergency law, the lifting of the State of emergency in Khartoum is hence inapplicable to them. The details of the detainees are as follows:

#### **Abb Alrahman Eisa Suliman**

**Abd Alazim Mohammed Rahma**, (37 yrs) - detained in May 2005

**Abd Alhakim Jobara Abdalla**, (28 yrs) - detained in February 2004

#### **Abd Alrahman Abd Algadir**

**Abdalla Abd Elgadir Mohammed**, (32 yrs) - detained in February 2004

**Abdo Altahir Mortan**, (25 yrs) - detained in October 2004

#### **Adam Ali Badr**

**Adam Jomaa**, (27 yrs) - detained in October 2004

#### **Adam Ramdan Eeid**

**Adam Yousef**, (41 yrs) - detained in November 2004



**Adel Abdelatif**, (39 yrs) - detained on 9 March 2005  
**Ahmad Adam Bakhit**, (45 yrs) - detained in May 2005  
**Ahmed Daood Tordah**  
**Alagad Alhaj Adam**, (35yrs) - detained in September 2004  
**Alghali Zakaria**, (28 yrs) - detained in April 2005  
**Alsadig Abdalla Gamereldin**, (32 yrs) - detained in November 2004  
**Alsadig Hassan**, (23 yrs) - detained in November 2004  
**Altayib Adam Mohammed**, (25 yrs) - detained in October 2004  
**Babekr Idris Hamid**, (32 yrs) - detained in October 2004  
**Babikir Mohamed Abdalah**, (29 yrs) - detained in February 2004  
**Badr Eldin Mohammed Ali**, (29 yrs) - detained in October 2004  
**Bushra Zin Alabdin**, (26 yrs) - detained in May 2005  
**Daood Salh Mohemmad**, (51 yrs) - detained in September 2004  
**Esmail Salih**, (28 yrs) - detained in October 2004  
**Fadlallah Adam Alkenany**, (36 yrs) - detained in February 2005  
**Faisal Omer Nur**  
**Gamilalla Abdelrahman Awadalla**, (40 yrs) - detained in February 2005  
**Hamdeen Ahmed Higlieg**, (32 yrs) - detained in May 2005  
**Hamed Alrehaid Ramadan**, (31 yrs) - detained in October 2004  
**Hasaballa Khatir Morsal**, (42 yrs) - detained in October 2004  
**Husan Solaiman**, (24 yrs) - detained in October 2004  
**Huseen Adam Mohammed**, (29 yrs) - detained in February 2004  
**Husein Hashem Dosa**, (32 yrs) detained in April 2004  
**Hussien Abdalla Adam**, (30 yrs) - detained in October 2004  
**Ibrahim Ali Takriem**, (30 yrs) - detained in October 2004  
**Khaled Esmaail**, (29 yrs) - detained in October 2004  
**Kobr Altahir Kkobr**, (27 yrs) - detained in October 2004  
**Mawia Yagoob Mohammed**, (30 yrs) - detained in May 2005  
**Mohamed Adam Abdalla**, (29 yrs) - detained in October 2004  
**Mohamed Ahmmed Bakhit**, (27 yrs) - detained in May 2005  
**Mohamed Haroun Yahya**, (28 yrs) - detained in October 2004  
**Mohammed Adam Mohamed Adam**, (38 yrs) - detained in October 2004  
**Mohammed Ahmmed Esmail**, (40 yrs) - detained in November 2004  
**Mohammed Fath Albab Ibrahim**, (39 yrs) - detained in February 2005  
**Mustafa Abd Alrahim Mustafa**, (29 yrs) - detained in May 2005  
**Nogdalla khaliil Ahmmed**, (46 yrs) - detained in September 2004  
**Sabir Hausan Obied**, (28 yrs) - detained in February 2004  
**Salih Mohammed Ali**, (38 yrs) - detained in February 2005  
**Suliman Esmaail Bahreldin**, (50 yrs) - detained in October 2004  
**Tarig Mohammed Gamiaa**, (34 yrs) - detained in October 2004  
**Yosef Ali Tibir**, (40 yrs) - detained in November 2004  
**Yousif Kobor**, (29 yrs) - detained in November 2004

The legal representatives of the detainees alleged that 18 of the detainees have been subjected to torture and are facing charges. However, the charges remain unknown as the cases have yet to be submitted to the courts.

**Murtada AbdelRasheed Jalal**, (37 yrs), former military officer - arrested on 22 September 2004, whilst on his way to his home at Almaamora - Arkwit in Khartoum. On 7 March 2005, Mr. Murtada went on a hunger strike for 72 hours. Mr. Murtada's family was allowed to visit him three times during Mr. Murtada's detention in Alkamlin however according to the family, Mr. Murtada's current whereabouts are unknown. Reportedly, security forces regularly transfer Mr. Murtada between Khartoum and Alkamlin, and other unknown places without informing his family.

SOAT understands that hundreds of political activists particularly from the Darfur region remain in detention without charge. It is suspected that many of the detainees have been subjected to beatings and torture. In addition, the majority of the detainees have been denied access to their families or legal

representation. Many have been 'left in limbo' in the absence of valid legal charges, and, where legitimate charges exist; the government has yet to bring them before an impartial tribunal.

The CPA and the Interim Constitution opened up historic opportunities for all parties involved in the peace agreement and for the Sudanese people. In terms of pluralist political discourse, however the anticipated impact has yet to be felt.

## ***2.2 Internally Displace Persons (Naziheen) in Khartoum***

The UN Guiding Principles on Internal Displacement define internally displaced persons as: "*Persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border*".

The CPA included provisions to ensure that the millions displaced by the conflict would be able to return to their homes, "*the Parties shall commit themselves to render and facilitate humanitarian assistance through creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons and their right to return*".<sup>4</sup>

As with the CPA, the Constitution also called for an intensive programme of national reconciliation in all aspects of Sudanese society particularly land reform, compensation for victims of the two decade conflict and the voluntary return of displaced persons to their lands, **articles 82 (d), (e), (g)**. However, the CPA and the Constitution have failed to have a positive impact on the lives of the Sudanese people and have yet to usher in a transformation of Sudanese society particularly among those most affected, persons displaced from their villages and homes because of the conflict (See section on Human Rights Violations).

The population of Khartoum State is estimated at approximately eight million people, of these at least a third are IDPs. The majority are displaced from the South because of the two-decade war between the government and the SPLM. More recently, the numbers of persons displaced in Khartoum have swelled further as more people have fled the ongoing conflict in Darfur. Approximately 325,000 IDPs reside in four official IDP camps, Mayo, Jebel Awlia, Wad El-Bashir, which were established in 1991 by the Khartoum Commission, and El-Salam set up in 1992 by the Khartoum Commission.<sup>5</sup> The remaining 1.7 million reside in approximately 30 different squatter areas. It was these squatter areas that SOAT visited for two main reasons. Firstly, that it is this population on whom the government policies of demolition and resettlement have had the most negative effect. Secondly, it has brought to the forefront tensions between state authorities and the IDP population.

Despite the lifting of state of emergency in Khartoum State in June 2005, there remained heavy security presence in IDP population areas not for purposes of civilian policing but for two major reasons. Firstly, as a method of engineering fear and subjugating all opposition from the local population to the widely discredited government scheme of relocating IDPs in its policy of 'area-replanning'. This scheme, which has been ongoing, increased dramatically throughout the year with grave consequences. In relocating the IDP population, security forces failed to exercise restraint. Many of the methods adopted by government forces to relocate IDPs clearly violated international humanitarian law, demonstrating the GoS contempt for international humanitarian law, and reflecting a wider pattern of the treatment of the civilian population by the government security apparatus in Sudan.

Secondly, as part of its ongoing fight with its former allies, the Paulino Matieb militias, known as the South Sudan Unity Movement (SSUM). The SSUM members number in the thousands and are drawn from Southern IDPs in Khartoum, largely from the Nuer tribe. During its two-decade war with the

---

<sup>4</sup> Article 1.10 of the Permanent Ceasefire and Security Arrangements Implementation Modalities

<sup>5</sup> Ahmed Gamal Eldin, PHD Thesis, University of Leeds, 2005 'Population without a Guide: Management of Internal Displacement in Sudan'

SPLA, the government appointed Matieb as commander of South Sudan Defence Forces, (SSDF) and supplied the militias with arms, funds and free rein to commit gross human rights violations with impunity. The Matieb militias were responsible for widespread extortion, and forcible conscription of people including children, especially targeting Nuer boys. Despite the CPA, which has made their existence redundant but which Matieb has categorically rejected, the Matieb militias continue to subject their members to a separate criminal process, detention centres, rule of conduct and legal system. Given this autonomy accorded them by the government, attempts to bring the SSDF into the CPA process including through disarmament have so far proved unsuccessful, and led to a standoff between government forces and its former allies, the SSDF. Caught in the midst of these broken alliances and the cycle of violence is the long-suffering IDP population in Khartoum.

On 18 May 2005, police officers entered the Soba Aradi area in Southern Khartoum, an area populated by IDPs, and attempted to forcefully relocate the residents to a different designated area. In the ensuing days, the government deployed its security apparatus including police, military and security personnel on the streets of Soba in what it claimed was a means of restoring peace. Hundreds of people were arrested and detained including families and children and at least one dead, Mr. **Abdallah DawAlbait Ahmed**. Furthermore, in a disturbing move, police officers shut off three out of four water pipe lines and tanks for several days in the immediate aftermath of the incident as a method to force people to leave the Soba Aradi area. The switch off water supplies to the Soba Aradi area meant that there was an acute shortage of drinking water. Between 27 June and 3 July 2005, 59 persons among the hundreds of people arrested appeared before the courts on charges of rioting under article 68 of the 1991 penal code. The court found 31 of the defendants including six children guilty. The adults were sentenced to imprisonment and the children were sentenced to 20 lashes each. The court ordered the immediate release of the 28 persons acquitted.

There are currently 112 detainees from Soba in detention who were initially charged under Articles 30 (murder), 50 (offences against the State and undermining the constitutional system) and 51 (waging war against the state). On 4 January 2006, the Attorney General dismissed charges under Article 50 and 51. The details of the persons arrested are as follow:

**Anton Lakuto Henry**, (17 yrs), student at St. Philip School arrested by security officers on 19 May 2005. Following his arrest, Mr. Anton's father, chief of the Latoka tribe (South Sudan), 'Sultan' visited the police authorities on several occasions to register a complaint against the detention of his son by security officers, however the police refused to register the complaint.

**Alamien Sulaiman Kouko**, (13 yrs), lives in from the Nuba Mountains.

On 24 May 2005, security forces and police officers arrested several people including tribal leaders, families and children. Among those arrested were:

**Siddig Ismail Musa**, (43 yrs)

**Abdel Mageed Ali Adam**, (42 yrs), Burno tribe

**Eisa Bashier ELZain**, (48 yrs), Gawamaa tribe leader

**El Nadief Mohammed Abdelwahid**, (53 yrs), Riziegat tribal leader

**Eisa Zackary**, (41 yrs), Riziegat tribal leader

**Eisa Ahmed Alawad**, (31 yrs) and his wife, Salamat tribe

**Aldoghry Ali Hamed**, Bargo tribe

**Abdalla Adam Salih**, Bargo tribe

**Adam Mohamed Dawalbait**, Fur tribe

**Balla Adam Alzain**, (42 yrs), Gawamaa tribal leader

**Khalid Abdullah Abushanb**, and **Adil Abdalla**, brothers, Miseriya tribe

**Hussain Suliman Momen**, Salamat tribal leader

**Badawi Hassan Ibrahim**, from Kordofan state

**Adam Makey Adam**, Bargo tribe

**Ali Dawood Adam**, Fur tribe

**Ali Adam Al Habou**, Falata tribal leader

**Ezaldeen Mohamed Hassan**, (65 yrs), Fur tribe, (released on 30 May)

**AlRasheed Khalil**, Bargo tribe, his brother **Madani Khalil** and his wife who is from the Nuba Mountains

**Abdalla Adam Eshag**, (23 yrs), student at Omdurman Islamic university, Fur tribe

**Adam Abdullah Khamis**, Fur tribe

**Hassan Zakria Haroon**, Fur tribe  
**Zakria Elrakhis**, Miseriya tribal leader  
**Ahmed Adam Elnour**, Fur tribe  
**Ahmed Adam Elnour**, Fur tribe  
**Ahmed Indris Mohamed**, Fur tribe  
**Awadia Mohamed Abdelbagi**, Fur tribe, (F)  
**Salah Babikir Mohamed**, Fur tribe  
**Maky Mohamed Hassan**, Bargo tribe  
**Alsaeh Salih Abdulatif**, from Kordofan state  
**Mohamed Ahmed**  
**Awad Hussein**  
**Sabir Mohamed**  
**Hassan Eldegair**, Fur tribe,  
**Ahmed Hussain**  
**Yagoub Baher**, Selaihab tribe  
**Abdella Younis**  
**Mohamed Altony**, from the Nuba Mountains  
**Abdelkareem Garga**, Fur tribe  
**Goro Khamees and Rashid**, Latoka tribe  
**Alhady Ali Alrady**, Falata tribal leader

On 27 May 2005, security and police forces arrested the following persons from Soba Aradi Market:

**AbdRahman Babiker Mohamed**, (40 yrs), Fur tribe  
**Ahmed Abdalla Mohamed**, (25 yrs)  
**Adam Zakaria**, (35 yrs), Fur tribe  
**Abubakar Abdurrahman**, Fur tribe  
**Suliman Ismail**, Gawamaa tribe

Persons arrested and detained by Security Forces on 2 June 2005:

**Traiza John**, (35 yrs), (F)  
**Jimmy Atanasio**, (17 yrs) - during Jimmy's arrest, security officers informed his family that Jimmy would remain in detention and will only be released once his brother had surrendered to them.

Throughout the year, the government has remained unwavering in its commitment to remove the current residents of Soba by any means necessary. On 11 June 2005, Security forces arrested and detained **Eisa Adam Abdullah**, (40 yrs), Fur tribe, after he attended a meeting with lawyers from Darfur. Mr. Eisa, who lives in Soba, had provided information to the lawyers on events in the Soba Aradi area. Mr. Eisa was released on the second day without charge.

Despite widespread condemnation of its treatment of its own citizens, the government has failed to recognise the futility of creating policies within a security framework and remains committed to responding to dissent from the IDP population with horrific abuses of state power. Paradoxically, the government's failure to acknowledge the major causes of why Sudan has the largest global population of IDPs has contributed to the politicisation and widespread feeling of distrust of the National Congress among IDPs ensuring that all GoS actions is treated with suspicion and mistrust. This was clearly demonstrated by events across Khartoum following the sudden death of Dr. Garang De Mabior.

Dr. John Garang De Mabior, (60 yrs), died in a helicopter crash in Southern Sudan on 1 August 2005, a mere three weeks after he was sworn in as First Vice-President of Sudan. Immediately following the announcement of his death, hundreds of IDPs in the peripheral areas of Khartoum took to the streets. What began as a show of communal grieving soon degenerated into full-scale violence, which spread across the whole of Sudan resulting in the deaths of hundreds of people and widespread destruction of private property. The security forces, which are not known for their restraint, failed to intervene for approximately one hour, contributing to the escalation in violence before intervening to arrest approximately 1,500 people in the majority of cases, based solely on social and or ethnic backgrounds. Whilst in police custody centres, many of the detainees were subjected to ill-treatment including torture. Those who appeared before the courts were subjected to 'swift justice' in trials, which fell far

short of international standards. The majority of the detainees were charged with offences under the 1991 Penal Code, tried and sentenced in the absence of national and international safeguards including access to legal counsel, the right to be informed of the nature of the charges and the right to an appeal. Details of persons arrested are as follows:

**Alazhary Police Station, Khartoum**

On 1 August 2005, 147 persons were arrested and detained at Alazhary police station. Among those detained, 20 were charged with articles 69 (Disturbance of Public Peace) and 77 (Public Nuisance) of the 1991 Penal Code and sentenced on the same day as arrest (1 August 2005) to between 30 and 50 lashes, two months imprisonment and fined between 10,000 - 30,000 Sudanese dinars. Fifteen persons are facing charges under article 174 (Theft) and Article 175 (Robbery), 14 of which were released on bail and one remains in detention awaiting trial. The details of the remaining 112 persons are unknown except that they are facing charges of criminal damage.

**Jabal Awlya Police Station, Khartoum**

On 1 August, 20 persons were arrested and detained at **Jabal Awlya** police station. The detainees were charged under articles 174 and 175 and sentenced to between 40 to 100 lashes and prison sentences ranging between three months to three years. A further 37 unknown persons are reportedly in the detention centre and are awaiting the outcome of police investigations.

**Khartoum Bahri Police Station, Khartoum**

Between 1 and 2 August, 156 people were arrested and detained at Khartoum Bahri police station. The detainees were convicted under articles 174, 67 (Rioting) and 139 (Causing Intentional Wounds). The detainees were sentenced to between 3 to 6 months, 20 lashes and a fine.

**Hillat Kuku and Algiraif Sharg Police Station, Khartoum**

On 1 August, police officers from Hillat Kuku and Algiraif Sharg arrested 64 persons, out of which 13 people have been released without charge. Thirty-eight of the detainees were charged under articles 69, 77, 174, 39, 182 (Criminal Mischief) and sentenced to 20 lashes and 2 months imprisonment. The remaining detainees are charged under Article 130 (Murder). They remain in Hillat Kuku and Algiraif Sharg police custody awaiting trial.

**Alhag Yousuf Police Station, Khartoum**

Between 1 and 2 August, 621 persons were arrested and detained at Alhag Yousuf police custody centre. Two of the detainees were released without charge, 619 remain in detention and are facing charges under articles 174, 181 (Receiving Stolen Property), 182 and 77 of the 1991 penal code.

**Bahri Wasat Group of Courts, Khartoum**

Twenty-five people were arrested and detained at Bahri Wasat Group of Courts; they remain in detention and are facing no official charges.

**Alsafia Police Station, Khartoum**

Twenty persons were arrested, 14 of the detainees were released without charge. The remaining 6 detainees were charged under articles 77, 69, 100 (Omission to Assist Public Servant) and 174 and sentenced to 20 lashes and 3 months imprisonment.

**Khartoum Sharg Criminal Court**

On 3 August, 187 were arrested and appeared before Khartoum Sharg Criminal Court where they were sentenced to three months imprisonment. The prisoners are serving their sentences at Omdurman prison.

**Mayo Police Station, Khartoum**

On 3 August, the Chief of Justice ordered a three months prison sentence for 99 of the detainees detained at Mayo Custody Centre in Khartoum. The detainees did not appear before the courts and were instead transferred directly from the custody centre to Omdurman prison to begin their

sentences. Fifty-five persons remain in detention at Mayo Custody Centre without facing any charges.

**Almuhandiseen Police Station, Omdurman**

102 people were arrested and detained in the custody centre on 1 August 2005. The detainees were trailed the following day (2 August) and sentenced to 40 lashes and three months imprisonment.

**Alawsat Omdurman Police Station, Omdurman**

12 persons were arrested and detained at Alawsat Omdurman police station and charged under article 100 of the 1991 Penal code and sentenced to lashing. There are other detainees, (number unknown) charged under article 174 and are awaiting trial.

**Umbda Alrashideen Police Station, Omdurman**

100 persons arrested and detained at Umbda Alrashideen police station and charged under article 100 and sentenced to three months imprisonment.

**Asinaat Police Station, Omdurman**

69 persons arrested were arrested and detained at Asinaat police station. Thirty-nine of the detainees were sentenced to seven days imprisonment. Among the detainees were 9 women, who were ordered to write a statement promising that they would not participate in public protests or demonstrations in the future. 15 of the detainees were released without charges. 6 of the detainees were children under 18 years; the children were sentenced to 20 lashes.

**Souque Libya Police Station, Omdurman**

It is believed that a number of persons were arrested on 17 August 2005 and are being detained at Souque Libya police station on suspicion of stealing properties during the 1-2 August riots.

**Almuailih Police Station, Omdurman**

Seventeen persons were arrested on 17 August 2005. The detainees are accused of robbery under article 175.

## ***2.3 Case Study: Mayo IDP Camp***

In February 2006, SOAT visited internally displaced persons (IDPs) areas on the periphery of Khartoum. During the visits, open interviews were conducted with women's groups and with individuals. The selection of the areas visited and the target group interviewed were based primarily on access and security. During our journey to Mayo, where the fighting between SSDF militias and government forces has been most intensive, many of the residents encountered were nervous and unwilling to talk. The journey to these areas in the early part of February was tense and hazardous. Once inside Mayo, our vehicle was stopped on several occasions and the driver questioned about his presence in the area.

Mayo IDP camp hosts an estimated 50, 000 persons. Approximately 50% of the residents are from the Dinka tribe, the remaining are from the Equatorial State, Nuba Mountains, Shilluk tribe, Fur tribe and the Nuers. Mayo comes under the jurisdiction of the HAC, national NGOs, security apparatus and selected Sultans.<sup>6</sup>

Besides the heavy presence of armed men, who were patrolling even the most mundane and routine of activities, namely Mayo market, access to the market was restricted for vehicles and many of the women who would otherwise bring their wares to the market had opted to remain in their shacks rather than risk encountering either SSDF militias or government forces. Once inside the area, the situation was not much better; the view that greeted the uninitiated was distressing. Mayo is

---

<sup>6</sup> Ahmed Gamal Eldin, PHD Thesis, University of Leeds, 2005 'Population without a Guide: Management of Internal Displacement in Sudan'

described as one of the developed areas for IDP settlement based simply on two simple facts, firstly that unlike other camps, Mayo has hand pumps and secondly, that the IDPs have been allocated plots on which to build on. Despite the fact that the IDPs were not supplied with tools or materials for building, small mud huts have been constructed very close to each other with latrines in the courtyard of many of the huts and even on the pathways where children play.

Movement, whether by car or on foot, through the area was very difficult, there were open drains everywhere and one is as likely to fall into a pothole as into a drain. There was no evidence of electricity, no water and no sewage system making the outbreak of an epidemic a constant threat. However, we were informed that there was in fact an environmental sanitation service providing educational guidelines on environmental health. The only mode of transport witnessed in the area was carts pulled by donkeys. No international organisations were active in the area except the French Red Cross, which was situated several meters away from the area and therefore was inaccessible for the majority of the population who have no means of transport. National NGOs and the Sudan Council of Churches has been left to shoulder the responsibility of providing humanitarian aid, including a free health clinic and schools for children up to the age of 14 yrs. According to interviewees, members of the Church Council regularly brought provisions into the area, distributed it, and were responsible for the registration of IDPs and all practical aspects of the maintenance of the area.



Mayo

In the middle of the settlement, beside a cesspool, was a Women's Charitable Association. The Association functions as an activity centre for women to generate income including exchange of goods, and undertake embroidery and sewing activities. They also advise each other on how best to deal with the constant security presence. The Association serves simultaneously as a school, an Islamic study centre, a warehouse for aid, a distribution centre and a general activity centre. The centre had to be closed down several times due to lack of funding and intimidation to its staff. For all the persons interviewed in the centre, Khartoum State was their final destination. Their journey to arrive there was littered with tragedy and danger. Mary Deng, a 45-year-old woman who looks closer to 65 years described her journey from Malakal, Southern Sudan to Khartoum.

*"When war broke out in 1986 and I saw soldiers setting fire to our houses and villages, our whole family decided to leave. We walked for six days from Shilock to Kosti. In Kosti, we took a bus to Khartoum. When the bus arrived in Madani, they asked us to leave the bus and we were told to catch another bus to Khartoum. The rest of my family continued their journey to Khartoum. But in Madani, my husband found work so we decided to stay there. After four years in Madani, my husband passed away. After my husband died, I took my two children and took a bus to Khartoum. When I came to Khartoum, I was remarried to my husband's brother and now have three children. I have lived in Mayo for fifteen years. My husband does not have work so I make and sell cakes and groundnuts on the streets. I would like to go back to Shilock but I don't have the money for the bus fare".*

Mary Deng's story is only one of many.

The women interviewed during our visits requested the publication of their names and details, which are as follows:

**Aziza Ibrahim**, Kutum  
**Fozia Ibrahim**, Yei  
**Fatna Adam Fadul**, Bagarra  
**Safia Ibrahim**, Yei  
**Hawa Hussein**, Kosti  
**Asha Adam Yagoub**, Kass  
**Halima Abdel Mulla**, Kass  
**Mahasin Ali**, Al Fashir  
**Hanna Sidig**, Al Fashir  
**Selina Ibrahim**, Yei  
**Hawa Arbab**, Gharb Dorgo  
**Charity Simon**, Lanya  
**Charity Poru**, Yei  
**Teresa John**, Yei  
**Sebila Simon**, Bari/Juba  
**Laila Mohammed Omer**, Tchad  
**Charity Kisanga**, Yei  
**Lorna Joseph**, Yei  
**Brigit Michael Lomo**, Yei  
**Mary Bantino**, Yei  
**Najwa Ibrahim**, Al Fashir  
**Peres Noel**, Lanya,  
**Suzanne Partilimeo**, Lanya  
**Joyce Duku**, Yei  
**Sarah Taban**, Keji Keji  
**Rita Kolo**, Yei  
**Diana Thomas**, Keji Keji  
**Mary Deng**, Malakal



Residents of Mayo Camp

The consensus among the women interviewed, including Fatna Adam Fadul, a Darfurian with seven children, was that they all wished to return to their original villages but lacked the resources to undertake such an arduous journey. However, even should these women find the means to return to their original villages, they would find areas brimming with tribal tensions, unsafe roads, and lack of sanitation resulting in diseases and a region which has yet to begin the long process of reconstruction.



## 2.4 IDP Return

The CPA requires under Article 1.10 that all parties “commit themselves to render and facilitate humanitarian assistance through creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons and their right to return”. In addition, the UN Guiding Principles on Internal Displacement state that “... Authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence.”

Following the signing of the CPA, it was anticipated by both human rights organisations and the international community that there would be mass movement of IDPs returning to the South. This expectation was reflected in the mandate of the UNMIS, which includes “to facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions”.

Whilst a large number of people initially returned simultaneously to the South immediately following opening of roads, it has not been on the mass scale as expected. The ‘tsunami’ of returning IDPs as predicted by Riek Machar, Vice-President of Southern Sudan, has proved a false dawn. For those who have returned, there has been notable lack of organisation in their resettlement and reintegration. Roads that were opened have proved to be unsafe due to landmines left over from the war. Although there has been de-mining in government controlled areas, including the road from Yei to Bridge 40, many roads which require de-mining have been left to the responsibility of the returnees themselves. Moreover, the areas to which IDPs have returned lack basic infrastructure including schools, hospitals, and roads. Furthermore, the Lord Resistance Army (LRA), the heavily armed Ugandan rebels who roam the suburbs of Juba, capital of Southern Sudan, have continued to commit sporadic violence against civilians in the South. In March 2005, men from the LRA shot and burned to death 10 civilians travelling to Torit on the Juba Torit road, a route frequently used by returnees. This has resulted in overcrowding, reducing living conditions and standards and has sowed the seeds for civil unrest including tribal clashes over grazing rights and access to water in the south, clashes which have led to the deaths of several people and wounded dozens more. In Juba, with a population of 160,000, frequent clashes between armed Northerners and Southerners have continued.

On 21 March, **Tariq Abdullah**, (23 yrs), soldier with the Republican Guards Corp, Juba Malakia Police, arrested a northerner on suspicion of amputating the hand of a 15-year-old boy, Samuel Taban. The incident led to clashes between Northerners and Southerners in the locality of Kator where the incident took place. Shops were looted and one shopkeeper was severely wounded.

The living condition of returnees is extremely poor particularly for women, children and the sick. These groups have been temporarily sheltered in a camp at Lologo with no basic services. More worryingly, there has been notable increase in clashes between armed Northerners and armed Southerners in Juba, which does not bode well for attempts to ensure that unity remains an attractive option in at the end of the interim period.

Victims of the explosion of an ammunition dump near the Central Market in Bahr El Jebel on 23 February which at least 80 people were killed and 250 injured have been categorised into two groups; homeowners whose homes were destroyed and those who had market stalls. Whilst the former persons have been assisted somewhat in that the roofs of their houses have been re-thatched and some have received monetary compensation, the level of distrust between the people in the South and the government in Bahr El Jebel has led many to question whether they have received all the assistance sent from Khartoum. Because of these suspicions, the leader of the homeowners committee Abdul Tito has been subjected to systematic harassment and there are fears that the authorities are seeking a pretext for his arrest. The latter group has yet to receive any form of compensation and are currently in the process of suing the Ministry of Defence.

Nonetheless, despite these challenges, one year after the CPA, there have been significant changes. The state of emergency, which operated in the South, has been lifted, as have curfews. The deployment of UN peacekeepers to the South as part of the UNMIS to support the implementation of

the CPA, whilst slow, has gradually increased. From its expected figures of 10,000 military personnel, the mission as of 31 January 2006 secured 6,300 uniformed personnel. The personnel have contributed to a lessening in the severity of human rights violations committed by government forces. Reported violations have reduced dramatically over the last year.

Furthermore, in recognition of the enormous task facing humanitarian and recovery needs in Southern Sudan, donor nations met in Oslo, Norway, in April 2005 and pledged \$4.5 billion to help reconstruction, development and humanitarian aid. Many of the countries who pledged aid, including the US and the EU, made aid conditional to progress on the CPA and progress in the Darfur. Fourteen months after the signing of the Constitution, the gap between the text of the Constitution and what is actually practiced appears insurmountable; to ensure these two elements are combined into a cohesive whole, internal and international pressure is crucial.



Residents of Mayo

### *3. Darfur*

Since the outbreak of full-blown hostilities in the region in early 2003, tens of thousands of non-combatants have been killed as a direct result of fighting between government forces and armed opposition groups. An estimated 2.8 million people have been displaced from their lands; approximately 200,000 people are now living as refugees in Chad and Egypt and many more, including women and children, continue to be subjected to daily gross violations including rape, abductions and torture.

The seeds of the conflict, which many now acknowledge, were predicted and could therefore have been prevented prior to becoming an actual conflict can be traced back to the 1980s when environmental degradation and famine devastated the region resulting in deadly competition over fertile lands. The main occupations in Darfur, a region that has been long marginalised and neglected by central government, are farming and cattle herding. Among these groups are sedentary farmers largely from 'African'<sup>7</sup> tribes, and nomadic people from perceived 'Arab' tribes.

---

<sup>7</sup> In Darfur, 'race' or 'racial' is a fluid term denoting ethnic differences. It is cultural and historical identity given at birth based on language and occupation. Groups termed as 'Africans' have commonly retained their indigenous

Historically, sedentary and nomadic tribes employed local tribal conflict resolution mechanisms to negotiate pasture for the nomads to graze their livestock, and to resolve any disputes that might arise between these groups, barely with any reference to ethnicity. Three major factors in the 1980s led brought race to agenda in the region and made 'race' an issue in Darfur. The Chadian War of 1979-82, Libyan war with Chad made Darfur the theatre for wining or losing the war between these two actors. As part of its war strategy, the government of Libya embarked on arming certain nomadic tribes in Darfur. The issue of 'racial' differences was given further impetus when the GoS began to aid Libya in further arming the nomadic groups. These three factors led to the emergence of the Arab Alliance, a group of nomadic tribes with Arab supremacist ideology.

As competition for resources intensified during the famine days of the 1980s, the first serious confrontation between the sedentary farmers and the nomads resulted in the Arab-Fur War between 1987 and 1989. During the conflict, race and tribal lineages played a significant role, thousands of people were killed and hundreds of Fur villages burnt. This conflict in many ways heralded and laid the foundations for the current conflict. Nonetheless, even with this serious, inter-ethnic skirmish, it was eventually resolved following an inter-tribal conference in 1989. Following the conflict, the unelected government in Khartoum embarked on a policy in the region which favoured the 'Arab' tribes but which gradually eroded the rights of the local 'African' tribes. The GoS became heavily involved in local policies despite having showed no prior interest. It assigned influential positions to 'Arab' tribes, armed and allowed raids on 'African' villages with impunity. This ruthless exploitation of tensions produced deep felt hostility among the local 'African tribes' and led directly to the creation of the armed group, Darfur Liberation Front (DLF).

The DLF drew its support from members of the Fur, Masalit, and Zaghawa tribal groups indigenous to Darfur. The group soon evolved into its current entity, the Sudan Liberation Movement/Army (SLA), a fully-fledged armed opposition group with the express aim of fighting government security apparatus in the region to end primarily the marginalisation of Darfur by the central government, and to push for the establishment of a secular authority. As the conflict unfolded, another rebel group, the Justice and Equality Movement (JEM), also arose to confront the government in Khartoum.<sup>8</sup>

The government response to heightened insurgent activities in the Darfur region culminating in an SLA attack on Al Fashir airport, capital of Northern Darfur in April 2003, was indiscriminate, brutal, and disproportional amounting to crimes against humanity and war crimes.<sup>9</sup> The government invoked scorched earth, massacre, starvation, and forced displacement as tools of war in the region. In its strategy, the government not only fail to differentiate between civilian and military targets, it purposefully targeted the civilian population of 'African' communities whom it viewed as complicit in the uprising. In implementing its war strategy, the government mobilised militias commonly referred to as the 'Janjaweed' drawn from 'Arab' groups in Darfur and from surrounding areas and countries including Chad. The government rhetoric in waging its war on the civilian population was based primarily on 'racial'<sup>10</sup> differences in Darfur laying the foundation for 'race' to achieve a level of political significance unseen before in the Sudan. The government encouraged these militias through provision of arms and free passage to rape and pillage.

Three years after the SLA assault on Al Fashir airport, the conflict in Darfur has become a complex web of attacks and ruthless counter attacks, shifting alliances and power struggles as evidenced by the number of protagonists in the region including, the GoNU, and the Chad. In the three-year history of the conflict in Darfur, 2005 was relatively quiet in terms of direct confrontations between government troops and the rebel opposition groups, however there was no such pause in militia attacks on the civilian population. Throughout the year, there were direct attacks by armed, aimless and marauding militias on IDP camps, humanitarian convoys, and aid workers and on African Union (AU) troops. These attacks successfully hindered access for humanitarian workers, and have produced a climate

---

languages and are largely sedentary farmers. For the purposes of this report, 'African' and 'Arab' are used for the purposes of simplification and do not infer the traditional definition of race i.e. physical characteristics (such as skin colour, hair type, face shape, etc)

<sup>8</sup> For further information on JEM, its history and structure, see SOAT Annual Report on the Human Rights Situation in Sudan, March 2004 -2005

<sup>9</sup> UN Commission of Inquiry on Darfur

<sup>10</sup> Ibid

whereby aid workers have become legitimate targets. Throughout the year, humanitarian organisations were forced out of many areas due to insecurity.

Despite government claims to the contrary, these militias continued to act in concert with government security forces in committing widespread human rights violations. They have continued to receive arms and ammunition. Many have been incorporated into government security apparatus namely the Popular Defence Forces (PDF). In March, Musa Hilal, a high ranking militia leader in Darfur confirmed in an interview with Human Rights Watch that the government has sponsored and directed the activities of the Janjaweed militias in northern Darfur providing further evidence that the government is strongly implicated in the atrocities.<sup>11</sup> These groups and their ability to act outside all control have ensured that lawlessness, banditry and general criminality are common place in Darfur.

Nonetheless, throughout the year, the immediate priority for many in the international community was ensuring an end to aerial bombardments by government forces on unarmed civilian villages. Following much international condemnation and displacement of millions of people from the lands, on 7 February 2005, the government issued a decree withdrawing all Antonov bombers from Darfur with immediate effect. This decree did not however stop the civilian population in Darfur as expected from being terrorised.

Despite international acknowledgment of the right of the SLA and JEM to defend their communities against widespread attacks from central government, in the last year, the SLA and JEM have lost much of this good will through their prevaricating and complete disregard to the N'djamena Ceasefire Agreement<sup>12</sup> and subsequent Abuja agreements. Similar to the GoS, the SLA and JEM have transmitted mixed messages with frequent internal power struggles. In April 2005, the peace talks in Abuja were brought to an abrupt halt by SLA and JEM demands, including demands that the ruling party cooperate with the International Criminal Court (ICC) and for government forces to withdraw from areas occupied since the N'Djamena Ceasefire Agreement on 8 April 2004. The government unsurprisingly refused these demands. Following international pressure, the SLA and the JEM agreed to resume peace talks. However, the negotiations have since been tarnished with bad faith. The SLA and JEM have returned to the talks with various demands including a demand for a Vice President position in the GoNU.

Throughout the year, other factors have combined to ensure that there was little progress in reaching a comprehensive peace agreement between the warring factions. Besides the emergence of JEM in Eastern Sudan, in what was interpreted as an attempt by the group to engineer a nationwide conflict, competition over military power with the SLA produced widespread fighting and led to the death of an estimated twenty people including civilians. Fighting broke out in May 2005, after JEM fighters settled in SLA military camps in Gereida, Southeast of Nyala and refused to leave. During the skirmishes the SLA commander, Abdulla Domi was killed. The fighting also contributed directly to the resumption of government flights over Darfur. Tensions between the SLA and the JEM were eventually settled in the Libyan capital, Tripoli where they agreed to end all hostile acts, to release detainees and to work towards normalizing relations. This agreement led to the handing over of twenty JEM fighters captured by the SLA to AU troops. Nonetheless, both the SLA and the JEM continued to undertake acts of provocation and further escalated tensions.

In addition, elements within the opposition groups, particularly the SLA, have further hindered attempts to reach a peace agreement. In November 2005, the SLA split into two factions whilst in the middle of negotiations in Abuja. This split was played out on the ground in Darfur, where there were clear breaches in the SLA command structure. In Abuja, some members denounced the SLA's chief negotiator at the talks, Abdelwahid Mohamed Nur claiming allegiance to Mani Arku Mannawi, the SLA Secretary-General. Despite international pressure and the desperate situation of the people in Darfur, the SLA leadership failed to overcome their differences and are currently negotiating as two groups in Abuja. This split has severely curtailed the ability of the SLA to reach a sustainable peace agreement with the government. The actions of the SLA on the ground in Darfur have undermined

---

<sup>11</sup> Human Rights Watch Interview with Musa Hilal on September 27, 2004 in Khartoum, <http://hrw.org/video/2005/musa/>

<sup>12</sup> N'Djamena Ceasefire Agreement was signed in the Chadian capital on 8 April 2004 by all parties to the conflict

their claim that they are committed to reaching a peace agreement with the government and their ability to enforce any such agreement.

In the later months of 2005, the SLA attacked several government-controlled areas including Shearia town, 70 km northeast of Nyala, capital of South Darfur State. During the attack, the SLA reportedly looted camels and killed several civilians. The attack led to the mobilisation of 'Arab' nomad tribes, whom at the time of writing have yet to be dispersed from the area. In response, other Arab militias attacked SLA positions in the Ateam Mountains killing several civilians. Other attacks during the period included raids on Khazan Jedeed, Umm Dereisa and Korbia village; however, the latter attack has been denied by the SLA and the JEM. Nevertheless, the African Union on 22 September confirmed the attacks on Khazan Jedeed and Umm Dereisa towns were carried out by the SLA. Moreover, the AU has also confirmed serious fighting between rebel forces and government-backed militias in the areas of Shangil Tobaya and Al Mallam. These attacks have produced far ranging consequences for the long-suffering civilian population in Darfur. The instability has added fuel to the already volatile situation and contributed further to widespread criminality, banditry and lawlessness.

In the international arena, throughout 2005-2006, great efforts were expended by the AU and the President of Nigeria, Olusegun Obasanjo, to mediate between the warring parties in Darfur with few tangible results. Measures imposed on the government to compel it to comply with its obligations to end the violence and ensure respect for human rights in Darfur proved to be futile in the absence of enforcement mechanisms. The only substantive agreement secured by the AU between the warring factions in 2005 -2006 was a 'Declaration of Principles' on 19 July 2006, principles on which peace negotiations would be based and which would provide the foundation for any lasting peace.

On the ground in Darfur, the number of AU observers in the region increased gradually over the year, but the number of observers in Darfur remains far lower than it ought to be. In a positive development in the latter half of 2005, AU observers in the region began to interpret their mandate loosely to include protection. As the level of sexual and gender based violence increased dramatically, AU troops began escorting women and children from IDP camps particularly in Southern Darfur and Northern Darfur state to undertake their regular tasks, including fetching firewood and water. Nonetheless, lack of funding, inadequate logistics, and a limited mandate, which has not placed protection at its center, has meant that their presence, which was first welcomed by the local population, is now regarded with suspicion by many who suspect that they are in collaboration with government security forces and the authorities in Khartoum. In a telling incident, on 1 September 2005, SOAT called on AU observers in the region to immediately investigate reports of a build-up of Janjaweed militias in Niteaga, Shearia province, South Darfur State following an armed militia attack and looting of Amar Jedeed village, northwest of Labado in Shearia province. This investigation failed to materialise due in large part, as we understand it, to a lack of capacity. In the first week of November 2005, Janjaweed militias working with Government forces attacked and looted Shearia market, targeting shops belonging to persons from the Zaghawa tribes. Because of the attack, all persons belonging to the Zaghawa tribe fled the area to El Fahal, Otash and Dereig camps, adding to the already large IDP population there.

Although many governments across the globe publicly stated their concerns with regard to the situation of civilians in Darfur, their rhetoric has failed to translate into action on the ground. Besides the UN Secretary-General's monthly reports to the Security Council, and attempts by Libya to mediate between the JEM and the SLA, the most notable development was the report of the Panel of Experts on the Sudan established pursuant to UNSC Resolution 1591, paragraph 3.

The Experts were tasked with monitoring flow of arms; individuals that could be targeted for financial and travel-related sanctions; human rights including persons who may have committed violations of international law and to submit their reports. In the area of arms, the report noted that the SLA and JEM continued to obtain *"arms, ammunition and/or equipment from Chad, Eritrea, the Libyan Arab Jamahiriya, non-governmental groups."* With regard to the Janjaweed militias and armed militias, the report concluded that *"supply/transfer of spare parts for military helicopters into Darfur continues"* and that the parties to the conflict *"...bring weapons and military supplies into Darfur with relative ease"*. Despite the Panel being tasked to monitor individuals for financial sanctions, because there are no sanctions in Sudan, the panel was unable to undertake this task, notwithstanding its importance. Most significantly, the Panel identified individuals responsible for impeding the ongoing peace negotiations

in Abuja, which they have submitted to UNSC. In continuation of the UN Commission of Enquiry on Darfur report in February 2006, the Panel found *“evidence of widespread violations of international humanitarian law in Darfur during the period from 29 March to 5 December 2005”*. Moreover that the government acting in conjunction with its proxy militias have *“perpetrated indiscriminate attacks against civilians; intentionally targeted civilians and civilian objects;...destroyed civilian property; and engaged in rape and other forms of sexual violence.”*

In addition, the panel confirmed the government use of overwhelming force against a largely defenceless population. This however, has not been limited to government forces. The SLA and the JEM have also subjected the civilian population to torture, arbitrary killings of persons it considers to be disloyal and have routinely resorted to the use of cruel, degrading and inhumane treatment and punishment.

Despite its grave observations and the continual threat to life in Darfur, at the point of going to print, the UNSC had yet to implement the Panel’s recommendations. These include targeting individuals for sanctions; and most importantly, the creation of a civilian *“protection monitoring capacity to monitor, investigate and report directly to the Council on acts that may constitute violations of international humanitarian and human rights law in Darfur”*.

Whilst all parties to the conflict and the international community continue to prevaricate and evade their moral and legal obligations to provide protection for the civilian population in Darfur. The situation for the civilian population continued to deteriorate with brief intermission whilst the various armed militias regroup. It is notable however, that the longest pause in violence was between March 2005 to July 2005 immediately following UNSC resolution 1593 referring the Situation of Darfur to the ICC.

However, by August 2005, the government security forces had returned to arbitrary arresting and subjecting civilians to torture. The situation in Darfur throughout 2005 - 2006 was characterised by absence of rule of law; displacement of people and separation of families; rape and violence against women; harassment; militias and armed groups; violence and pain; destruction and ruin; fear and death; and prevailing attacks on villages by all parties to the conflict.

### ***3.1 IDPs in Darfur***

Regrettably, 2005-2006 proved to be the year when civilians in Darfur for the first time in their history began to depend completely on humanitarian aid for their survival. Out of an estimated total population of 6 million prior to the outset of the conflict, the number of people affected by the conflict increased to an estimated 3.6 million, an increase of 49% since last year.<sup>13</sup> Out of this figure, 1.8 million are IDPs. The majority of the IDP population depend entirely on humanitarian aid for their survival, many subsidise their income by fetching firewood to sell inside the camps, other still venture into the major cities including Nyala to find work. The majority of the large camps such as Kalma in Southern Darfur have seen the establishment of unstructured markets where women take their embroidery and grass and wood to sell. As more civilians fled their villages, the government placed a blockade on Kalma camp for several months. Throughout the year, the humanitarian effort were severely stretched. The blockade has now been lifted.

The Darfur landscape has changed dramatically since the outbreak of full hostilities in 2003. Insecurity, destruction of crops, persistent attacks on civilian villages, occupation of villages, intimidation, looting, widespread and systematic rape against civilians have resulted in the landscape of Darfur being dotted with empty villages. The year passed with minimum provisions for the protection of the civilian population. There were no attempts by both the ruling government and the international community to address the plight of the population from marauding armed militias and ensuring accountability for persons who continue to commit human rights violations with impunity. Despite repeated demands by the international community for the government to disarm the militias

---

<sup>13</sup> UN situation Reports, January 2006, Humanitarian Information Centre (HIC) for Darfur <http://www.humanitarianinfo.org>

or at the minimum to prevent these groups from obtaining ammunition, the government has been unwilling to undertake this task and thus far, the international community has not forced it upon them. The grounding of anaton planes by the government following international pressure did not bring to end hostile flights over the region where for many people the sound of airplanes now translate into attacks on their villages without knowing why.

The overall security situation in Darfur remained static with sporadic outbreak of vicious and unorganised violence. For many of the IDP population on the ground, and for SOAT, this failure by the international community to provide a semblance of security amounts to no less than a failure to protect. The later half of 2005 and early 2006 saw large number of new arrivals in already overcrowded camps because of continual and repeated attacks on their villages. Most distressingly, there were frequent vicious, unprovoked attacks by marauding armed militias' on the sizable displaced persons crowded into camps where they have sought refuge. These attacks have taken place on many occasions in the presence of government security apparatus and humanitarian organisations, yet there have been no prosecutions of the perpetrators. Government police forces assigned to protect these camps have failed dismally in their responsibility to protect. In its place, they have further exacerbated the plight of persons in Darfur through their indifference, and complicity in systematic human rights violations. Few of the civilian population in the region believe or wish to return their villages even if there was to be a conclusive and comprehensive peace agreement. In the earlier part of 2005, IDPs who refused to return to their villages were subjected to violent attacks by security and police forces as part of strategic attempts to forcefully remove them from their camps back their homes or to 'safe designated areas'. Armed militias who have neither been disarmed nor held accountable have subjected those who have braved the return to their villages to intimidation and violent attacks.

### ***3.2 Cases of Violations***

The following are details of some of the villages SOAT has documented attacks on over the year including the number of those killed and in some incidents, the total number of displaced persons following attacks. Some of the villages have been subjected to repeat terrorisation and attacks. Several of the attacks were clearly coordinated between government forces and the Janjaweed militias.

**April 2005** - Hejair Tono village, (3 killed), (1 wounded), 150 camels looted; Khor Abeche village, Dumma village, (12 killed), (7 wounded), Jaronga, (3 killed), (2 injured), Marla

**May 2005** - Labado (3 killed), (140 livestock looted)

**August 2005** - Amar Jadeed village, (3 killed), (25 wounded), 630 camels looted;

**September 2005** - Um Sayalla; Kamala Kiry; Dalma; Masaleit; Khor Mali; Sany Kandos, (29 killed including 7 children), (4 women raped), 1000 camels and cows looted; Jebel Moon village, Gos Meina village, (35 killed), (45 wounded); Tawila village, (5 killed); 30 houses and 10 shops burnt; Aro Sharow IDP camp

**October 2005** - Booly village, (10 killed), (25 wounded); (hundreds displaced), according to eye witness accounts, the Air Forces provided air cover by bombing the village using anaton planes painted with United Nations insignia prior to the Janjaweed moving in to burn and destroy houses; Tama village, (42 killed); Abu Odam village, (1 killed), 50 livestock looted

**December 2005** - Abata village, (50 killed), (70 Wounded)

**November 2005** - Shearia town, (thousands displaced)

**January 2006** - Mershing IDP camp

**February 2006** - Arediba Araj village, Umrokbi; Gubai; Umtraigo; Gandako; Tigla; Hashaba; Rajaj, (33 killed), (5 injured)

**March 2006** - Tibon IDP camp, Daya, Turra and Kindo, (26 killed), (6 injured)

On 20 May 2005, violence broke out inside Kalma camp when police officers attempted to remove the equipment of women sellers in a small market, which has sprung up inside the camp. An IDP (**Nasir Adam Mohamed Ali**) attempted to intervene, and was subsequently stabbed by one of the officers. The resulting violence led to the death of a police officer and wounded at least thirty-three people. In response, on 17 June, the GOS imposed a blockade on Kalma camp including a ban on commercial vehicles, horse and donkey carts, which have adversely affected

the IDPs and further contributed to rising tensions in an already vulnerable population. The blockade has now been lifted.

On 11 September 2005, armed militias, allegedly the Janjaweed kidnapped six IDPs from outside Kalma camp. The IDPs were taken to a remote area near the camp and subjected to severe beatings by the militias. The IDPs were beaten with sticks, flogged all over their bodies, and their carts were stolen. The details of the men are as follows: **Yahya Souleiman Mohamed; Ali Haroun Soulieman; Salah Ishag Ahmed; Abdel Razig Sideag Ahmed; Abubaker Ahmed Mohamed; Yousif Soulieman Alhaj**

On 11 September 2005, Military Intelligence in Sania Afandu arrested **Isam Ali Musa, (15 yrs)** from Sania Afandu Camp, East of Nyala. Isam was taken to the military camp in Sania Afandu where it is known detainees are detained in a hole in the ground. According to Isam's brother, Isam is detained in a hole in the ground and has been subjected to severe torture.

On 28 September 2005, armed militias on horses and camels, allegedly the Janjaweed militias attacked Aro Sharow Camp, 16 km north of Saleah. During the attack, 29 people were killed and tens wounded.

On 20 October 2005, four armed men allegedly working for the military intelligence in Darfur attacked an IDP from Dereig camp, Nyala using live ammunition. The armed men shot the IDP and looted his horse. The attackers left behind documents and details of their identity, which has been submitted to the police in Otash. The perpetrators have yet to be arrested or charged.

On 23 October 2005, security officers in Nyala arrested two prominent IDP leaders from Kalma camp, **Omda Soulieman Abaker Taha, (56 yrs)**, Fur tribe, leader of the Sheikhs; **Tigani Ahmed, (37 yrs)**, Fur tribe, Sheikh. The IDPs were arrested whilst attending the International Rescue Committee (IRC) clinic inside Kalma camp. Initially, IDPs in Kalma reported the arrests of their leaders to AU troops inside the camp. The AU refused to intervene as it is outside their mandate, following this response; the IDPs kidnapped and held hostage eighteen employees of WES, a governmental organization working jointly with Rural Water Cooperation on water and rail projects in Darfur. The kidnappers refused to release the eighteen people until the security forces release Omda Soulieman Abaker Taha and Sheikh Tigani Ahmed. Police officers in Kalma camp intervened and fired live ammunition at the IDPs killing one person and injuring nine others. On 24 October 2005, four of the eighteen hostages were released. The remaining fourteen were released following negotiations. On 26 October, following an application submitted to the Attorney General by SOAT's partner organisation in Nyala, the Amel Medical Centre for the Treatment and Rehabilitation of Torture Victims, Soulieman Abaker Taha was released on bail after he was officially charged under Article 162 (Kidnapping) of the 1991 Penal Code. On 31 October 2005 at 13.30pm, security officers entered Kalma camp and rearrested Mr. Taha. No reason was given for the revocation of bail as Mr. Taha has been complying with all his bail conditions. Mr. Tigani Ahmed and Mr. Taha remain in detention at the security forces custody centre in Nyala and are facing no charges.

On 23 October 2005, fifty armed men reportedly the Janjaweed militias attacked and abducted nine IDPs from Kalma camp, Nyala, Southern Darfur State. The IDPs were travelling from Kalma Camp to outside the camp by carts when they were attacked. The militias beat the IDPs with the butts of their guns and flogged them. The militias also looted six carts. Two of the IDPs managed to escape, **Ahmed Ali Ahmed, (35 yrs)**, Fur; **Halima Ibrahim, Fur tribe, (F)**. The whereabouts of the seven men remain unknown.

On 26 October 2005, armed militias reportedly the Janjaweed attacked four IDP from Kalma camp. The attack took place whilst the IDPs were outside the camp. Three of the IDPs managed to escape and one of the IDPs was shot and died instantly, his detail is as follows: **Souleiman Adam Mohamed, (28 yrs)**, Masalit tribe.

On 27 October 2005, armed militias reportedly the Janjaweed shot and injured **Mohamed Abaker Neel, (32 yrs)**, IDP from Kalma camp.



On 29 October 2005, armed militias reportedly the Janjaweed attacked a passenger car killing one person and wounding an eighty-year-old woman. The passengers who were all IDPs were travelling from Manawashi to Otash.

On 15 March 2006, armed forces with land cruisers and armed militias on horses and camels, allegedly the Janjaweed militias numbering more than 900 attacked and looted Tibon camp in Jebel Marra, West Darfur. The militias also attacked three other villages on the same day, **Daya**, **Turra** and **Kindo** in Jebel Marra. During the attack, approximately 26 IDPs were killed and six wounded. The injured IDPs have not been able to receive medical treatment. There are currently no medical clinics in Jebel Marra due to the departure of humanitarian organizations in February 2006 on account of the deterioration in the security situation in the area.

### ***3.3 Political Association in Darfur***

Similar to the previous year, the use of emergency rule has created a political situation whereby repression of political activists including arbitrary arrests, harassments, and incommunicado detention in Darfur has not only become commonplace but expected. In its attempt to defeat the SLA and the JEM, the GoS has declared war against certain tribes in Darfur, a war in which it has implicated all branches of the government in its war strategy and discrimination on the grounds of 'political or other opinions'. These tribes specifically the Zaghawa, Fur, Masalit and other tribes who provide support for these tribes, those it perceives as supporting the SLA and JEM or critical of its war strategy have been detained and in most cases tortured.

The following are some of the civilians arrested for their perceived support of the rebel opposition group SLA, by government security apparatus. They remain in detention and/or have been subjected to torture and are facing no official charges, this despite the government's failure to present evidence to charge, in cases where people have been charged to substantiate the charges.

**Abaker Abdel Khalig, Mohamed Khames** (35 yrs), arrested on 1 February 2005 by military intelligence in Zalingy, detained at security offices in Zalingy

**Abaker Ibrahim Musa**, (60 yrs), Fur, arrested on 2 May 2005 by military intelligence in Jabal Marra, detained at military intelligence detention centre in Zalingy - transferred in June to Zalingy prison

**Abaker Mohammad Eisa Suleiman**, (30 yrs), arrested on 16 November - detained at Nyala police station

**Abd AlGhani Ismail** (32 yrs), arrested on 20 May in Kalma camp after violent clashes between the IDPs and police officers - detained at Nyala Wasat (central) police station

**Abdalla AlRahman**, (24 yrs), arrested on 20 May in Kalma camp after violent clashes between the IDPs and police officers - detained at Nyala Wasat (central) police station

**Abdel Kareem Abdella Omer**, (42 yrs), Zaghawa, Omda of Marla village, arrested on 21 December 2005 from Nyala market-detained at security detention centre in Nyala

**Abdel Moutalib Ibrahim Aljenaih**, (25 yrs), student, Fur, lives in Kalma camp, arrested on 10 September 2005 in Toor. Mr. Aljenaih was transferred to military intelligence detention centre on 12 September 2005 and alleges that whilst in Toor he was subjected to torture - detained at military detention centre in Toor

**Abdel Rahman Hassan Salih**, 31 yrs, Fur tribe, arrested on 14 November 2004 from near Nertati, charged under articles 51 and 58 - detained at Nyala Prison

**Abdel Shafi Gardea**, (60 yrs), arrested from his house in Nyala Hey Althora on 17 September 2005 - detained at security detention centre in Nyala

**Abdella Abaker Osman**, (36 yrs), Zaghawa tribe, arrested on 1 November 2004 from his home in Nyala, Khartoum Belail neighbourhood -detained at Nyala Prison

**Abdella Abaker**, (50 yrs), Dajo tribe, arrested on 6 December inside Dereig camp - detained at security detention centre in Nyala

**Abdella Mohamed Fadul**, (40 yrs), Zaghawa tribe, arrested on 15 February 2005 in Nyala - detained at security offices in Nyala

**Abdella Mohamed Khamees**, Zaghawa tribe, arrested on 20 December 2004 in Nyala -detained at Military custody centre in Marla

**Abdelshafi Moutalib Ibrahim Aljenaih**, (25 yrs), IDP from Kalma camp, Fur tribe, arrested on 10 September from Toor, Nyala - Whereabouts unknown until 12 September, when he was transferred to the military intelligence custody centre in Nyala - detained at military intelligence custody centre in Nyala

**Abu Joumma Mohammed**, (28 yrs), arrested on 20 May in Kalma camp after violent clashes between IDPs and police officers -detained at security offices in Nyala

**Adam Abdella Abdel Rahman**, (25 yrs), Dajo tribe, arrested on 9 December inside Dereig Camp - detained at security detention centre in Nyala

**Adam Abdella Mohamed Tor**, (34 yrs), kidnapped from a passenger bus travelling from Belail camp to Nyala on 20 April 2005 by armed men in military uniform - whereabouts unknown until 8 May 2005. A number of detainees released on 08 May 2005 from security forces detention centre in Nyala confirmed that Adam Abdella Mohamed Tor is in detention in security forces detention centre in Nyala

**Adam Ateam Altahir**, (32 yrs), Fur tribe, Merchant arrested on 2 May 2005 by military intelligence in Jabal Marra, detained at military intelligence detention centre in Zalingy - transferred in June to Zalingy prison

**Adam Eismaeel Ali**, (38 yrs), merchant, Zaghawa - arrested on 6 December 2004, detained at National Security offices in Nyala, released on 15 October 2005 without charge

**Adam Mohamed Ishag**, (40 yrs), Dajo tribe, arrested on 6 December inside Dereig camp - detained at security detention centre in Nyala

**Adam Musa Ahmed**, (30 yrs), farmer, Zaghawa tribe, arrested on 22 March 2005 in Sanya Afondu village - detained at security offices in Nyala

**Ahmad Ibraheim Saboon**, (42 yrs), driver - arrested on 6 December 2004, detained at National Security offices in Nyala, released on 15 October 2005 without charge

**Ahmed Abdel Mawla Daheya**, farmer, Dajo tribe, arrested on 25 October 2004 - detained at Nyala Prison

**Ahmed Manees Maalla**, (60 yrs), kidnapped from a passenger bus travelling from Belail camp to Nyala on 20 April 2005 by armed men in military uniform - whereabouts unknown until 8 May 2005. A number of detainees released on 08 May 2005 from security forces detention centre in Nyala confirmed that Adam Abdella Mohamed Tor is in detention in security forces detention centre in Nyala

**Ahmed Zakarea Ahmed**, (26 yrs), from the Dajo tribe arrested on 18 December 2005 after visiting Adam Mohamed Ishag and Abdella Abaker - detained at Kober Prison in Khartoum

**Alhaj Alnour Mohamed**, 45 yrs, Zaghawa, arrested on 23 May 2005 in Sanya Afondu village because he works for Ibrahim Soulieman Adam- detained at Sanya Afondu military camp

**Ali Mohamed Abdella**, (65 yrs), Fur, arrested on 2 May 2005 by military intelligence in Jabal Marra, detained at military intelligence detention centre in Zalingy - transferred in June to Zalingy prison

**Alsadig Ahmed Harba** arrested on 19 March 2004, from Jeway Kheen village on suspicion of participating in an attack on Bouram town on the 10 March 2004 by the SLA - released on 28 May 2005

**Altayib Abdel Aziz Jiddo**, (28 yrs), farmer, Zaghawa tribe arrested at the entrance to Nyala hospital on suspicion of joining the SLA- detained at police headquarters in Nyala

**Araiba Adam**, (39 yrs), Fur, arrested on 20 December 2004 in Nyala - detained at a Military custody centre in Marla

**Awad Mohamed Is'hag**, (27 yrs), Fur, Teacher, arrested on 2 May 2005 by military intelligence in Jabal Marra, detained at military intelligence detention centre in Zalingy - transferred in June to Zalingy prison

**Azhari Ahmed Zakarea**, (48 yrs), Fur tribe arrested on 11 July 2005- Transferred to Kober Prison in Khartoum on 2 November 2005

**Bashair Adam Suliman** (38 yrs), arrested on 20 May in Kalma IDP after violent clashes between IDPs and police officers -detained at security offices in Nyala

**Dawood Adam Salih**, (47 yrs), Zaghawa tribe, IDP from Abga Ragil arrested on 6 October - detained at security offices in Nyala

**Hafiz Mohamed Ismaeel**, (23 yrs), arrested on 24 May 2005 in Sanya Afondu village because he works for Ibrahim Soulieman Adam - detained at Sanya Afondu military camp

**Hassan Younis Abdella Ateam**, (25 yrs), Zaghawa tribe, arrested on 15 February 2005 in Nyala - detained at security offices in Nyala

**Hussain Younis Abdella Ateam**, (25 yrs), Zaghawa tribe, arrested on 15 February 2005 in Nyala – detained at security offices in Nyala

**Ibrahim Khidir Abdella**, (30 yrs), kidnapped from a passenger bus travelling from Belail IDP camp to Nyala on 20 April 2005 by armed men in military uniform – whereabouts unknown until 8 May 2005. A number of detainees released on 8 May 2005 from security forces detention centre in Nyala confirmed that Adam Abdella Mohamed Tor is in detention in security forces detention centre in Nyala

**Idrees Jai Khmees**, (55 yrs), Zaghawa, arrested on 20 December 2004 in Nyala – detained at Military centre in Marla

**Ishag Bol Bol** (38 yrs), farmer arrested on 15 August 2004 in Nertati by security officers - detained at Security Offices in Zalingy

**Ismael Abu Solouk**, (40 yrs), Birgid tribe, arrested on 23 May 2005 in Sanya Afondu village because he works for Ibrahim Soulieman Adam – detained at Sanya Afondu military camp

**Karam Aldin Ibrahim Zakaria**, arrested on 20 May in Kalma IDP after violent clashes between the IDPs and police officers – detained at Nyala Wasat (central) police station

**Mohamed Ahmed Adam**, 25 yrs, Zaghawa, arrested on 23 May 2005 in Sanya Afondu village because he works for Ibrahim Soulieman Adam – detained at Sanya Afondu military camp

**Moudasir Soulieman Osman Bahr Aldean** (17 yrs), a student arrested on 12 October 2004 by security officers in Zalingy - detained at Zalingy Prison

**Moustafa Haroun Abdel Rahman**, (26 yrs), Fur, Teacher, arrested on 2 May 2005 by military intelligence in Jabal Marra, detained at military intelligence detention centre in Zalingy – transferred in June to Zalingy prison

**Najmel dean Abdel Majeed**, (35 yrs), arrested on 23 May 2005 in Sanya Afondu village because his brother, has launched legal proceedings against the armed forces in Sanya Afondu for his arbitrary detention and torture – detained at Sanya Afondu military camp

**Omer Soulieman Haroun** (57 yrs) arrested on 28 September 2004 in Zalingy by military intelligence – detained at Zalingy Prison

**Salih Haroun Ahmed**, (17 yrs), arrested on 23 May 2005 in Sanya Afondu village because his brother, Ibrahim Soulieman Adam has lodged a case against the armed forces in Sanya Afondu for his arbitrary detention and torture – detained at Sanya Afondu military camp

**Sandal Bashair Haggar**, (65 yrs), merchant, Zaghawa tribe, arrested from his home in Sham-Alnaseen, Shearia on 3 November 2005– detained at security detention center in Nyala

**Souleiman Khatir Khamees**, (22 yrs), Zaghawa, arrested on 20 December 2004 in Nyala – detained at Military centre in Marla

**Yousif Ali Omer**, (36 yrs), arrested on 23 May 2005 in Sanya Afondu village because his brother, Ibrahim Soulieman Adam has launched legal proceedings against the armed forces in Sanya Afondu for his arbitrary detention and torture – detained at Sanya Afondu military camp

**Yousif Haroun Rahma** (29 yrs), student, arrested on 6 June 2005 by security officers – detained at Zalingy general prison

### ***3.4 Arbitrary Arrests and Incommunicado Detentions***

Emergency rule meant that human rights principles enshrined in the CPA namely articles 28, 29, 31, 33, 34 and 40 were not extended to the people of Darfur. Instances of widespread arbitrary arrests and incommunicado detentions were commonplace. Detainees were only informed of the charges against them after much delay and in some circumstances after being detained incommunicado for several days. Others remain in detention and have yet to be informed of the charges against them. Detainees were depending on the charges detained in custody pending the outcome of investigations or trials; these procedural weaknesses combined with slow processing of criminal investigation resulted in lengthy pre-trial detentions. The majority of arrests were made by security forces in public places without warrant or probable cause, arrested persons were detained for several days or weeks before transferring them to the police. Where the arrests were made by the police, detainees were held in detention indefinitely whilst the police were undertaking their investigation before charging them with a crime, commonly Article 51 (Waging war against the State) and 58 (Abetment of Mutiny). Police often failed to notify family members of the arrest or location of detention. Many prisoners, some undocumented, were held incommunicado for extended periods. The police continued to use

coerced confessions and abuse as methods of investigation. SOAT has documented numerous cases alleging police abuse and torture.

**Abaker Ibrahim Musa**, (60 yrs), Fur, arrested on 2 May from his home in Golo village, Jebel Marra- facing no official charges, detained at military intelligence detention centre in Zalingy

**Abaker Ragab Abdkareem**, (55 yrs), Zaghawa, arrested by military intelligence on 3 November 2005 - facing no official charges, detained at military intelligence offices in Nyala

**Adam Abaker Bakour**, 35 yrs, Merchant, arrested on 17 January 2005 in Nyala central market - facing no official charges, detained at security offices in Nyala

**Adam Ahmed Mohamed Arbab**, (50 yrs), Fur, arrested on 31 May 2005 from Shetaya village - detained at security detention centre in Nyala. His family are denied access

**Adam Ateam Altahir**, (32 yrs), Fur, Merchant, arrested on 2 May from his home in Golo village, Jebel Marra- facing no official charges, detained at military intelligence detention centre in Zalingy

**Adam Fadoul Abaker** (43 yrs) arrested by police on 3 March 2005 from his home in the Hey Khartoum Bilail neighbourhood of Nyala- facing no official charges, detained at security offices in Nyala, family denied access

**Ahmed Ali Musa**, (32 yrs), merchant arrested by security officers in Nyala on 5 March 2005 - facing no official charges, detained at security offices in Nyala

**Ahmed Ali Soulieman**, (25yrs), Tounjour tribe, arrested on 1 February 2005 from his work in Hey Al Jebel, Nyala - facing no official charges, detained at security offices in Nyala

**Ahmed Idris Hassan**, (47 yrs), Zaghawa, arrested on 14 December 2005 at Donky Derissa by military intelligence, transferred to police custody on 17 December, facing no official charges - detained at Nyala police station, family denied access

**Ali Mohamed Abdella**, (65 yrs), Fur, arrested on 2 May from his home in Golo village, Jebel Marra- facing no official charges, detained at military intelligence detention centre in Zalingy

**Arbab Abaker Khatir**, (24 yrs), Fur, IDP from Alhisahisa camp in Zallingi; arrested on 17 August 2005 in Zallingi town. During the arrest, the IDPs were flogged, beaten with butt of guns, sticks and, with hands all over their body - charged at Zallingi police station under article 69 (Disturbance of public peace) of the 1991 Penal Code. Released on bail, awaiting trial

**Awad Mohamed Ishag**, (27 yrs), Fur, Teacher arrested on 2 May from his home in Golo village, Jebel Marra- facing no official charges, detained at military intelligence detention centre in Zalingy

**Babikir Ahmed Neel**, (28 yrs), Zaghawa, lives Kalma IDP camp, arrested on 17 December 2005 from Nyala hospital whilst he was visiting his relative, wounded during an attack on Kalma camp - detained incommunicado at Security detention centre in Nyala and is facing no official charges

**Hasabella Hasab Alnabi Issaa**, (28 yrs), arrested on 12 May 2005 by security forces in Nyala from a house in Hey Al Khartoum Belail - facing no official charges, detained at Kober Prison

**Khamees Yousif Abdel Bashair**, (18 yrs), Fur, IDP from Alhisahisa camp in Zallingi; arrested on 17 August 2005 in Zallingi town. During the arrest, the IDPs were flogged, beaten with butt of guns, sticks and, with hands all over their body - charged at Zallingi police station under article 69 (disturbance of public peace) of the 1991 Penal Code. Released on bail, awaiting trial

**Mohamed Arabi**, (37 yrs), teacher from the Zaghawa tribe arrested 15 June 2005 - detained incommunicado from 20 June 2005; released on 5 December 2005

**Mohamed Arabi**, (37 yrs), teacher, Zaghawa, arrested on 15 June 2005 by security officers. Family initially allowed access until 20 June 2005 - detained at security offices in Nyala, family denied access

**Mohamed Shammar Abdella**, (39 yrs), Zaghawa, Director of Arcory Company in Nyala arrested on 3 December 2005 - facing no official charges, detained in security custody in Nyala, family denied access

**Mohammad Yagoub Musa**, (30 yrs), arrested on 3 November 2005 at his home in Shearia - detained incommunicado at security centre in Nyala

**Moustafa Haroun Abdel Rahman**, (26 yrs), Fur, Teacher, arrested on 2 May from his home in Golo village, Jebel Marra- facing no official charges, detained at military intelligence detention centre in Zalingy

**Yousif Abdel Jebbar Adam**, (18 yrs), Fur, IDP from Alhisahisa camp in Zallingi; arrested on 17 August 2005 in Zallingi town. During the arrest, the IDPs were flogged, beaten with butt of guns,

sticks and, with hands all over their body - charged at Zallingi police station under article 69 (Disturbance of public peace) of the 1991 Penal Code. Released on bail, awaiting trial

### ***3.5 Enforced and Involuntary Disappearances***

**Abdel Rahman Yagoub Amir**, (32 yrs), Zaghawa tribe, arrested on 19 February 2005 from Nyala Hey Aljeer - whereabouts unknown

**Ahmed Adam Ibrahim**, (55 yrs), Birgid tribe, arrested on 4 September 2005 from a place between Labado and Nyala and taken to unknown place - Whereabouts remains unknown

**Azhari Ahmed Zakarea**, (55 yrs), Fur, arrested on 23 October 2005 from his hospital bed at Nyala Teaching Hospital. Mr. Zakarea, who lives in Nyala Hey Almatar was in the hospital receiving medical treatment for hypertension, diabetes mellitus and ophthalmic complications. Mr. Zakarea was taken to an unknown place. Mr. Zakarea's family have searched all the military and security custody centers in Nyala but the whereabouts of Mr. Zakarea remains unknown.

**Fadul Abdella Abdel Rasoul**, (38 yrs), Zaghawa tribe; **Abaker Abdella Ahmed**, (31 yrs), Zaghawa; **Ismail Ibrahim**, (33 yrs), Zaghawa, all three men were arrested on 30 November 2005 from the livestock market in Nyala

**Ibrahim Abaker Bakour**, (45 yrs), Merchant, arrested on 17 January 2005 in Nyala central market - whereabouts unknown until his release from detention at security offices in Nyala on 8 May

**Ibrahim Hussain Wadi**, (24 yrs) Zaghawa tribe, arrested on 9 April in Nyala hospital after visiting Jamal Abdella Soulieman, his cousin - released on 8 May 2005;

**Mohammad Sulieman Arbab**, (21 yrs), arrested on 14 December 2005 by military intelligence - whereabouts unknown

**Mubarak Gumma Musa**, (30 yrs), arrested on 3 November 2005 by military intelligence in Shearia - whereabouts unknown

**Mustafa Abdella Abaker**, (27 yrs); **Ibrahim Mohamed Abdella**, (28 yrs); **Mohamed Aljazouli Adam**, (30 yrs); **Yaseen Yousif**, (27 yrs); **Idrees**, arrested on 12 May 2005 by security forces in Nyala from a house in Hey Al Khartoum Belail - whereabouts unknown until release from Kober Prison in October 2005

**Osman Zakarea Musa** - abducted on 13 September 2005 by Janjaweed militias outside Kalma camp - whereabouts unknown



Meeting in Kalma Camp for reconciliation purposes

## 4. *Special Courts on Crimes Committed in Darfur*

Throughout the year, there were encouraging developments mired in notable failures in attempts to hold persons accountable and to bring to justice persons responsible for committing gross human rights violations. Inside Sudan, government strategy for bringing perpetrators to justice was unstructured, unaudited, arbitrary and based not primarily on reasons of accountability and in the interests of justice but on self-interest namely to pre-empt an ICC investigation and thereby shed doubt on questions of admissibility. The measures taken have been desultory ranging from random compensation, forced reconciliation ceremonies between opposing ethnic groups, largely for publicity purposes, withdrawal of a requirement of 'Form 8' (see section on Women in Darfur), various committees to the establishment of Special Court on Crimes Committed in Darfur. All the measures taken were and are incapable in themselves in remedying and accounting for the gaping hole that is the injustice in the fabric of the Darfurian society. The approach has been incomprehensive, lacks transparency and reactive to international demands, exposing the government's lack of commitment to combating impunity and punishing human rights violations. The steps taken in the last year can only be viewed explicitly in political terms. The judiciary in Sudan functions within a highly political context and this was no different in Darfur. Recognition of this context contributed to an extent to the Security Council referral of the situation in Darfur to the ICC.

Following the publication of the findings of the UN International Commission of Inquiry on Darfur established pursuant to UN Security Council Resolution 1564, which concluded that there was enough evidence of war crimes and crimes against humanity; Darfur was referred to the ICC. The prosecutor of the ICC immediately embarked on his preliminary investigations in the region including the gravity of the crimes committed and evidence of human rights abuses including torture, systematic rapes, killings of civilians and pillaging and forced displacement. In June 2005, the Prosecutor concluded that the situation in Darfur was indeed admissible and that major violations of international humanitarian law and human rights law have been committed in the region, violations which amounted to crimes under international law and were within the jurisdiction of the ICC as stipulated in the Rome Statute<sup>14</sup>. Consequently, the Prosecutor formerly launched an investigation with the view of eventually indicting persons before the ICC. The Prosecutor also confirmed that the case would not only pursue government officials and the leaders of its allied militia groups but also the rebel oppositions groups in Darfur specifically the SLA and JEM who may have committed the said crimes.

Subsequent to the launch of the ICC investigation, the government was vocal and public in its rejection of the ICC investigation. Its initial response was to accuse the ICC involvement in Darfur of being of "*a political nature*", moreover, and inexplicably that the Sudanese judiciary was capable and able to try perpetrators of war crimes. Certainly, there is a role for domestic courts in the pursuit of justice for victims of gross human rights abuses; however, a total dependence on prosecutions by the Sudanese courts for crimes of such gravity would be contrary to international norms of justice, and impartiality. The justice system in Sudan is characterised by a culture of intimidation and impunity. In March 2005, SOAT reported the attack on three IDP women in which five men in military uniform killed one female outside Kalma IDP Camp, Nyala. Following the attack, the victims' families were subjected to constant threats, intimidation and harassment by government security apparatus until the family decided to no longer proceed with a legal inquest into the attack. In a similar case, soldiers in Sanya Afondu arrested and allegedly tortured six members from the same family to prevent a member of the family from launching a case of arbitrary arrest and torture against the soldiers.

In the administration of justice in Sudan, government interference is commonplace, which has guaranteed that there is a veil of impunity confronting victims attempting to seek redress. The government has since it took power in 1989 systematically appointed judges based solely on their affiliation to its agenda. Moreover, rampant corruption and lack of training for members of the executive, legislative and judicial branches on international human rights standards and jurisprudence has completely decimated the judiciary. The current ruling party has completely disregarded its role in application of international human rights law and failed to recognise the legal and procedural

---

<sup>14</sup> The ICC was established in accordance with the Rome Statute, the latter signed on 1 July 2002

aspects related to the separation of powers and equality under the law. The concept of equal protection under the law is not a principle enshrined in the legal system particularly in the Darfur region, where civilians have been targeted for abuses based explicitly on their tribal lineage. The current judiciary system in Sudan does not have the capacity nor the will to try crimes of the magnitude committed in Darfur. Since 1998, SOAT has documented hundreds of cases of gross violations of human rights in Sudan, of which very few have been brought to trial. The situation in Darfur has only served to sharpen the focus on the lack of accountability of perpetrators of human rights abuses across the country. Since August 2004, SOAT has documented and filed hundreds of cases of systematic killings, torture, wanton destruction of villages and property resulting in displacement, rape and kidnappings, arbitrary arrests of hundreds and long term incommunicado detention of civilians from particular ethnic groups in Darfur to the Attorney General in Nyala. However, the state and its responsible authorities have investigated less than a dozen of the cases brought before the courts. This failure has only acted to illustrate the fundamental weakness of the judicial process. In many of the cases, names of the alleged perpetrators have been given to the relevant authority even as SOAT is mindful of the presumption of innocence before conviction.

In catering to the domestic audience, the government response was disingenuous. Government officials issued unsubstantiated statements and accusations including the claim that the ICC was a US Trojan horse. In addition, government officials evoked emotive images to deter not only public support for the process of justice but also awareness of the ICC and its mandate. The government has been ruthless and relentless in its campaign to undermine the ICC, however in the Darfur region; this campaign has been largely unsuccessful. Immediately and in the months, March to July, following the referral to by the Security Council to the ICC, Darfur saw a period of relative calm with a marked decrease in attacks on villages and direct attacks on civilians by government forces and armed militias. Alas despite expectations, this calm failed to hold.

The Special Court on Events in Darfur received its mandate in June 2005, a week after the prosecutor of the ICC launched its formal investigations. The Courts were initially tasked to hear cases of 160 people accused of committing crimes in the states of North, West and South Darfur. Despite this enormous task, the judges appointed had little experience of bringing to trial complex war atrocities including the wanton destruction of villages, systematic and widespread killings and rape of a civilian population. In fact, in December 2005, the President of the Court and one of the Judges, Justice Mahmoud Mohamed Said Abukum, conceded that the court has yet to be presented with cases by the government committees established to investigate crimes committed in Darfur. Judge Abukum further added that the court have been unable to hold accountable individuals who may have committed grave crimes because of the reticent of witnesses and because of the general insecurity in the region.

## ***4.1 Impunity and Accountability***

The court once in session revealed considerable variations across the capitals that it heard the 6 of 160 cases. The court sessions were unsystematic and undisciplined; cases were withdrawn from the existing Specialised Criminal Courts in Darfur before the Special Courts on Events in Darfur without notice or justification and in many cases without informing the victims' lawyers. Despite the complexity of many of the cases, the majority of the six cases were heard on a single day in the absence of witnesses and defence lawyers, (there are only limited number of legal aid lawyers across the Darfur region). SOAT network lawyers represented several of the victims; however, these lawyers faced harassment and intimidation throughout the proceedings. In many cases, no reasons were given for why charges were dismissed, contributing to victim dissatisfaction with the criminal justice intervention in Darfur. There is widespread suspicion, mistrust and lack of confidence among victims. As evidenced by the following cases, victims' suspicions were pertinent. Despite the gravity of the crimes committed, only lower level soldiers were prosecuted, with a complete absence of sexual and gender based violence offences. Of the six cases heard, details of the convicted persons are as follows:

### **Armed robbery on a vehicle in Nyala on 10 April 2005:**

**Ahmed Adam Osman**, (72 yrs), guilty under article 168 (Armed Robbery); sentenced to five years imprisonment;

**Al Haj Ahmed Adam**, (20 yrs), (Son of Ahmed Adam Osman), guilty under article 168 and under article 26 (1) (Arm Licence) of the Arms Ammunition and Explosives Act (1986); sentenced to seven years imprisonment, to be served consecutively with the five years for armed robbery;

**Mashed Ahmed Adam**, (11yrs), ((Brother of Al Haj Ahmed Adam), guilty under article 168; sentenced to juvenile detention centre in Al Fashir, no specific time stated;

**Fadul Hilal Hussein**, (40 yrs), guilty of article 168, sentenced to five years imprisonment

#### **Attack on a USAID-IRC Humanitarian convoy on 22 March 2005 near Mori-Gongi**

**Ishaq Ali Ishaq**, guilty under article 26 and 42 (Power to seize arms and ammunition with respect to which a contravention has been committed) Arms Ammunition and Explosives Act (1986)

#### **Murder of Adam Indris in military custody in Al Fashir following his arrest by officers from the NSB, three defendants all army officers:**

**Abdallah Mahmoud Saad** acquitted

**Bakheet Mohamed Bakheet**, guilty under article 130 (Murder)

**Abd Almalik Abdella Mahmoud**, guilty under article 130 (Murder)

The officers initially reached an agreement with the victims' family for retribution to be remitted and for the officers to pay the Dia. However, despite these negotiations as permitted under Article 130 (2)<sup>15</sup> of the 1991 Penal code, the authorities sentenced the defendants to death by hanging.

#### **Death of an IDP male in May 2005 whilst in military custody on suspicion of supporting the SLA, the two defendants were military officers:**

**Officer Afsi Ibrahim Mohamed Salih**, guilty under article 130, sentenced to death by hanging

**Corporal Khalifa Ibrahim Adam**, guilty under article 130, sentenced to death by hanging

**Attack on two passenger buses on 20 December 2004 in Nyala, in the attack, a 16-year-old girl was raped.** All ten defendants were acquitted of offences under articles 149 (Rape), 139 (Intentional Wounding), 175 (Robbery), 21 (Criminal Joint Acts) of the 1991 Penal Code and Articles 42 and 26 of the Arms and Ammunition Act, 1986.

**Adam Def Allah Jabara**, (25 yrs), Riziegat, Soldier, Regiment 16, acquitted

**Adam Hassan Nasr**, (44 yrs), Riziegat, Military Officer, acquitted

**Adam Mohammed Hamid**, (19 yrs), Riziegat, Soldier, acquitted

**Bareema Mohammed Abdul Raheem**, (47 yrs), Military Officer, acquitted

**Hamid Abdul Alrahman Ibrahim**, (39 yrs), Riziegat, Soldier, acquitted

**Hamid Saeer Ali**, (36 yrs), Riziegat, Soldier, acquitted

**Hassan Alsaer Ali**, (39 yrs), Riziegat, Soldier, acquitted

**Jido Mohammed Abdul Raheem**, (35 yrs), Riziegat, Soldier, acquitted

**Mahmoud Sheikh Aldeen Babikir**, (22 yrs), Riziegat, Soldier, Regiment 16, acquitted

**Musa Osman Mohammed**, (53 yrs), Riziegat, Chief of NSB in Nyala, acquitted

The court has also heard the case of an alleged theft of sheep, which was eventually settled out of court.

As the court concluded its first phase of hearings in September 2005, it became apparent that the courts were a charade and a governmental attempt to pacify the international community. This awareness was among not only the civilian population, but also government security forces, armed militias and the SLA and JEM. These groups were emboldened as the realization dawned on them that very little had changed and that they could persist in attacks on the civilian population including on

---

<sup>15</sup> Article 130 (2) provides that 'Whoever commits murder, shall be punished with death by retribution and where retribution is remitted, shall be punished with imprisonment for a term not exceeding ten years without prejudice to the right of Dia'



the IDP population with impunity, secure in the knowledge that they will neither be held accountable by the Special Courts or by the international community, at least in the immediate timeframe. Despite this reality, the government persisted in its pursuit of its version of justice for victims of gross human rights in Darfur through these courts. In December 2005, a new decree was issued appointing two new judges. This new decree unlike the June 2005 decree included *“and the international humanitarian law”* in Subsection 5. The decree was also tasked to hear cases in the capital of Western Darfur, Al Geneina as well as Nyala, Southern Darfur state.

In a highly political move, the government issued a decree on 18 September 2005, establishing a ‘Specialized Prosecution for Crimes against Humanity’ including a prosecutor known as *“The Prosecutor for Crimes against Humanity”* (Article 2). Unlike the Special Courts of Darfur, this court has jurisdiction over the ‘entire Sudan’ and is tasked with prosecuting *“crimes against humanity and any other crime stated in any other law and which infringes upon (constitutes a threat to) the security and safety of humanity”* (article 3). This decree was a welcome development. Once implemented, it will bring the concept of universal jurisdiction into Sudanese law notwithstanding its failure to include monitoring mechanisms and process of enforcement. Even whilst recognizing the inherent weaknesses of the current judiciary, the courts can play a significant role in bringing perpetrators of heinous crimes to justice subject to judicial reform to ensure that it is able and willing to undertake investigations and to bring perpetrators to account in an impartial and fair manner. This enforcement of human rights alongside traditional African mechanism in the Darfur context can complement the ICC to achieve local reconciliation. These mechanisms can contribute to reconcile residual tensions and animosities especially as the perpetrators of many of these crimes originate from Darfur and will live alongside their victims. Even so, these local mechanisms are at best complementary mechanism for asserting accountability and thus cannot replace criminal prosecution of those responsible for war crimes and crimes against humanity. Events over throughout the year have only served to further highlight the reality that successful pursuit of justice can only be achieved in side Sudan only with significant changes in attitude and practices of the government and justice workers.

## 5. Eastern Sudan

The failure of the GoS and the SPLM to include political groupings from the Eastern region in the CPA, (the basis of which is to provide peace for the whole Sudan), combined with GoS security apparatus actions in Eastern Sudan has meant that over the year, the security and humanitarian situation in Eastern Sudan deteriorated at an alarming rate. The severe clampdown on people from the Beja tribe, which began in January 2005, when police forces in Port Sudan opened live ammunition on a demonstrating Beja crowd killing approximately 23 people including children and a pregnant woman, continued apace throughout the year. Throughout the period of this report, arbitrary use of power by security officers; continual use of emergency rule; the government of Eritrea involvement in the region; widespread use of arbitrary arrests and human rights abuses Sudan Alliance Forces (SAF) and the emergence of the JEM in the East all conspired to negatively impact on the human rights situation in Eastern Sudan and brought the region onto the national and international agenda for all the wrong reasons.

Eastern Sudan borders Eritrea and Ethiopia to the east and comprises three states; Gedaref State, Kassala State and Red Sea State, with a combined population estimated at 3.9 million. The region is multi-ethnic and hosts large numbers of refugees and IDPs, in Kassala alone, capital of Kassala, there are currently 77,000 refugees, mainly from Eritrea living in camps with further estimated 63,000-registered IDPs, originating mainly from the border regions including Southern Sudan and Darfur and from rural areas. In the rural areas, deterioration in livelihood conditions due to droughts, famine and lack of development have meant that a large number of rural dwellers largely from Beja tribe have migrated to the state capitals, many of whom are living in squatter areas surrounding the cities. The construction of Bashair Port for oil exportation and the setting up of duty free trade zones, which required the demolishment of people’s homes and livelihoods, swelled this population further in 1999-2000. Prior to the residents of these areas agreeing to move from these their homes, the GoS built a model village, which accommodated approximately 2000 people out of 25,000 people displaced. The

GoS further assured the residents that similar villages would be constructed to house the displaced. However, this planned development failed to materialise, as have reparations for the thousands forcefully displaced. Eastern Sudan as is common in all the regions peripheral to Khartoum, has suffered from widespread socio-economic neglect and political marginalisation. The education curriculum in Eastern Sudan is taught in Arabic, although the majority of the population in the region do not speak Arabic, ensuring that many children drop out the education system and those who stay leave school without qualifications or are left behind because of the language barrier.

Notwithstanding that the region is the site of Sudan's main port and it's only sea outlet with the outside world. Various armed groups have sought to address this clear imbalance, spurred on by the SPLA and the NDA in the early part of the 1990s when these two groups opened a new front in the East in their conflict with the GoS. In the areas under the control of the government, arbitrary arrests, torture, extra judicial killings, forced disappearances of persons for their alleged support of the armed opposition groups have been commonplace the majority of which have gone unreported. In the same vein, rebel groups particularly the SAF have killed persons and subjected persons to torture for their alleged support of government forces. The humanitarian consequences for the civilian population especially in the areas controlled by the armed opposition groups have been catastrophic. Infrastructure is almost non-existent with the exception of those geared towards transporting goods. The region has witnessed successive droughts followed by famine, poverty is extremely prevalent, and severe in the region relative to other parts of Sudan, the majority of the people particularly rural dwellers live below international line of poverty. Diseases associated with poverty such as tuberculosis and malnutrition are commonplace. According to Eastern Sudan officials interviewed for this report, the region has the highest global percentage in infant mortality and maternal mortality.

The region has always been the sight of low-level conflict between various armed groups and central government. However, 2005-2006 saw a marked escalation in tensions and skirmishes with the potential to spill over into a wider conflict. There was continual public rhetoric with daring raids from both government forces, and the various rebel movements including the Free Lions Movement, the armed wing of the Al-Rashayidah, AL Fateh Forces, the armed wing of the Democratic Unionist Party (DUP) and the Beja Congress as they continued to confront each other. These tensions came to the forefront in March 2005, when the armed opposition groups in the region formed an alliance calling themselves as the Eastern Front. In January 2006, SOAT conducted an interview with senior members of the Eastern Front. The persons interviewed are Abdullah Musa, Secretary General of the Eastern Front, Hashim Mohamed Ali Mingag, official spokesperson of the Beja Congress, Musa Mohamed Ahmed, president of the Eastern Front, Ali Badin, member of the Secretariat and part of the Eastern Front negotiation delegation with the GoS and Mohammed Altahir Okeal.

According to discussions held with the Eastern Front, the grouping was formed in March 2005 during a conference in Hamashkoraib, Kassala. During the conference, which included representatives from across all political groups in Eastern Sudan, participants agreed to pool resources and form a coherent group known as the Eastern Front to negotiate on behalf of the people of the East with central government and with the international community. Beside the armed groups, members of the Eastern Front include Shokria group, Dabanea group, Lahawain group, the Nubian group and the Hausa group. The agenda of the Eastern Front according to Mr. Ahmed is to widen political participation, alleviate poverty, end the economic and political marginalisation of the region and reconstruct Sudan on equality and justice through negotiating with the GoNU on wealth sharing and power sharing. According to the officials interviewed, the Eastern Front opted to concentrate on these particular issues because of the historical bias against them, they cite the discrimination faced by educated Beja people in employment at state level institutions as an example of this deep rooted bias. Reportedly, Aryab Gold Corporation, Sea Ports Corporation, Bashair oil pipeline companies and many other institutions operating in Eastern Sudan will in fact not hire persons the Eastern Sudan indigenous tribes.

According to the Eastern Front, these organisations have received orders from the NSB in Khartoum not to hire people from said groups specifically, persons from the Beja tribe. In addition, as federal and public corporations, the National Committee conducts senior staff recruitment for Recruitment, this sits in Khartoum, thereby excluding many qualified persons from the peripheral regions. Concerning marginalisation, the Eastern Front described how since colonial times, no major agricultural scheme or industrial project has been established in region, the last being the Algash

project established in the 1940s. In cases where international organisations such as the World Bank have undertaken rehabilitation projects, funds have been diverted to individuals and companies solely on their affiliation to ruling party regardless of their ability or capability to undertake the said work.

This newfound alliance between groups with different strategic aims resulted in the death of fifteen people including a number of administrative officers (Civil Servants) on 24 May 2005 following an attack by the Eastern Front. The group claimed the action was in protest against a government-organised conference on the development of Eastern Sudan, which brought together traditional tribal leaders in Kassala but did not include members of the Eastern Front. The parliamentarians were kidnapped in Amadam, North of Kassala, whilst on their way back to Port Sudan after attending the conference.

Although the JEM and the Free Lions Movement signed an agreement in July 2004 supporting armed opposition to the government, JEM involvement in Eastern Sudan came as a surprising development. In justifying its involvement in the East, in light of their participation in ongoing peace negotiations as party to the conflict in Darfur, and signatory to the N'Djamena April 2004 Humanitarian Ceasefire, JEM made public pronouncements that it was in order to prevent the government from pursuing a 'Darfur policy' in Eastern Sudan.

The GoS response to these groups was not to seek alternative conflict prevention mechanisms to ensure Eastern Sudan did not fall into fractional collapse as witnessed in Darfur. In the last year, besides various agreements and meetings with the NDA, the GoS actively denied the uprising and instead focussed on external factors. It accused Eritrea of supporting the various groups, and undertook intensive aerial bombing campaign on civilian targets in the Red Sea State killing at least twenty people. The government initially denied this attack, however international organisations in the region have confirmed that fighting did place between government troops and the Eastern Front in territory which has been controlled by the Eastern Front since 1996.

Throughout the year, the government failed spectacularly to address the fundamental issues, which led to the creation and existence of the various armed groups in the region. It embarked on targeting particular groups in the region, namely the Beja people. The Beja people are predominately pastoralists and form 80% of the population in the East and are divided into five major tribes and many smaller sub tribes, speaking several languages, the largest of which are the Hadendowa tribe who are concentrated in Port Sudan and Kassala. Over the year, leaders of the Beja Congress, the political wing of the tribal group were targeted for harassments and detentions on a regular basis despite ongoing negotiations between them and the government. The Beja Congress was established in 1958 to voice grievances against marginalisation of the region; the party has had representatives in successive democratic elected central government parliaments. It embarked on an armed struggle in the 1994 following the GoS aggressive promotion of its version of Islam in the region, which included launching army attacks on Beja mosques and religious schools. It is a member of NDA and is signatory to the NDA's 1995 Asmara Declaration until its withdrawal in 2005. In the absence of constructive negotiations towards a political settlement between the various factions in the East, ongoing government security apparatus gross violations of fundamental human rights were commonplace.

## *5.1 Cases of Violations*

On 24 May 2005, the Eastern Front killed fifteen people including a number of administrative officers (Civil Servants). The group also kidnapped three parliamentarians, **Mohamed Osman**, President of Services Committee in the Red Sea Parliament; **Issa Aldmoda**, Member of the Red Sea Parliament; **Tag Alsir Widdah**, President of Economic Committee in the Red Sea Parliament; with two police officers according to a Press Release issued by the Group. The men were later released.

**Mr. Mohamed Adroub Ohaj**, (63 yrs), Beja tribe, retired teacher and well-known writer - visited at his home and taken to security office in Sinkat, Red Sea State on 7 August 2005 for questioning

about his book, 'Beja Congress Past and Present'. Mr. Ohaj was also questioned about his political affiliation to the Beja Congress and his relatives. Mr. Ohaj was released on the same day and ordered to return to the security offices two days later, on 9 August 2005. On 9 August, he was again ordered to return to the security offices on 10 and 11 August to meet with the Director General of the NSB in the Red Sea Province. On 11 August, Mr. Ohaj was interrogated by the Director General of the NSB about certain chapters in his book, 'Beja Congress Past and Present.' The Director General informed him that he was required either to amend or to delete pages 54 - 55 and pages 66-69 of the book before circulation because the text in those pages was critical of the government and posed a threat to national security. Mr. Ohaj refused and suggested that if the accuracy of those pages were in doubt, then a Court of Law ought to decide. Following this refusal, Mr. Ohaj was threatened and verbally abused. The following day, the NSB summoned Mr. Ohaj's son, Mr. **Ahmed**, (33 yrs) to the security offices where he was informed that his father had refused to cooperate with the NSB and that if his father continued to be uncooperative, he would be detained and imprisoned as his book violated the National Security Act. Mr. Ahmed was threatened by the security officers and asked to sign a statement promising that he would tear off the offending pages before circulating the book.

On 14 June 2005, Security officials issued summons for **Dr. Amna Dhirar** (51 yrs), General Secretary of the Beja Congress and Vice President of the 'Eastern Front' to report to the political section of security offices at Khartoum north. Dr. Amna received the summons at her work, in Ahfad University, Omdurman, ordering her to report immediately, to the security offices at Khartoum North. Upon her arrival to the security offices, Dr. Amna was detained for the day and questioned about her meeting with the Beja Congress in Asmara, Eritrea, which took place on 20 May 2005. Dr Amna returned arrived back in Sudan on 8 June 2005. She was released on the condition that she reported the following day.

**Hassan Altaieb**, lawyer and SOAT monitor in Port Sudan - summoned for questioning at NSB offices in Port Sudan on 15 March 2006. Mr. Altaieb was questioned about an event scheduled to be held in Port Sudan the following day, 16 March 2005 as part of a nationwide campaign for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The security officers demanded the full list of participants expected to attend the event including the full names of all the speakers. Following two hours of questioning, security officers informed Mr. Altaieb that they were cancelling the event. No reason was given for why the event should be cancelled. The security officers also advised the hotel where the event was due to be held on 16 March 2006 to cancel the room reservation.

**Hussain Osman Mohamed Ismail**, also known as **Hussain Zikir**, (32 yrs), lives in Daim Alnour, Port Sudan, member of SOAT network of Students - arrested on 10 March by officers from Military Intelligence in Toker, Eastern Sudan. Mr. Ismail went to Toker on 6 March 2006 to investigate human rights violations committed there in 1997. No reason was given for the arrest of Mr. Ismail and his family have been denied visits. Mr. Ismail whereabouts was unknown until he was released on March 18 2006. Mr. Ismail has informed SOAT that he was transferred from Toker into security custody in Port Sudan in the late hours of 12 March 2006. Whilst in detention, he was interrogated about his human rights activities, and told that Toker was an emergency zone, which required him to have permission before visiting the area. He was also informed that as a human rights defender, he was no longer classified as an ordinary citizen. Before his release, security officers confiscated all his materials and documents including materials on human rights education and advocacy.

On 28 July 2005, security officers from the NSB ordered **Halima Hussain Mohammed**, a member of SOAT network of lawyers in Sudan, **Nagla Mohammed Ali**, woman activists and **Sana Hassan Babiker**, women activists to attend their offices immediately. The order was issued after the women attended a workshop on the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The training workshop was organised by the Network members of Khartoum Centre for Human Rights and Environmental Development in cooperation with the Society of Development of Small Businesses in Port Sudan. When the women attended the NSB offices, they were interrogated for three hours by an officer named as Mudathair and ordered not to advocate for the ratification of the CEDAW, as it allows free sexual relations, abortion and advocating the

corruption of women and is against their religion according to the National Security Act. Thus, the security officers could not allow any discussion on CEDAW. The women were threatened with incommunicado detention for a period of three months as stated in the State of emergency Act and told that should they disobey the order, they would be kept under hot sun for 13 hours. The women were ordered to appear at the NSB offices again the following day. The following day, the women attended the security offices accompanied by United Nations Mission in the Sudan (UNMIS). The UNMIS staff asked to see the Chief of the NSB, upon which the officers allowed the women to leave without charge.

On 6 March 2006, security officers detained **Oman Hassan Al-Masri**, Secretary General of the Beja Congress and **Alamin Alhaj**, Chairperson of the Beja Congress of Gadarif State.

On 8 March 2006, security officers at Kassala detained two Beja Congress leaders, **Mr. Ali Hussain** and **Ali Omer**

On 10 March 2006, security officers in Kassala detained three Beja leaders in Kassala, **Gafar Mohamed Adam** - General Secretary of Beja Congress of Kassala state  
**Hashim Hangag** - Spokesperson of Beja Congress in Kassala State  
**Mahmoud Ibrahim Osman** - Assistant of General Secretary - Kassala State.

## 6. Torture



Victim of torture in Darfur, the perpetrators melted plastic on the victim's legs

Although there was a marked reduction in cases of torture in 2004, this reduction proved to be an anomaly as evidenced by the actions of the GoS security apparatus in 2005-2006. Attempts to relocate IDPs from Khartoum, treatment and punishment meted out to protestors following the death of Dr Garang in August, and the continuing conflict in Darfur and the failure to amend the National Security Act, 1991 (NSA) ensured that government security apparatus continued to resort to torture to extract confessions with devastating effects. Similar to previous years, clauses in the NSA allowing for three months detention without charge, renewable by the Director of Security for a further three months were grossly abused. Hundreds of people were detained under this Act without charges; the majority were detained incommunicado and or in unknown locations where they were subjected to torture. Methods of torture recorded in the past year were in conformity with previous years, these

included but not limited to: beatings with SOT (leather whips), melting plastic on victims, flogging, threats of sexual violence, deprivation of sleep and long hours of standing in the sun. Many of the victims once released had no access to medical treatment for victims of security apparatus abuse.

It was very much hoped that the Interim Constitution would provide an avenue for victims of torture seeking justice and accountability. Torture is a grave violation of human rights and as such, international law and conventions unequivocally bans its practice. However, **article (33)** of the Constitution whilst prohibiting torture, degrading and inhumane treatment falls far short of forbidding it as a form of punishment. The implications of this failure manifested itself throughout the year in the handing down of degrading and inhumane punishments including stoning, flogging, and amputations and cross amputations for crimes including theft.

## ***6.1 Torture, Inhumane and Degrading Treatment***

On 7 November 2005, NSB officers in Rabak city arrested **Izdeen Hamed Adam Hassan**, (24 yrs), Computer technician, from his workplace, the Elneel Center in Rabak City on suspicion of joining a money forgery gang. Mr. Hassan was initially taken into Security custody in Kosti where he was detained for four days. On 11 November 2005, Mr. Hassan was taken to Rabak police station where he was informed by the investigative officer, Lieutenant Eisam of the charges against him and was ordered to confess, which he refused. After his refusal, Mr. Hassan was transferred to a different section in the building and into the custody of the PDF where he was tortured. Officers from the PIF removed all of Mr. Hassan's clothes, hit him in the face with their hands, and used a table to hang him by his feet before lashing him on his feet with a water hose. He was then hanged to the window bars in the room using handcuffs for approximately one hour until he fainted. On 12 November 2005 at 08.30am, Mr Hassan was again taken back to the PIF office by police offices. PIF officers hanged him again by the window using handcuffs and ordered him to confess. At 12.00pm, police officers took Mr. Hassan before a judge in Rabak city to confess. At the hearing, Mr. Hassan informed the judge that he had been tortured by PIF officers. The judge noted Mr. Hassan's claims of torture and refused to accept his confession. The police officers then returned Mr. Hassan into police custody. At the police station, Lieutenant Eisam told Mr. Hassan that he would be taken before a different judge and that if he refused to confess, that he would be tortured again. On 13 November 2005, Mr. Hassan was taken before a different judge where he confessed to being a member of a money forgery gang. The details of the alleged perpetrators are as follows: **Lieutenant Eisam** from Rabak police station; **Hassan**, member of PIF Rabak; **Badreldeen**, member of PIF Rabak; **Yor**, member of PIF Rabak.

## 6.2 Torture in Darfur



Torture victim in Darfur

The practice of torture is widespread in the Darfur region across a large number of interrogation and detention centres including government military bases, against persons from specific tribal group in the government apparent attempt to gather information on the SLA and the JEM. Throughout the year, women and children were also detained and subjected to torture (see section on Women in Darfur).

Methods of torture observed throughout the year had characteristics specific to the region. The most common method of torture was the targeting of young men from villages that have been the site of repeated attacks by both militias' and government forces. Military officers operating with the Janjaweed militias would initially attack a village and or IDPs between Marla and Sania Afandu, Nyala Province, they would question all the villagers on their relations with the SLA and JEM. Following questioning, the attackers would arrest the young men and take them to nearby military camps. Once in these camps, the detainees were taken to a hole in the ground approximately 3m wide, covered with zinc, where they were subjected to severe torture to force them to confess, before being either released, or transferred to police detention or security detention centres in Nyala. In these centres, the detainees were frequently subjected to further torture. After being moved between various interrogation centres, some detainees eventually end up at Nyala (Wasat) central police station where they are charged with offences that carry the death penalty specifically 'waging war against the state' under article 51, 'undermining the constitutional system' (article 50) and or 'abetment of mutiny' (article 58) of the 1991 penal code. Many countless others are transferred from interrogations centres to Nyala prison without being charged with any offences. This pattern of arrest and torture was widespread throughout the year. Another pattern, which emerged over the year, was the forced face tattooing by militias of IDPs who return to their villages, now inhabited by armed militias.

### 6.3 Inhumane and Degrading Treatment in Darfur



Victim of torture in Darfur

**Ishag Abaker Adam**, (20 yrs), Tama tribe - arrested from Kalma camp on 1 March 2005 by military intelligence. Mr. Ishag was taken to military intelligence detention centre in Nyala and detained there for six days where two military intelligence officers named as Officers Abu Shaiba and Jamal reportedly tortured him. They tied him to a roof with rope and flogged him. The officers beat him with their hands, crushed Mr. Ishag testicles and hit him with a metal on his head. On 7 March 2005, Mr. Ishag was transferred to Nyala Wasat (central) police station, detained for four days, and officially charged under articles 51 and article 58. On 11 March 2005, Mr. Ishag was transferred to Nyala Prison where he is awaiting trial.

**Bakheet Alhaj Musa Sabeel**, (26 yrs), Birgid tribe - arrested from Sania Afandu camp on 14 March 2005 by military intelligence in Sanya Afondu village. Mr. Bakheet was taken to a military camp, 1km West of Sanya Afondu village and detained in a hole in the ground for thirteen days. During the detention, Mr. Bakheet was tortured by a group of soldiers under the command of an officer named as Mohamed. Mr. Bakheet was beaten with guns all over his body, flogged on his back and beaten with sticks on his head. On 27 March 2005, Mr. Bakheet was transferred to military intelligence detention centre in Nyala and detained there for six days. On 02 April 2005, Mr. Bakheet was moved to Nyala Wasat (central) police station where he was officially charged under articles 51 and article 58. On 07 April 2005, Mr. Bakheet was transferred to Nyala prison where he remains in detention and is awaiting trial.

**Alnour Adam Alsafi Abdella**, (25 yrs); **Ishag Mohamed Adam**, (29 yrs), Birgid tribe - arrested from Sania Afandu camp on 17 March 2005 by military intelligence in Sanya Afondu village, east of Nyala. The two men were taken to a military camp, 1km West of Sanya Afondu village and detained in a hole in the ground for five days. During the detention, army officers to extract their confession that they were supporters of the SLA tortured the men. The men were flogged on their backs, kicked, beaten with guns, and with hands and sticks on all over their bodies. On 23 March 2005, the detainees were transferred to military intelligence detention centre in Nyala. During the transfer, the men were beaten on route from Sanya Afondu to Nyala. On 3 April 2005, the detainees were again transferred to police headquarters in Nyala. While in detention at the police headquarters, the IDPs were denied food. On 7 April 2005, the IDPs were transferred to Nyala Wasat (central) police station where they were officially charged under articles 51 and article 58. On 8 April, the men were transferred to Nyala prison where they remain in detention and are awaiting trial.



**Omda Daggo AbdEl Gabar Dafalla**, (45 yrs), Zaghawa tribe, and **Mahmoud Abaker Osman**, (38 yrs), Zaghawa tribe – arrested on 22 February by military officers taken to a military camp, 1km West of Sanya Afundu village and detained in a hole in the ground. The hole was approximately 3m wide and was covered with zinc. Whilst in detention, the detainees were subjected to torture. The detainees were taken out of the hole at night, blindfolded and tortured. The detainees were interrogated and ordered to confess their support of the SLA. They were whipped with sot and beaten with sticks and had nylon melted on their skin. The detainees were denied water and food throughout their detention in the hole. On 5 March 2005, the men were transferred to military intelligence centre in Nyala. On 4 April 2005, the men were transferred to Security detention centre in Nyala. On 7 April 2005, the men were again transferred to Nyala Wasat (central) police station for six days. On 13 April 2005, the men were released without charge.

**Jamal Ismeal Ahmed**, (25 yrs), and **Hussain Ahmed Haroun (Omda - Mayor)**, (23 yrs) Zaghawa tribe – arrested from Bajo village near Marla on 22 March 2005 by military officers and the Janjaweed militias. The men were taken to a military camp in Marla. At the Military camp, the Janjaweed militias shot and killed Mr. Jamal. Mr. Hussain was then taken to a hole in the ground by the militias and subjected to torture. Mr. Hussain was beaten with sticks on his head and ears, and flogged on his back. Mr. Hussain sustained serious injuries to his left ear because of the torture. On 31 March 2005, Mr. Hussain was transferred to military intelligence detention centre in Nyala where he was subjected to further torture. On 07 April 2005, Mr. Hussein was transferred to Nyala Wasat (central) police station where he was officially charged under articles 51 and article 58. On 14 April 2005, Mr. Hussein was moved to Nyala Prison where he is awaiting trial.

**Haroun Zakarea Osman**, (36 yrs), Zaghawa tribe – arrested on 19 March 2005 by armed forces in Bajo village. Mr. Haroun was taken to a military camp, 1km West of Sania Afandu village and detained in a hole in the ground for ten days. During his detention, a group of soldiers tortured Mr. Haroun. The soldiers beat him severely with sticks on his head and flogged him all over his body. On 29 March 2005, Mr. Haroun was transferred to a military intelligence detention centre in Nyala and detained there until 3 April 2005. On 4 April 2005, Mr. Haroun was moved to Nyala Wasat (central) police station where he was officially charged under Articles 51 and 58. On 7 April 2005, Mr. Haroun was transferred to Nyala prison where he is awaiting trial.

**Isam Ali Musa, (15 yrs)** – arrested from Sania Afandu Camp on 11 September 2005 by military Intelligence in Sania Afandu. Isam was taken to the military camp in Sania Afandu where it is known detainees are detained in a hole in the ground. According to Isam's brother, Isam has is detained in a hole in the ground and has been subjected to severe torture. Isam remains in military detention.

**Ishag Mohamed Adam**, (29 yrs), Fur tribe – arrested on 15 March 2005 by police officers in Abu Ajoura village. Mr. Ishag was taken to Abu Ajoura police station where he was detained for three days. During the arrest, the police officers beat Mr. Ishag with their hands and kicked him with boots. On 18 March 2005, Mr. Ishag was transferred from Abu Ajoura to Nyala Wasat (central) police station where he was officially charged under Articles 51 and 58. On 22 March 2005, Mr. Ishag was moved to Nyala prison where he remains in detention awaiting trial.

**Abdel Shafi Salih Wadi**, (18 yrs), Zaghawa tribe – arrested from Shengil Toubaya village on 12 March 2005 by soldiers from the armed forces. During the arrest, the soldiers beat Mr. Abdel with their hands and kicked him with their boots. Mr Abdel was taken to the military intelligence detention centre in Nyala where he was subjected to torture. Intelligence officers flogged Mr. Abdel on his back using electric wires and sot (leather whip) and beat him with sticks on his head and all over his body. Despite the severity of his injuries, Mr. Abel did not receive medical treatment. On 21 March 2005, Mr. Abdel was transferred to Nyala Wasat (central) police station and officially charged under Article 51. On 30 March 2005, Mr. Abdel was transferred to Nyala prison where he remains in detention. Mr Abdel appeared before the Specialised Criminal Courts for his first session on 17 April 2005.

**Adam Musa Ahmed**, (30 yrs), Zaghawa tribe - arrested from Sanya Afondu village on 22 March 2005 by military intelligence. Mr. Adam was taken to a military camp, 1km West of Sanya Afondu village and detained in a hole in the ground. While in detention, Mr. Adam was tortured and received severe injuries. Under the command of Sergeants Aldahawi and Mohamed Soulieman, military intelligent officers reportedly flogged Mr. Adam on his back, tied his legs and hands, beat him with their hands, and kicked him with boots. On 6 April 2005, Mr. Adam was transferred to security police detention custody in Nyala. Mr. Adam has received no medical treatment and remains in detention despite the severity of his injuries. Mr. Adam is facing no official charges.

**Yahya Souleiman Mohamed** - kidnapped on 11 September 2005, by armed militias and the Janjaweed from outside Kalma Camp and taken to a remote area near the Camp and subjected to severe beatings by the militias. He was beaten with sticks, flogged all over their bodies, and their carts were stolen.

**Ali Haroun Suleiman** - kidnapped on 11 September 2005, by armed militias and the Janjaweed from outside Kalma Camp and taken to a remote area near the Camp and subjected to severe beatings by the militias. He was beaten with sticks, flogged all over their bodies, and their carts were stolen.

**Salah Ishag Ahmed** - kidnapped on 11 September 2005, by armed militias and the Janjaweed from outside Kalma Camp and taken to a remote area near the Camp and subjected to severe beatings by the militias. He was beaten with sticks, flogged all over their bodies, and their carts were stolen.

**Abdel Razig Sideag Ahmed** - kidnapped on 11 September 2005, by armed militias and the Janjaweed from outside Kalma Camp and taken to a remote area near the Camp and subjected to severe beatings by the militias. He was beaten with sticks, flogged all over their bodies, and their carts were stolen.

**Abubaker Ahmed Mohamed** - kidnapped on 11 September 2005, by armed militias and the Janjaweed from outside Kalma Camp and taken to a remote area near the Camp and subjected to severe beatings by the militias. He was beaten with sticks, flogged all over their bodies, and their carts were stolen.

**Yousif Soulieman Alhaj** - - kidnapped on 11 September 2005, by armed militias and the Janjaweed from outside Kalma Camp and taken to a remote area near the Camp and subjected to severe beatings by the militias. He was beaten with sticks, flogged all over their bodies, and their carts were stolen.

**Haj Adam Jummah Daoud**, (60 yrs), Zaghawa tribe - attacked by Janjaweed militias at Um Kardum on 31 March 2005. Mr. Daoud was beaten with sticks and the butts of the militias' gun and tattooed his cheeks.

**Ahmed Ibrahim Rahama**, (33 yrs), Zaghawa - first arrested on 15 December 2004 by security officers. Released on 24 December 2005, rearrested on 30 March 2005. Whilst in detention from 15 -24 December 2005, Mr. Rahama was subjected to torture, he was beaten with sticks and electrical wire and nylon melted o his skin every night averaging 45 minutes whilst in detention. On his second detention, Mr. Rahama was threatened with death, beaten with sticks and made to stand under the sun for long periods. He was detained in a room approximately 2x2m with seven other people and was told repeatedly that persons from Zaghawa and Fur should all be killed because they had destroyed the country. Released on 7 July 2005 without charge.

**Salih Khider Aalla**, (35 yrs), Zaghawa tribe - arrested by security officers on 11 December 2004, released on 1 January 2005. Rearrested on 30 March 2005, released on 7 July 2005 without charge. During the first detention, Mr. Aalla was tortured. He was made to lift a stone for four hours a day weighing 120 LBs for three days. On the third day, Mr. Aalla dropped the stone and accidentally pulled his finger nails. After the accident, Mr. Aalla was beaten with electrical wires,

and sticks. During the second detention, Mr. Aalla was beaten with electrical wires and made to stand under the sun for long hours on a daily basis.

**Mahmoud Abaker Osman**, (38 yrs) merchant, Zaghawa; **Diggo Abdel Jabbar**, Omda (community leader), (45 yrs), merchant, Zaghawa – arrested by armed forces on 22 February 2005 and taken to a military camp in Sania Afandu village where they were detained in a hole in the ground for 11 days. During this time, eight soldiers, under the control of a senior ranking military official, beat the men with sticks all over their bodies, beat them with metal sticks on the head and legs, flogged them on the back and chest and burnt their feet and hands with fire. On 4 March 2005, the two men were transferred into the custody of the Military Intelligence in Nyala, where they were detained incommunicado, and denied food for five days.

On 13 March 2005, **Mahmoud Abaker Osman and Diggo Abdel Jabbar** were taken to Nyala Wasat (central) police station and charged under Article 51 and Article 58. On 19 March 2005, after six days in police custody, the two men were transferred to Nyala prison where they remain in detention and are awaiting trial.

On 12 March 2006, Police Forces in Otash camp arrested **Hashim Abdella Targiya**, (18 yrs), Zaghawa tribe and **Alsayid Adam Haroun**, (32 yrs), Zaghawa tribe. The men were taken to Otash police station where they were tortured by three police officers. The police officers kicked the men with boots on their sides, beat them with hands on their faces, tied their hands together with rope and forced the men to turn around in circles. Hashim Abdella Targiya and Alsayid Adam Haroun were released without charge the following day, on 13 March 2006. Both men sustained serious wounds during their detention and are currently receiving medical treatment at SOAT's partner organisation, the Amel Centre for the Treatment and Rehabilitation of Victims of Torture in Nyala, South Darfur.

## 7. Death Penalty

Throughout 2005–2006, Sudan continued to view the death penalty as legitimate punishment for offenders including for offenders under the age of 18. This is despite the fact that Sudan is a state party to the UN Convention on the Rights of the Child. Several executions by hanging took place over the year particularly in Port Sudan prison in the Eastern region of Sudan on persons convicted of murder.

The progress made towards the eradication of the practice of imposing death sentences, amputations, cross amputations and other inhumane and degrading punishments by human rights activists in Sudan suffered a severe setback in June 2005. The Interim National Constitution of the Republic of the Sudan, 2005 failed to put a constitutional end to the death penalty, as did the Interim Constitution of Southern Sudan, which provides under Article 25 (1) the imposition of the death penalty for 'murder', 'treason' and 'armed robbery'. The National Interim Constitution states under article 36 (1) "*...Death penalty shall be inflicted... as retribution or punishment for extremely serious offences in accordance with the law*" and in the cases of minor under, under article 36 (2) "*The death penalty shall... be imposed on a person under the age of eighteen .... In cases of retribution or hudud*".

Sudan Penal Code is based on Shari'a (Islamic) laws and as such it allows death penalty and corporal punishment for specific crimes known as 'retribution' and 'hudud'. Retribution crimes are crimes where the victim or the victims' family has the right to choose between retribution (Qisas) or fixed amount of compensation, (Dia). Retribution crimes cover murder, (article 130) of the Sudan Criminal Act 1991, and 'offences affecting persons and body'. Hudud crimes are adultery (Zina), (article 146), drinking alcohol, apostasy, defamation of unchastity (quazf), armed robbery (hiraba), (article 167) and capital theft.

Over the year, there was an overall reduction in civilians charged with offences that carry the death penalty, however in the Western and Eastern parts of the country, the courts continued to impose the death sentence, amputations, cross amputations and other inhumane and degrading punishments with frequent regularity. Currently the following persons face the death penalty in prisons across Sudan for retribution or hudud crimes under the 1991 Penal Code:

**Port Sudan** – 128 persons under Article 130 (murder);

**Kosti** – One person under Article 130;

**Karima** – Two persons under Article 130;

**Madani** – Two persons under Article 130;

**Omdurman Prison** – Three persons under Article 130 and two persons under Article 146 (adultery).

## ***7.1 Imposition of the Death Penalty***

**Amir Ahmed Tagelsir** – executed by hanging on 16 March 2005 at Kober Prison for the 2002 murder of his friend Omer Bashir Hassan Artoli. The hanging followed Mr. Omer's family request to have Retribution. Lawyers representing Amir had lodged an appeal against his sentence. On 7 March 2005, the Constitutional court rejected his appeal and approved the high court decision to impose the death penalty.

**Abd Alaziz Omer** - executed on 5 December 2005 at Kassala Prison, Port Sudan. Mr. Omer was convicted of murder and sentenced to death on 15 August 2005. During the trial, Mr. Omer did not have legal representation and the prosecution accepted the defence that Mr. Omer had not intended to kill the victim. On 18 November 2005, SOAT lawyers submitted a request to the Chief Justice to delay the execution pending an appeal before the then defunct Constitutional Court on the grounds that Mr. Omer did not receive a fair trial and that the National Supreme Court have set a precedence in that where the accused does not know the victim prior to causing the death and did not intend to kill, the crime is not murder but a lesser offence; and negotiations with the victim's family with regard to accepting the Dia. On 3 December, the Chief Justice rejected the request on the grounds that the Constitutional Court did not have jurisdiction over the crime and ordered the prison authorities to go proceed with the execution of Mr. Omer.

**Altayib Ali Ahmed**, (32 yrs), Fur tribe – the government scheduled execution of Mr. Ahmed on 27 June 2005 at 14:30hrs was suspended pending an appeal before the Constitutional Court. Mr. Altayib was arrested on suspicion of joining and working with the rebel opposition in the commission of the rebel attack on Al Fashir airport, Darfur in April 2003. Mr. Altayib was sentenced to death on 26 January 2004 and transferred from Darfur to Kober prison in Khartoum on 28-29 January 2004 to await execution. Mr. Altayib was initially charged under articles 168, 50, 51, 182, 65, and 62. In May 2004, following the proclamation of Amnesty by President Omer al Bashir, SOAT lawyers in Al Fashir submitted an application to the General Prosecutor requesting an amnesty for Mr. Altayib. The application led to the charge under article 168 being dropped from the list of charges.

**Bashier Eltaher Adam**, (25 yrs) – sentenced to death by hanging on 8 December 2005 at Egazira Aba Criminal court, Kosti after he was convicted of murder under article 130. SOAT network lawyers in Kosti lodged an appeal before the courts, which was dismissed. Mr. Adam is currently waiting execution in Kosti prison.

**Adam Ibrahim Mohammed** (19 yrs) – sentenced to amputation of his 'right hand from the joint' by White Nile Appeal Court. Mr. Mohammed was initially convicted at Rabak Criminal under Articles 170 (Capital Theft) and 174 (Theft) of the 1991 Penal Code and was sentenced to four years imprisonment. Mr. Mohammed appealed before the White Nile Appeal Court. The Appeal Court overturned the sentence set by the Rabak court and ordered the court to pass sentence under Article 171 (Penalty for Capital Theft, which provides that "*Whoever commits the offence of capital theft shall be punished with amputation of the right hand from the joint*").

**Abubakar Ali Koko**, (29 yrs), married with four children - sentenced on 22 December 2005 by Egazira Aba Criminal Court, Kosti to amputation of the 'right hand from the joint' after convicting him under Article 170 of the 1991 Penal code.

**Abdella Salih Hussain Mohamed**, (35 yrs) - sentenced to cross amputation on his right hand and the left foot and to a total of six years imprisonment On 25 December 2005 at Zalingy Special Criminal Court sentenced to cross amputation on his right hand and the left foot and to a total of six years imprisonment. Mr. Mohamed was convicted under 130 and 167. Mr. Mohamed was initially arrested and detained by police officers in Zalingy on 3 June 2005 on suspicion of looting property (three donkeys) belonging to IDPs and causing the death of **Fatima Adam Haroun** during the theft in Alhisahisa IDP camp in Zalingy. On 7 September 2005, the case was transferred before the Special Criminal Court. Following presentations by both the prosecution and defence, Mr. Mohamed was found guilty.



Kosti Prison, prisoners sentenced to death or amputations are held in this cell. As punishment, the prisoner is tied to the chain outside through the cell.

## ***7.2 Persons Charged with Offences that Carry the Death Penalty***

The last year saw many civilians charged with offences, which carry the death penalty especially but not exclusively in the Darfur region. While charges carrying the death sentence, amputations, cross amputations and other inhumane and degrading punishments are imposed for a wide range of offences, in the last year, it is the offences against the state which carries the death penalty, articles 50-53 that government police forces has sought to charge hundreds of persons in Darfur.

**Abdallah Abakar Osman**, (45 yrs), Zaghawa tribe - charged with Articles 50 and 58 detained at Nyala Prison

**Abdallah Abu Alhag**, (21 yrs), Berno- charged with Articles 130, beaten and threatened, confessed under torture, detained at Nyala Prison

**Abdallah Amber Osman**, (45 yrs), Zaghawa tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Abdallah Ismail Abaker**, (41 yrs), Fur - charged with Articles 50 and 51 detained at Nyala Prison

**Abdallah Suleiman**, (55 yrs), Zaghawa - charged with Articles 175, 130 and 139 detained at Nyala Prison

**Abdalshafie Salih Wadi**, (18 yrs), Zaghawa tribe - charged with Articles 26, 42, 50 and 51 released

**Abdel Aziz Ahmed Ali** - arrested from Otash camp, charged with Articles 51 and 58 detained at Nyala Prison

**Abdella Ishag Mohamed** - arrested from Otash camp, charged with Articles 51 and 58 detained at Nyala Prison

**Abdella Tairab Saif Aldean**, (28 yrs) - charged with Articles 51 and 58 detained at Nyala Prison

**Adam Abdalrahim Abdalrahman**, (32 yrs), Birgid tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Adam Abdelraheam Abdel rahman**, (35 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Adam Altahir Abdella** - arrested from Otash camp, charged with Articles 51 and 58 detained at Nyala Prison

**Adam Ibraheam**, (42 yrs), Fur tribe, Fur - charged with Articles 51 and 58 detained at Nyala Prison

**Adam Rasheed Mohamed** - arrested from Otash camp, charged with Articles 51 and 58 detained at Nyala Prison

**Ahmed Mohamed Khaleel** - arrested from Otash camp, charged with Articles 51 and 58 detained at Nyala Prison

**Alhafiz Adam Suleiman**, (21 yrs), Fur - charged with Articles 51 and 58 released on bail

**Alhag Abakar Doda**, Fur tribe - charged with Articles 130, beaten and threatened, confessed under torture, detained at Nyala Prison

**Ali Yousif Adam**, (38 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Alnour Adam Alsafi Abdella**, (25 yrs) - charged with Articles 51 and 58 detained at Nyala Prison

**Alnour Adam Alsafi Abdella**, (25 yrs), Birgid tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Altahir Alhag Abdallah**, (33 yrs), Birgid tribe- charged with Articles 50 and 58 detained at Nyala Police Headquarters

**Bakheet Alhaj Musa Sabeel**, (26 yrs), Birgid tribe - charged with Articles 51 and 58, detained at Nyala Prison

**Bashair Abaker Mohammad**, (30 yrs), Birgid tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Bosh Salih Gabir, Zaghawa tribe** - charged with Articles 51 and 58 detained at Nyala Prison

**Diggo Abdel Jabbar**, Omda (community leader), (45 yrs), merchant, Zaghawa - charged with Articles 51 and 58 detained at Nyala Prison

**Hafiz Adam Soulieman**, (19 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Hafiz Mohammad Douda**, (28 yrs) Fur tribe - charged with Articles 130, beaten and threatened, confessed under torture, detained at Nyala Prison

**Haroun Zakarea Osman**, (36 yrs), Zaghawa tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Hassan Soulieman Ibrahim**, (41 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Hussain Ahmed Haroun (Omda - Mayor)**, (23 yrs), Zaghawa tribe - charged with Articles 51 and 58 at detained at Nyala Prison

**Ibrahim Soulieman Abaker**, (33 yrs) - charged with Articles 51 and 58 detained at Nyala Prison

**Idris Adam Abdella**, (60 yrs) - charged with Articles 51 and 58 detained at Nyala Prison

**Ishag Abaker Adam**, (20 yrs), Tama tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Ishag Mohamed Adam**, (29 yrs), Fur tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Jafer Mohamed Abdella**, (21 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Jamal Abdella Soulieman**, (23 yrs), Zaghawa tribe - charged with Articles 51 released on bail

**Jamal Ismeal Ahmed**, (25 yrs) Zaghawa tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Khamees Musa** - arrested from Otash camp, charged article 130, released o bail on 6 February

**Mahmoud Abaker Osman**, (38 yrs) merchant, Zaghawa - charged with Articles 51 and 58 detained at Nyala Prison

**Mohamed Abdel rahman Abdella**, (31 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Mohamed Ahmed Abdella**, (35 yrs) - charged with Articles 51 and 58 detained at Nyala Prison

**Mohamed Hassan Abdel Ghani**, (40 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Mohamed Ibrahim Abdella**, (25 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Mohammad Adam Abdalshafie**, (40 yrs), Fur - charged with Articles 51 and 58 detained at Zalingei Prison

**Mohammad Ahmad Abdallah**, (24 yrs), Zaghawa - charged with Articles 50 and 51 detained at Nyala Prison

**Musa Abdalkareem Abdalmola**, (32 yrs), Fur tribe - charged with Articles 51 and 58 released on bail

**Musa Abdel Kareem Abdel**, (29 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Musa Moukhtar Issa**, (36 yrs), Fur tribe - charged with Articles 50 and 51 detained at Nyala Prison

**Omer Rasheed Mohamed** - arrested from Otash camp, charged with Articles 51 and 58 detained at Nyala Prison

**Salih Abbas Ahmed**, (19 yrs), Fur tribe - charged with Articles 130, beaten and threatened, confessed under torture, detained at Nyala Prison

**Soulieman Mohamed Arbab**, (22 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail

**Yahya Ishag Ali**, (18 yrs), Birgid tribe - charged with Articles 51 and 58 released on bail;

**Yasir Hassan Osman**, (19 yrs) Fur tribe - charged with Articles 51 and 58 detained at Nyala Prison

**Zakarea Abdallah Omer**, (53 yrs), Birgid tribe - charged with Articles 50 and 58 detained at Nyala Police Headquarters

**Zakarea Adam Abdella**, (53 yrs), Omda of Birgid tribe - charged with Articles 51 and 58 released on bail



Bashier Eltaher Adam & Abubakr Ali Koko at Kosti Prison

## 8. Freedom of Expression

*“Despite provisions contained in the CPA, many journalists and writers are suffering from brutal security censorship, including myself”. It is very clear that the state is not keen at all, to respect freedom of expression and freedom of press.”*<sup>16</sup>

The CPA and the adoption of the Interim Constitution, which guaranteed freedom of expression, provides under **article 39** of the Constitution that *“Every citizen shall have an unrestricted right to the*

<sup>16</sup> Faisal Elbagir, SOAT Freedom of Expression Coordinator and RSF Sudan correspondent

*freedom of expression, reception of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law". Article 40 (1) states, "The right to peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his interests."*

Despite these provisions, attacks on the media and on association and peaceful assembly continued apace. Throughout the year, the NSB continued to monitor, harass and arrest journalists and newspapers editors perceived to hold dissenting opinions. The successful adoption of new broadcasting laws in the South allowing individuals to obtain broadcasting rights at minimal cost has helped towards the opening of the media arena to public ownership in the South. However, in the rest of the country, the GoS continued to have monopoly over broadcasting and television enterprises.

## **8.1 Print Media**

Censorship of printed media was officially lifted in the Sudan in August 2003. However, this end to censorship failed to have any concrete effect on the work of journalists. As with previous years, chief editors of all Sudanese newspapers operated behind 'red lines'. Editors continued to receive orders demanding removals before print of certain articles and news coverage perceived by the security forces as crossing the 'red line'. These orders were communicated to editors through the telephone without NSB agents having first seen the offending article. Often NSB officers visited newspaper offices late at night once the paper was printed, read the newly printed-paper and without offering a reason would order the editor of the paper to withdraw certain articles or/and not to issue the paper the following day. The NSB officers often confiscate all copies of the printed-paper. The extent of the security forces hold on newspapers was made apparent in the aftermath of Dr. Garang's death in July 2005 (see section of Freedom of peaceful assembly and freedom of association with others). Several newspapers including **Al-Watan** and **Alwan** newspapers received orders from the NSB to refrain from publishing news on arrests and detention of the demonstrators.

The situation of journalists and writers who seek to highlight and bring to the Sudanese public attention the state of the country, and challenge security forces continual abuse of human rights was of great concern throughout the year. This group of media professionals were especially but not exclusively targeted for legal, political and personal harassments using draconian laws.

Notwithstanding these chronic violations, the state of written media was strengthened in the past year as more journalists and editors publicly challenged, at a great personal risk, the impunity exercised by the security forces thereby undermining the primary government control of written media, self-censorship. In the South, a new broadcasting law, the Broadcasting Act for Southern Sudan 2005 has opened public space for any individual seeking a licence to broadcast. Unlike the North, this Act exempts persons wishing to make community based broadcasting from the standard licence fee. This Act is currently before the Southern Sudan Legislative Assembly (SSLA) for ratification by the assembly.

Khartoum saw the launch of two major newspapers, the English speaking 'Citizen', which also publishes in Yei, Southern Sudan and the Juba Post. Despite these successes, there continued to be severe restrictions on the written media in the North. Challenges to the Press laws which was expected to lapse in light of the lifting of the State of emergency and the provisions contained in the Constitution, were met with the nexus that is the National Press and Publications Council (NPPC), the judiciary and the NSB. The NPPC, which, was established as a monitoring body, has itself become a repressive tool utilised by the GoS to in its attempts to silence independent media. The organisation has been given legal powers to impose punishments on newspapers. Despite recent changes to its role, the NPPC continues to exercise powers beyond its remit. This axis has succeeded in silencing independent media and ensured the continuity of the practice of self-censorship.

## **8.2 Cases of Violations**



Over the year, the following articles were removed from newspapers as a result of security orders. No reason was given for the removal of the articles:

**Aladwaaa daily :**

Article on students protest at Omdurman Ahlia University when GoS student militias group fired live ammunition on protesting students written by the chief editor of the paper, Mr. Faisal Mohamed Salih.

Article on Soba Aradi following GoS attempts to relocate the residents. The article was written by Khalid Fadul and was due to be published on the 1 May 2005 edition of the paper.

Article on the arrests and detention of MSF-Holland country Director, the article was written by Faisal Elbagir and was due to be published on 2 June 2005

**Alayam Daily**

Two articles on students protest at Omdurman Ahlia University when GoS student militias group fired live ammunition on protesting students. Asim Osman Fathalrahman, and Wael Mahgoub Mohamed Salih wrote the articles

**Alray Alaam Daily**

Two articles by the paper column writer, Tag elsir Mekki on corruption in the communications sector and on a youth union affiliated with the GoS. The articles were due to be published on 20 June 2005 and 13 August 2005 respectively.

An article on student violence in Khartoum, written by Dr. Altayeb Zain Albadin

**Alsahafa Daily**

Article focussing on security forces censorship of newspapers and the steps being taken by chief editors to combat this censorship. Nour Eldin Medani wrote the article

On 29 January 2006, the Chief Editor of the English speaking daily the 'Citizen', **Mr. Nihal Bol** was summoned by NSB officers to attend the office of the NPPC. At the NPPC officer, Mr Bol was ordered not to print the Arabic version of the paper on Fridays. Mr Bol asked them to issue the order in writing stating which law they were issuing the order. Thus far, Mr Bol has yet to receive the written order and have continued printing the Arabic version of the Citizen on Fridays.

The English language daily 'Khartoum Monitor' was unable to publish from 12 June 2005 until August 2005 after its licence to publish was revoked following the paper's coverage of the violent clashes between government forces and the local IDP population at Soba Aradi area south of Khartoum on 18 May. The revocation of the licence to print cited a High Court decision dated 12 July 2003, which ordered withdrawal of the license of the paper. Following the paper's challenge before the NPPC, its licence to publish was reinstated.

**Mr. Mohamed Adroub Ohaj**, (63 yrs), Beja tribe, retired teacher, well-known writer - for more information, see section on Eastern Sudan.

As part of a project aimed at developing a legal, policy and media framework to strengthen Sudan's peace process by facilitating dialogue between the media, civil society organizations and government organised by five partners, a Roundtable was held in Khartoum on 30 Nov-1 Dec 2005. This roundtable followed an earlier Roundtable held in Rumbek, Southern Sudan in September 2005. In the late evening of 29 November 2005, an officer from the Media and Press Department of the NSB telephoned **Mr. Faisal Elbagir**. The officer ordered Mr. Elbagir to bring the names of all persons who attended the Roundtable in Rumbek and who would be attending the Roundtable the following day including foreign invitees and local participants to their office. Mr. Elbagir refused. On 30 November 2005, officers from the NSB attended the Roundtable with a video camera and proceeded to film all the participants. They recorded both consecutive days of the roundtable.

**Dr. Zuhair Alsaraj**, journalist, column in the Arabic daily, Al-sahafa - arrested on 30 December 2005 on suspicion of insulting the President of the Republic following the publication of his column in the 30 December 2005 edition of Al-sahafa, issue No. 4514. In the article, Mr. Alsaraj

criticized President Bashair on his failure to implement his pledges and for ignoring the public calls for justice and accountability. In the evening of 30 December, an officer from the Media and Press Department of the NSB ordered Dr. Alsaraj to report immediately to Security Offices near Farouq Funeral, Amarat, Khartoum. Dr. Alsaraj reported to the Security offices on 30 December at 20.00pm. Security officers at Amarat initially questioned Dr. Alsaraj for approximately 45 minutes. Following the questioning, Dr. Alsaraj was transferred to NSB head quarters in Khartoum where he was detained for four hours and questioned before he was moved to Kober Prison where he remained in detention for approximately sixty hours.

**Mr. Adil Albaz**, Chief Editor of Al-sahafa - arrested on 02 January by security officers and questioned for several hours. At 17.00, both Dr. Alsaraj and Mr. Albaz appeared before the State Security Attorney in Khartoum on charges under Article 66 (Publication of False News), Articles 27, and 29 of the Press Code. Dr. Alsaraj and Mr. Albaz are released on bail. Dr. Zuhair has confirmed that he was not subjected to torture or ill-treatment whilst in detention.

**Fatima Rabeh**, (25 yrs), trainee journalist at Aldwaa Daily News paper, volunteer member of SOAT Journalist Network - On 4 March, Ms Rabeh was threatened, harassed, intimidated and evicted from Ibrahim Malik hospital in Al Khartoum by security officers. Ms. Rabeh was at the hospital to report on the situation of women giving birth and the problems they encountered in the Labour ward. Whilst interviewing patients, a security officer approached her and ordered her to go with him. Ms. Rabeh refused and asked to be informed where she would be taken. Following her refusal, five officers approached her from the NSB; the officers confiscated all her materials including her papers and physically pushed her outside the hospital. In August 2005, security officers in Omdurman market confiscated **Issam Abdul Hafiz** camera and materials whilst he was photographing the scene the result of rioting in Omdurman following the death of Dr. Garang. Mr. Issam was informed that he needed permission for taking pictures in public spaces including markets.

### ***8.3 Freedom of Peaceful Assembly and Freedom of Association with Others***

As in previous years, severe restrictions continued to be placed on freedom of peaceful assembly and to freedom of association with others. Despite the lifting of state of emergency in Khartoum, NSB officers continued to exercise their absolute discretion to cancel events and demand application for permissions to hold public events. Events that were not authorised by the authorities were automatically branded as 'illegal' effectively allowing the NSB to detain participants without recourse. Forum organisers were habitually summoned to NSB offices for questioning with regard to participant list and the funders. Over the year, events were routinely cancelled and where it was allowed to proceed, NSB officers attended without notice or invitation. Events were more often than not monitored using video cameras, still cameras and voice recording equipments. In the Darfur region, persons who had contacts with foreign persons were questioned and in most cases detained. (See section on Human Rights Defenders)

The GoS response to all demonstrations unless organised by the state was to resort to dead force and the immediate re-enactments of draconian laws specifically the imposition of curfews and State of emergency (See section on IDPs in Khartoum). A particular target group for suppression throughout the year was students across the country. Students participating in legitimate demonstrations were subjected to widespread and systematic violations including arbitrary arrests, detention and torture by government security apparatus and militia group, the Islamic Students militia. Methods of torture reported by students throughout the year included sexual torture, sexual humiliation and threats of rape. Violations were particularly acute against Darfuri students, and leaders of student groups'. Outside Darfur, students were kidnapped with the specific aim of forcing them to join the National Congress, and were often threaten to refrain from any political activities.

## ***8.4 Cases of Violations - Freedom of Association with Others***

**Khalid Mohamed Nour Okad** (22 yrs), Bani Aamir, Beja students' association student at Al Neilien University - died on 17 April 2005 at Khartoum hospital. Mr. Khalid was admitted to the hospital unconscious with severe injuries on 13 April 2005, after being beaten with sticks and guns by police forces during his attendance at a student demonstration in the centre of Khartoum on 13 April. Despite legal appeals by Mr. Khalid's family, the government has yet to establish an inquiry into neither events nor taken measures to bring the perpetrators to trial.

**Nagmeldin Gafar Adam Eisa**, (28 yrs), student at Delanj University in Kordofan, and a member of the African National Front (ANF) - killed on 11 April 2005, after being shot by police officers during a protest inside Delanj University premises against the conduct of Students Union Elections. The demonstrators accused the organisers of vote rigging. During the demonstration, police forces entered the University premises and fired tear gas, and live ammunition on the demonstrating students, killing Mr. Nagmeldin instantly. Following Mr. Nagmeldin death, the police officers ordered Mr. Nagmeldin uncle to take Mr. Nagmedldin body to his hometown, ALRahad, South of Al Obied, capital of Kordofan, which he did on the same day, 11 April 2005.

**Mobarak Mohamed**, student at Delanj University - wounded by police officers during a protest inside Delanj University premises against the conduct of Students Union Elections on 11 April 2005.

**Abakar Adam Suleiman**, student at Delanj University - wounded by police officers during a protest inside Delanj University premises against the conduct of Students Union Elections on 11 April 2005.

**Mohamed Mirghani Musa Yousif** (22yrs), student at Delanj University, Barjo tribe, originally from Zalingy, West Darfur state, member of the Student Democratic Front, (SDF) - arrested on 10 April 2005 by security officers, detained at security offices at Qaaar Hagar, South Kordofan

**Yousif Dafalla** student at Delanj University- arrested on 10 April 2005 by security officers, detained at security offices at security offices in Delanj, South Kordofan

**Mohammed Hassan Alim** (22 yrs), student at Al Neilien University - arrested on 19 April at the entrance of Al Neilen University, the whereabouts of Mr. Mohammed is unknown.

**Idris Mohamed Idriss**, (23 yrs), student at Sudan University, member of Ummah National Party (UNP) - arrested on 15 April 2005 by security officers at Al Kalaklah central market whilst distributing posters on a UNP conference scheduled to be held in Khartoum state on 24 April 2005. Charged under article 77 (Public Nuisance) and 64 (Provoking Hatred against or amongst Sects)

**Abu Bakr Dafallah Musa**, (21 yrs), student at the Omdurman Polytechnic University - arrested on 15 April 2005 by security officers at Al Kalaklah central market whilst distributing posters on a UNP conference scheduled to be held in Khartoum state on 24 April 2005. Charged under article 77 (Public Nuisance) and 64 (Provoking Hatred against or amongst Sects)

**Omar Dafallah Musa**, (19 yrs), student at Al Ahlya University - arrested on 15 April 2005 by security officers at Al Kalaklah central market whilst distributing posters on a UNP conference scheduled to be held in Khartoum state on 24 April 2005. Charged under article 77 (Public Nuisance) and 64 (Provoking Hatred against or amongst Sects)

**Abu Alabass Mohamed Hassan**, (22 yrs), student at Alahlia University - kidnapped on 22 August 2005 at 11.00am by security officers and members of the National Congress Party Student Militia wing Omdurman from the entrance of Alahlia University. Mr. Abu Alabass had been calling for the re-establishment of the University Student Union. Mr. Abu Alabass was taken to a house not far from the University where he was subjected to severe torture. The kidnappers' sexually tortured Mr. Alabass, and beat him all over his body and threatened him with rape. The

kidnappers also shaved Mr. Abu Alabass's head hair, his moustache and forced him to sign unknown documents. The kidnappers also demanded that Mr. Alabass to give up his student activities and to join the National Congress Party. Fourteen hours after his kidnapping, at 01.00am, (23 August) Mr. Abu Alabass was blindfolded, driven from the house and abandoned in a derelict area in Omdurman. After walking for approximately ten minutes, Mr. Abu Alabass found himself at Alsouq Alshabi, Omdurman. Mr. Alabass reported to SOAT's partner organization in Khartoum, Amel Centre for the Treatment and Rehabilitation of Victims on 23 August 2005 where he is currently receiving medical treatment for his injuries and legal aid.

**Abdel Moutalib Ibrahim Aljenaih**, (25 yrs), student, Fur, lives in Kalma camp, arrested on 10 September 2005 in Toor. Mr. Aljenaih was transferred to military intelligence detention centre on 12 September 2005 and alleges that whilst in Toor he was subjected to torture - Remains in detention and is facing no official charges.

**Ahmed Issa Alsouwar**, (26 yrs), student at Nyala University, Faculty of Engineering arrested on 1 September 2005 from his home in Nyala - Khartoum Belail neighbourhood and taken to the security offices in Nyala where he remains in detention - Released on 7 September 2005

On 31 March 2005, students presented a memorandum to the AU in Al Fashir in support of the referral of ICC and requesting the secret list of 51 perpetrators identified by the UN Commission of Inquiry to be handed over by the government to the ICC. In the evening of the presentation of the memorandum, students in Al Fashir University began an impromptu protest inside the university against the detention of their colleagues. Students set fire to the office of the Vice chancellor of the university, and the office of the Medical Students Association and three computers were destroyed. Security officers entered the University and arrested the following persons:

**Ahmed Ibrahim Sabil**; Zaghawa tribe, member of the PNC, detained at security offices in Alfashir

**Alhadi Ali Osman**, released on 20 April 2005

**Hashim Fakhereldin**, Shot with live ammunition, detained at security offices in Al fashir

**Khalid Abdalla Raigo**, Zaghawa tribe, detained at security offices in Al fashir

**Mohamed Abdelazeez Karamalla**, detained at security offices in Al fashir

**Mohamed Abdelrahman Bokhari**, released on 20 April 2005

**Mohamed Tahier Aila**, released on the same day of arrest, 19 April 2005

**Omer Eshag Silk**, Zaghawa tribe, released on 24 April 2005

**Sharif Ahmed Dawelbait**, Zaghawa tribe, released on 20 April 200

On 17 October 2005, security officers and security guards at Omdurman Islamic University detained and tortured eight students. The students who are all members of Al-Gazeera and Al-Managil Farmers' Sons Alliance (Tahaluf Abnaa Mozariaae Algazeera wa Almanagil) were detained inside the university accommodation halls after they held a public meeting inside the halls on the situation of farmers in Algazeera and Almnaganil in light of government policies of Privatisation. Initially, security officers and the security guards questioned the students together about their political affiliations. The students were then ordered and then forced into a room individually. Whilst in the room, the students were subjected to torture and ill treatment. The students were slapped in their faces and ears, beaten with water hoses, with butt of machine guns and with sticks. The students were also questioned and ordered to confess their political affiliations and the affiliations of the leading members of Al -Gazeera and Al-Managel Farmers Alliance. The students were eventually released 9 hours later on 18 October 2005, after they were forced to sign an undertaken that they would not discuss their detention and treatment with anyone including any human rights organisation. The details of the students are as follows:

**Abdelazeez Gomaa Yahia** (25yrs), student at Khartoum University, member of SSDF

**Abdelmohsin Alniaama Abdelmalik**, (27 yrs), graduated in December 2005 from Omdurman Islamic University

**Abdelsalam Hassabu Ibrahim**, (29 yrs), student at Gazeera University, member of Sudanese Students Democratic Front (SSDF)

**Alrazi Hassabu Ibrahim** (24 yrs), student at Al Neilien University, member of SSDF

**Mogahid Yousif Mohamed Ahmed**, (24 yrs), student at University of Khartoum, member of SSDF

**Mohamed Ibrahim Yousif** (26 yrs), student at Khartoum University, member of SSDF

**Mokhlis Mohamed Ali Abdallah**, student at Khartoum University

**Yassin Mohamed Ahmed Alzain**, (29 yrs), student at Omdurman Alahlia University, member of SSDF

On 12 May, security forces in Nyala arrested six young men recently graduated from a house in Nyala, Hey Alkhartoum Billail. The men were arrested on suspicion of joining a Student group that are allegedly supporting the armed movement in Darfur. The men were initially taken to security offices in Nyala where they were detained until 13 June 2005. The family of the detainees were denied access. On 14 June, the detainees were transferred to an unknown location in Khartoum. The whereabouts of the men are unknown. The details of the detainees are as follows:

**Ahmed Gibriel**

**Ali Dagga**

**Hasabella Hasab Alnabi Issaa**, (28 yrs)

**Ibrahim Mohamed Abdella**, (28 yrs)

**Idris Ibrahim Haraka**

**Mohamed Aljazouli Adam**, (30 yrs)

**Mustafa Abdella Abaker**, (27 yrs)

**Yassin Yousif Abdelrahman**, (27 yrs)

The following students were arrested, detained and tortured by security officers and the National Congress Party Student Militia wing. The students were all threatened to join the National Congress party or to refrain from any political activities. The details of the students are as follows:

**Sudan University, Hilat Kuku**

**Adam Abd Al Gadir**

**Alam Aldin Abd Alhadi**

**Alsayed Kamal Alsayed**

**Badr Elden Jamaa**

**Haram Ebrahim Ali**

**Mohamed Alrayah Hassan**

**Mohamed hassan**

**Mohamed Sidig Mohamed Osman**

**Mohamed Yousuf Suleiman.**

**Mugtaba Bakri Khidir**

**University of Omdurman, Alahlia**

**Abd Almuniem Mohamed Hassan**

**Adison Joseph Garang**

**Mohamed Alhadi**

**Mohamed Salih Adam**

**Sudanese Jordanian College for Science and Technology**

**Badr Eldin**

**Dirgam Hassan Elhadi**

**Essa Hussain**

**Mohamed Ahmad**

**Mohamed Mustafa**

**Munzir Mahjob**

**Mutaz Gibril**

**Waleed Mohamed Adam**

## *8.5 Cases of Violations - Freedom of Peaceful Assembly*

A year after the death of 19 people including two children and a woman when police forces in Port Sudan, eastern region of Sudan opened live ammunition on a demonstrating crowd, an investigation into the suppression of the peaceful assembly by government security apparatus announced by the government in the immediate aftermath has yet to begin. The continual call by the families of the victims and human rights activists inside Sudan continues to be disregarded by the government with impunity. As have calls for an investigation into the treatment of protestors following the death of Dr. John Garang in August 2005. When persons from all persuasion with the majority being from Southern Sudan gathered on the streets across Sudan to protest at what they perceived as a government organised assassination of its political opponent.

The process of gathering information on those detained has been fraught, notwithstanding that many of those detained may have been subjected to torture. Even whilst espousing the virtue of human rights principles as stated in the interim constitution, the government security apparatus have thus far refused to divulge further information citing that they have received an official order forbidding them from disclosing any information on the number of persons killed, arrested, sentenced, to the media or to the public. Despite the immediate establishment of a Committee tasked by the government to investigate the circumstances of Dr. Garang's death, the Committee has yet to complete its work or to make public its findings so far.

## *9. Human Rights Defenders*

Over the year, Sudan continued to be a hostile and inhospitable place for human rights defenders as the government continued its pattern of arresting those who publicize human rights violations, rather than arresting the perpetrators of the violations. The CPA at the beginning of 2005 raised much hope that human rights defenders would be able to undertake their essential work free from constant threats and intimidation; however, this did not prove to be the case. As calls for government and security forces accountability became ever louder, human rights defenders endured the brunt of government's anger. Many organisations including SOAT were over the year described as a destabilising force, and accused of spying as well as spreading false information. The government over the year encouraged its various security wings and the Humanitarian Aid Commission (HAC) to adopt varying tactics to silence human rights defenders and humanitarian aid workers inside Sudan ranging from restrictions on their movement, refusals for visas for international NGOs, harassments to arbitrary arrests. These unceasing attacks on organisations and individuals culminated in the adoption of the 'Organisation of Humanitarian and Voluntary Work Act 2006' by the Sudanese Parliament on February 20, 2006. This Act imposes severe restrictions on freedom of association. It has further entrenched the government control through the HAC over the activities of NGOs<sup>17</sup>, both local and foreign humanitarian and human rights organisations.

In its attempts to silence human rights defenders and to prevent any dissemination of human rights literature or education across the country, NSB officers working in conjunction with the HAC routinely cancelled human rights workshops where they had prior knowledge. Organisers who held forums were held without the prior knowledge of the HAC and the NSB were habitually summoned to NSB offices for questioning with regard to participant list and the funders. Human rights defenders were often summoned to report to NSB officers without warrants, often interrogated via

---

<sup>17</sup> Humanitarian and voluntary work is defined as "any non-profitable human activity undertaken by any voluntary or charity organisation, national or foreign, registered in the Sudan with the purpose of rendering humanitarian aid, relief, public services, human rights services, ecology conservation or improvement of economic and social standards for beneficiaries". Article 5(f) precise that these organisations are not allowed, "To intervene in the Sudan internal affairs in the way that affects the sovereignty of the country".

telephone and in person about previous activities and future planned activities. On many occasions, human rights defenders were forced to reveal their activities through Security orders. A further tactic which emerged in the last year was 'Character Assassination', the targeting and discrediting of individual human rights defenders professional and personal conduct through the media.

In the Darfur region, human rights defenders particularly those of Sudanese national were targeted for arbitrary arrests, harassment and threats for reprisals for the sole reason that this courageous people sought to promote, and highlight international standards of human rights in the region. Human rights defenders who had contacts with foreign persons were questioned and in most cases detained. Although there are now far more humanitarian agencies working in the region with more than 9,000 local and international aid workers, harassments and intimidation by government forces particularly on local aid workers has ensured that their work while continuing has been hindered. Even as a large proportion of the population in Darfur faced daily food insecurity and violations, both government forces, its proxy armed militias and the opposition groups have targeted humanitarian envoys for attacks. In some cases, humanitarian workers lost their lives in these attacks, ensuring that these organisations and persons were unable to conduct their invaluable work in Darfur in a manner, which does not impede their work. Violent clashes between government police forces and IDPs inside the various camps have seen spill over of the violence on aid workers.

Nonetheless, despite the persistent attacks against human rights defenders and humanitarian workers over the year, they remained steadfast in their unflinching struggle to gain access to information, to improve respect for basic human rights in the country, and to provide essential services for the vulnerable civilian population in Darfur. SOAT commends the work of human rights defenders and humanitarian workers in Sudan who even as targets for arbitrary arrests, incommunicado detention, constant intimidation and threats of reprisals have persisted.

## ***9.1 Cases of Violations against Human Rights Defenders***

The government has consistently failed to bring members of the Janjaweed militias to justice for killings or rape in Darfur. However, on 30 May it arrested and charged two Médecins sans Frontières (MSF), Holland staff including the Director with crimes against the state for publishing false information because of a report for a briefing paper published by MSF-Holland in March 2005 in celebration of International Women's Day entitled 'The Crushing Burden of Rape: Sexual Violence in Darfur'. The government had requested through the Humanitarian Aid Commission (HAC) for MSF-Holland to refrain from publishing the report because the information contained in the report was 'false' and that 'these kinds of false reports damage the image of Sudan'. State authorities had requested that MSF-Holland provide the medical documents used in the publication. MSF-Holland refused on the grounds of doctor-patient confidentiality. All charges against the two aid workers have been dropped.

On 6 October 2005, Aladwaa, an Arabic Daily Newspaper announced that SOAT and the Director was under investigation for its reporting of events in Khartoum and in other Southern towns in Sudan following the death of First Vice President Dr John Garang de Mabior in a helicopter crash on 1 August. Reportedly, Sudan's Bureau of Crimes against the State began proceedings against SOAT under articles 59 (Disclosure of Military Information), 66 (Propagation of False news), 69 (Breach of Public Peace), 77 (Public Nuisance) of the 1991 Sudanese Penal Code. The investigation into SOAT was reportedly launched at the end of August. SOAT has yet to be formally informed of the investigation or charge with any official offences. Reportedly, an investigative officer has been assigned to the case and the investigation is ongoing.

**Khamees Tito Mayaout**, (41 yrs), driver with United Nations International Children's Emergency Fund (UNICEF), Dinka tribe - arrested on 14 June 2005 by military intelligence in Kassala, Eastern Sudan arrested on suspicion of photographing a military area with his mobile phone. Mr. Khamees, lives in Khartoum and belongs to the Dinka tribe was in Kassala on a UNICEF mission to the Eastern Sudan. Mr. Khamees was initially taken to a military detention centre in Kassala and detained for one night. On 15 June 2005, Mr. Khamees was transferred to Police offices in Kassala and charged with offences against the state. Mr. Khamees has been released on bail.

On 11 June 2005, Security forces arrested and detained **Eisa Adam Abdullah**, (40 yrs) from the Fur tribe, a Guard for a petroleum company in Alshafa-Khartoum and a volunteer activist representing the interests of the population of Soba Aradi in light of the government scheme of relocating IDPs as part a larger area-replanning programme. Mr. Eisa was arrested near Farouq Mosque in the central Khartoum after attending a meeting with lawyers from Darfur during which he provided the lawyers with information on events in the Soba Aradi area. Mr. Eisa was released the following day.

On 28 July 2005, security officers from NSB ordered **Halima Hussain Mohammed**, member of SOAT network of lawyers in Sudan, **Nagla Mohammed Ali**, woman activists and **Sana Hassan Babiker**, women activists to attend their offices immediately. The order followed after the women attended a workshop on the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The training workshop was organised by the Network members of Khartoum Centre for Human Rights and Environmental Development in cooperation with the Society of Development of Small Businesses in Port Sudan. For more information, see section on Eastern Sudan

From April 2005 – December 2005, **Faisal Elbagir**, SOAT Freedom of Expression Coordinator and RSF Sudan correspondent was subjected to harassments and attempts by the NSB to discredit him. On 17 April 2005, Mr. Elbagir attended a press conference organised by the Arab Union of Journalists at Hilton Hotel, Khartoum and which NSB officers were in attendance. During the conference, Mr. Elbagir openly criticized the State policies and the behaviour of the Security officer vis-a vis media censorship, particularly printed media. Mr. Elbagir urged the leaders of the Arab Journalist Union to condemn the action of the government. Mr. Elbagir also distributed press release condemning security officers' infringement of press freedom issued by SOAT journalists' network, 'Journalists for Human Rights (JHR)' during the conference.

Mr. Elbagir was ordered to leave the conference, which he refused. At the end of the press conference, three security officers from the Media desk of the NSB took Mr. Elbagir outside the Hotel premises where they intimidated him, and subjected him to interrogation. The security offices insulted Mr. Elbagir and ordered him to come with them. Mr. Elbagir refused and said that he would not go anywhere with the officers without an arrest warrant. At which point they ordered him to leave the surrounding area of the hotel which he did.

On the following day, 18 April 2005, officers from the NSB visited the offices of the newspaper of Aldwaa, and ordered the removal of Mr. Elbagir's weekly column from the newspaper before publication. The officers also informed the newspaper that the media are still subjected to censorship. Mr. Elbagir's weekly column 'Agars Almarasid' was eventually removed from the issue.

On September 2005, Mohamed Hamid Tabidi, Officer from the NSB wrote in his daily column in Alwattan daily newspaper an article in which he attacked **Faisal Elbagir** and **Dr. Nagib Nagmeldin**, Director of Amel Centre for Rehabilitation and Treatment of Victims of Torture and Khartoum Centre for Human Rights and Environmental Development. The article accused both men of favouring the leaders of the communist party in the provision of the services provided by the centres. The article also accused both Mr. Elbagir and Dr. Nagmeldin of misusing the Centres' funds for personal gains. The article did not explicitly state both their names but provided abbreviations (F.E) (N.N).

In the late evening of 29 November 2005, Security officers from NSB Media desk, called Faisal Elbagir, by telephone and ordered him to report to the NSB the names of foreign invitees and local participants to the two roundtable on the 'Promotion of Freedom of Expression and Civil Society Involvement in the Development of Democratic media in Sudan'. Mr. Elbagir refused and asked that the officer submit the request in writing officially ordering him to reveal the names. On 30 November 2005, NSB officers attended the roundtable with a camera where they embarked on filming all the participants.



**Mohamed Ahmed Abdelgadir Alarbab**, (40 yrs), a lawyer, human rights defender – arrested on 1 October 2005 by police in Mayo after attending Mayo police on behalf of residents of Soba who remain in detention. Mr. Alarbab was initially detained at Mayo police station before being transferred to Kalakla police station. According to the police, Mr. Alarbab was detained pending the outcome of investigations into charges under the 1991 Penal Code (50-51-130), along with fire Arms law Act: (21-25-69-77-122-139 and 26). During his detention, Mr. Alarbab was denied family visits from 06 September 2005. Police officers at Kalakla asked his family to bring a permission order from the Prosecutor allowing them access to Mr. Alarbab even as other detainees in the police station are allowed family visitation without the provision of such permission. Mr. Alarbab was released on 6 January 2006 and is facing charges under article 25(b).

On 6 October 2005, Aladwaa, an Arabic Daily Newspaper announced that **SOAT** was under investigation for its reporting of events in Khartoum and in other Southern towns in Sudan following the death of First Vice President Dr John Garang de Mabior in a helicopter crash on 1 August. Reportedly, Sudan's Bureau of Crimes against the State began proceedings against SOAT under articles 59 (Disclosure of Military Information), 66 (Propagation of False news), 69 (Breach of Public Peace), 77 (Public Nuisance) of the 1991 Sudanese Penal Code. The investigation into SOAT was reportedly launched at the end of August. SOAT has yet to be formally informed of the investigation or charge with any official offences. Reportedly, an investigative officer has been assigned to the case and the investigation is ongoing.

**Hassan Altaieb**, lawyer and member of SOAT network of lawyers in Port Sudan – summoned for questioning to NSB offices in Port Sudan on 15 March 2006. For more information, see section on Eastern Sudan

**Hussain Osman Mohamed Ismail**, also known as Hussain Zikir, (32 yrs), lives in Daim Alnour, Port Sudan, member of SOAT network of Students - arrested on 10 March by officers from Military Intelligence in Toker, Eastern Sudan. For more information, see section on Eastern Sudan

On 22 January 2006, 35 participants including SOAT director and Campaigner were detained following an open civil society forum on working with the African Union in central Khartoum. The forum organised by KCHRED, SOAT and International Refugee Initiative was to promote closer support for, and engagement with, the key objectives and institutions of the African Union by Sudanese and regional NGOs. It was an independent event in the context of the failure of the host country to accommodate a formal civil society forum and brought together representatives from the European Union and the UN, and the Sudanese Parliamentarian. During detention, the participants were harassed and detained for more than three hours at the conference venue. The conference working documents, laptop computers, files, personal papers and other equipment were confiscated. There was also an attempted arrest. For the local Sudanese nationals, this experience was a regular occurrence.

## ***9.2 Cases of Violations against Humanitarian Workers***

On 20 May 2005, violence broke out inside Kalma camp when police officers attempted to remove the equipment of women sellers in a small market, which has sprung up inside the camp. The resulting violence led to the death of a police officer and wounded at least thirty-three people. A number of aid agencies' tents were set alight including HAC, a Red Crescent and the Norwegian Refugee Council. Many of those arrested following the clashes remain in detention without charges. In response, on 17 June, the GOS imposed a blockade on Kalma camp including a ban on commercial vehicles, horse and donkey carts, which have adversely affected the IDPs and further contributed to rising tensions in an already vulnerable population.

On 11 March 2006, the HAC, the government agency that oversees all humanitarian organisations in Sudan, issued a formal notice to the directors of the **Sudan Social Development Organization (SUDO)** in Zalingei and Geneina, ordering the suspension of all activities within west Darfur province. The forced suspension of SUDO activities in west Darfur follows

controversial changes to legislation affecting non-governmental organisations, passed under the 'Organisation of Humanitarian and Voluntary Work Act' by parliamentary majority on 20 February 2006.

In a separate letter from HAC dated 11 March 2006, the new legislation was cited and further instructions for the suspension of activities and seizure of assets were outlined. The directors of SUDO's Zallingei and Geneina offices were ordered to hand over all the assets of the organisation including cars and two motorcycles; close down the health centre, nutrition centre and food distribution unit; hand over the keys and all stationeries belonging to the organisation and produce a full report on the income and expenditure of the organisation. The HAC also reportedly sent a letter to the Agricultural Bank on 11 March 2006 ordering the bank to close SUDO's west Darfur office account and cease all transactions from 13 March 2006.

On 8 October 2005, two Nigerian AU troops and two contractors were ambushed and killed in Darfur.

On 19 September 2005 at 13.00hrs, three armed men in civilian clothing attacked a SUDO vehicle and kidnapped three of SUDO staff members inside ZamZam Internally Displaced Camp (IDP), on the outskirts of Al Fashir. The details of the aid workers are as follows: **Salah Indris Mohamed**, (45yrs), Coordinator of SUDO in Alfashir, **Ahmed AbaKar Musa**, Accountant, **Salim Mohamed Salim**, ZamZam camp SUDO Coordinator. The kidnappers stole 4 million Sudanese Pounds from the SUDO accountant and ordered the aid workers to drive out of ZamZam Camp and to drive towards Southern ZamZam Camp. According to eye witness account, the vehicle was seen heading towards the rebel group; SLA controlled areas, Southern Hashaba. The men were released a few days later by the SLA.

On 27 September 2005 at 15.00pm, security forces in Al Geneina arrested and detained six lawyers. The lawyers were arrested after attending a Workshop on Land Disputes in Darfur organised by SUDO and United Nations High Commissioner for Refugees (UNHCR). The lawyers were taken to security detention centre in Al Geneina where they were questioned for four hours about the workshop and who had funded it before being released. The security officers also confiscated all the documents from the Workshop that the lawyers were carrying. The details of the lawyers as follows: **Mohamed Abdullah El Dooaa**, Chairman of Darfur lawyers committee, based in Khartoum and leading member of the Ummah party, **Abu Talib Hassan Emam**, Co-ordinator of SUDO office in Al Geneina, **Zaineb Mosaad Omer**, lawyer (F), **Saif Eldeen Osman Idris**, **Awad Yousif Hamza**, **Abdullah Dafaala Babike**

## 10. Women



The situation of women in Sudan received little consideration throughout the year as the government and opposition vied for the most advantage in peace negotiations. The interim constitution granted women equal rights to men. *“The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits”* (Article 32 (1)). The Constitution also gave special protection for women *“The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life”* (Article 15 (2)). Notwithstanding these provisions, there was little practical change. Although women represent 51% of the population of the Sudan, there are many factors, which prevented women throughout the year from actively undertaking their role ranging from government-enacted laws including the Public Order Act and the Higher Education Act.

Historically women have been assigned a gender role; this reality was no different in 2005-2006. Throughout the year, there continued to widespread practice of female genital mutilation (FGM) on girls as young as five resulting in deaths. Despite much campaigning from women groups inside Sudan, and public statement from government officials, there was no attempt to amend the law to illegalise the practice of FGM. Rather, the Ministry of Health issued a strategy paper, stating that the government aims to combat all forms of FGM mindful that there is no type of FGM, which is safe and acceptable.<sup>18</sup> In addition, the Medical Council issued a decree, which forbids doctors from practicing FGM and the Midwife Oath.

Outside the cities, there was little improvement in the situation of women. In the Nuba Mountains, Southern Kordofan, PDF officers and Public Order Police officers continued to monitor women in public areas such as markets to ensure women clothing did not contravene public decency. Women who were deemed to have violated public decency were frequently subjected to arbitrary arrests and summary punishments for allegedly wearing indecent clothing. In December 2005, SOAT network of Lawyers in Nuba Mountain launched an appeal against the local Wali issued legal circulars which has been in effect since 1991 preventing women from venturing outside their homes after 6pm. Women who disregarded the circular and ventured outside after 6pm were arrested and sentenced to fines and flogging. The appeal resulted in the Wali repealing the circular for all areas except for Al Delanj, South Kordofan

---

<sup>18</sup> There has been much ongoing discussions as regard ‘Sharia’ types of FGM, which according to its proponents is not harmful and does not affect the health of a girl adversely

Women who attempted to break out these man made roles and attain the rights as enshrined in international conventions and agreements were confronted discrimination and accusations of undermining traditions and culture.

## *10.1 Cases of violations*

On 28 July 2005, security officers from NSB ordered **Halima Hussain Mohammed**, member of SOAT network of lawyers in Sudan, **Nagla Mohammed Ali**, women rights activist and **Sana Hassan Babiker**, women right activist to attend their offices immediately. For more information, see section on Eastern Sudan

## *10.2 Women in Darfur*



IDP in Kalma after being attacked by armed militias

As the conflict in Darfur continued to unfold, women and children remained its unwitting victims. Throughout the year, attacks on women and children were relentless with almost daily reports of rape and sexual harassment by government forces, armed militias and the Janjaweed militias operating with free rein notwithstanding that rape is a crime against humanity. Government forces and its proxy militias have waged a systematic campaign of sexual gender based violence (SGBV) against the unarmed female population from the same tribal group as the rebel opposition groups. Sexual degradation of women has become a tool utilised by the militias as a method of torture. Even inside IDP camps with the presence of international organisations, armed militias have continued to subject the female population to rape and sexual violence who venture outside these caps to collect firewood, a necessary activity. In many cases, women seeking firewood outside the camps have been forced to have sex or otherwise denied access to firewood. Many women and girls have little option but to leave the camps to access water and firewood around the in surrounding areas of the camps either to sell to supplement their income or for their family use.

As the pervasive pattern of rape and sexual violence became more publicised throughout the year, AU troops began provision of armed escorts for women and girls leaving certain camps namely Kalma camp and Abu Sharow. As a direct result of this provision, attacks on women and girls in these areas reduced dramatically. Despite this development, the international community failed to provide sufficient aid for the AU specifically in the areas of troops, funds, and logistical support and communications equipments. The perception among the civilian population on the failure by national,

regional and international bodies to protect women and girls from attacks has led to the issue of rape becoming highly politicised in the region. This perception however is grounded in fact. Despite the establishment of a government Rapes Committee enacted after the ministerial decree of 2004, the authorities continued in its historical failure to address SGBV and has in instances denied its very existence as evidence in May 2005 by the arrest of two Médecins Sans Frontières (MSF)-Holland staff members following the publication of a briefing paper, 'The Crushing Burden of Rape: Sexual Violence in Darfur'.

Since March 2005, SOAT has documented the attempted rapes and the rapes of dozens of women and girls as young as 12 yrs. Many of the rape victims and their companions were subjected to severe beatings during the attacks, sustaining serious injuries. Out of this figure, only two cases have appeared before the courts notwithstanding several applications made before the courts by SOAT lawyers on behalf of the victims. Attempts to ensure accountability and justice for victims of rape have been met with intimidation and harassment from security forces guaranteeing the withdrawal of charges. Where the Attorney General has accepted cases, the issue of evidence has prevented the cases from reaching the court. Sudanese law places the onus on the woman to prove that she has in fact been a victim of rape, whilst simultaneously defining extramarital pregnancy as 'confession' of Zina, (adultery) and as irrefutable evidence. This has led to the prosecution of rape victims for adultery in cases where there is not the required number of witnesses to confirm the rape.<sup>19</sup> Attempts to prosecute perpetrators were further hindered by the demand by the judicial authorities of a medical report, 'Form 8'. This requirement has now been withdrawn.

The continuing and indiscriminate sexual attacks on women and girls combined with the lack of accountability have resulted in widespread suicide and killings of women and girls and the traumatization of a generation of women.

### *10.3 Victims of Rape and sexual violence*

For reasons of confidentiality and protection, the names of SGBV victims are withheld. The methodology and frequency of SGBV in Darfur has bestowed a special status on victims and has separated them from other victims of violent crimes. The following are details that we are able to reveal on the rape victims documented by SOAT.

21 yrs, Fur tribe – raped by armed militias in military uniform during an attack on her village, Tama on 18 November

29 yrs, Fur tribe - raped on 29 February 2005 during an attack on their village, Toray village by Janjaweed militias and military officers from Nama military camp

33 yrs, Fur tribe – raped on 29 February 2005 during an attack on their village, Toray village by Janjaweed militias and military officers from Nama military camp

25 yrs, Fur tribe - raped on 29 February 2005 during an attack on their village, Toray village by Janjaweed militias and military officers from Nama military camp

17 yrs, Fur tribe – sexually assaulted on 7 March 2005 by two armed militias in military uniform whilst collecting firewood outside Seraif camp, detained at police head quarters in Nyala for murder after stabbing one of the men

17 yrs, Zaghawa tribe – raped on 27 April 2005 by two Janjaweed militias outside Kalma camp whilst fetching grass with ten other women. The other women managed to escape

14 yrs, Zaghawa tribe - raped on 3 May 2005 by soldiers from Gedel haboub military camp outside Otash camp whilst fetching firewood with other women, incident reported to the police in Otash camp, case transferred to Nyala Wasat police station. Perpetrators identified by the victims, however men in military intelligence custody

12 yrs, Zaghawa tribe - raped on 3 May 2005 by soldiers from Gedel haboub military camp outside Otash camp whilst fetching firewood with other women, incident reported to the police in Otash camp, case transferred to Nyala Wasat police station. Perpetrators identified by the victims, however men in military intelligence custody

---

<sup>19</sup> The Evidence Act, 1993, article 62

30 yrs, Dajo tribe - raped on 17 May 2005 by two armed men outside Kalma camp whilst fetching grass for the family donkey with her mother and aunt. The armed killed her mother and shot her aunt. They shot her before raping her

14 yrs, Beni Halba tribe, - raped on 19 May 2005 by officers from the PDF, taken to hospital for treatment, perpetrators arrested on 20 May 2005, case appeared before the courts on 26 May 2005. Perpetrators found guilty and sentenced on 02 June 2005

21yrs, Fur tribe - raped on 31 May 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood and water

19 yrs, Fur tribe - raped on 31 May 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood and water

16 yrs, Zaghawa tribe - raped on 14 June 2005 by two armed men wearing military uniform whilst travelling by car between Mahajerrea and Nyala town

18 yrs - raped on 6 September 2005 by three PDF officers, perpetrators arrested and detained in Nyala police station, no charges or court date set

17 yrs - raped on 11 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood and water with her mother, incident reported to Belail police station, no arrests made

Raped on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

Raped on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

Raped on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

Raped on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

Raped on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

17 yrs, Fur tribe - raped on 16 September 2005 by Janjaweed militias wearing military uniform outside Kalma camp whilst fetching firewood

30 yrs, Fur tribe - raped on 16 September 2005 by Janjaweed militias wearing military uniform outside Kalma camp whilst fetching firewood

22 yrs, raped on 4 November 2005 b by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

20 yrs, Zaghawa tribe - raped on 5 November 2005 b by Janjaweed militias outside Kalma camp whilst fetching firewood, incident reported to Belail police station, no arrests made

19 yrs, Tama tribe - raped on 5 November 2005 by two armed men on foot whilst fetching firewood outside Umshaluia, pregnant as a result of the rape

21 yrs, Fur tribe - raped on 18 November 2005 when armed militias and government forces attacked her village, Tama

30 yrs, Fur tribe - raped on 18 November 2005 by armed militias and government forces during an attack on her village, Tama

25 yrs, Fur tribe - raped on 18 November 2005 when armed militias and government forces attacked her village, Tama. At the time of attack, she was six months pregnant and miscarried as a result of the rape

27 yrs, Dajo tribe - raped on 9 December 2005 by Janjaweed militias wearing military uniform outside Deraij camp in Aouwa Jalsa, whilst fetching firewood with other women, incident reported to AU

26 yrs, Dajo tribe - raped on 9 December 2005 by Janjaweed militias wearing military uniform outside Deraij camp in Aouwa Jalsa, whilst fetching firewood with other women, incident reported to AU

20 yrs, Dajo tribe - raped on 9 December 2005 by Janjaweed militias wearing military uniform outside Deraij camp in Aouwa Jalsa, whilst fetching firewood with other women, incident reported to AU

30 yrs, Fur tribe - raped on 11 December 2005 by Janjaweed militias wearing military uniform outside Deraij camp whilst fetching firewood with other women, incident reported to police in Otash camp, no arrests

18 yrs, Zaghawa tribe - raped on 15 March 2006 by armed militia group outside Kalma camp whilst fetching firewood with other women

35 yrs, Zaghawa tribe - raped on 15 March 2006 by armed militia group outside Kalma camp whilst fetching firewood with other women

24 yrs, Zaghawa tribe - raped on 15 March 2006 by armed militia group outside Kalma camp whilst fetching firewood with other women  
22 yrs, Zaghawa tribe - raped on 15 March 2006 by armed militia group outside Kalma camp whilst fetching firewood with other women  
27 yrs, Zaghawa tribe - raped on 15 March 2006 by armed militia group outside Kalma camp whilst fetching firewood with other women

## 10.4 Testimonies

*I am 16 yrs old from the Bargo tribe and I live in Kalma camp. I come from a village, Halaf, 12 km north Nyala town. I used to be a farmer but now I have no work, I am just taking care of my baby. On Wednesday, during Ramadan in 2004, I cannot remember the date, in the evening my brother, Jido (12yrs) and I took our 6 cows, 12 goats and 13 sheep for grazing in Halaf. On our way back, a group of 6 armed men, suddenly appeared. I do not know what the type of guns they were carrying; some were wearing trousers and others in ordinary Jalabia. They started to attack us without any reason, when my brother tried to stop them from taking our animals they shot him with their gun and he died on the spot. I began crying and two of the men took me. I was beaten badly on my whole body with a stick and they threatened me. They pointed a gun to my head and two of the men took turns to rape me. After they finished their act (rape), they left me in the grazing field with my dead brother. I screamed and cried. My relatives heard my voice and they came for me. I never thought anything could happen to me because I have never being touched by men before. After a few weeks, I notice that I was pregnant. My family accepted what happened to me. I gave birth to baby girl called Rashida.*

*I am 17 yrs old from the Fur tribe and I am partially deaf. I come from Shataya in Kass province. I cannot remember the exact date of the incident but it was during the massive attack on Shataya when many were killed, mostly women and children, many people ran for the hills. My family and I fled to Kaileck in Kass and stayed in the camp there. During the first attack on Kaileck, three men took me; I cannot describe how they look. They kept me for three days and they raped me severely. During the second attack on Kaileck, I was again taken by two men, kept for two days, and raped by both men. On the two occasions that I was taken, my family did not know where I was. After a few weeks, my mother told me that I was pregnant. I gave birth to a baby girl. I am the mother of the baby even though the father is my enemy. My family has accepted what happened to me, and my mother is really helping me.*

## 10.5 Women Killed

**Fatima Abdellabdel Kaream**, Fur tribe - killed on 31 May by Janjaweed militias outside Kalma camp whilst fetching firewood and water

**Haja Mohamadain Ahmed**, (37 yrs), Dajo tribe - beaten with sticks, hands and attacked on the head with an axe on 9 December 2005 outside Deraj camp in Aouwa Jalsa, whilst fetching firewood with other women, incident reported to AU

**Hawa Ahmed Abdalgader**, attacked whilst fetching firewood east of Kalma camp when she was attacked, sustained injuries to her hand and is receiving medical treatment

**Hawa Seneen**, (22 yrs), Fur tribe - wounded on 31 May by Janjaweed militias outside Kalma camp whilst fetching firewood and water

**Husneya Abdella Mohamed**, (45 yrs) - beaten with butts of guns on 11 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood and water with her daughter

**Khadeeja Soulieman Ahmed**, (24 yrs), Fur tribe - wounded on 31 May by Janjaweed militias outside Kalma camp whilst fetching firewood and water

**Meryem Abaker Abdelrahim**, (23 yrs), Fur tribe - killed on 9 March by armed militias in military uniform whilst outside Kalma camp with two other women fetching firewood. The other two women managed to escape

**Meryem Taha Abdel Aziz**, (45 yrs), Dajo tribe - beaten with sticks, hands and attacked on the head with an axe on 9 December 2005 outside Deraj camp in Aouwa Jalsa, whilst fetching firewood with other women, incident reported to AU

## ***10.5 Enforced and Involuntary Disappearances***

**Aisha Kitir** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Aisha Yahya** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Alawea Ibrahim Mohamed** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Fatouma Aldouma Mohamed**, (35yrs), Fur tribe – abducted on 4 December 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood, according to eye witness accounts, Ms Mohamed received serious injuries to her face and arms during the abduction

**Hajja Ahmed Mursal** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Halima Yahya Adam** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Halima Yahya Adam** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Hawa Ibrahim Mohamed** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Hawa Musa** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Hussneya Omer Khatir** – abducted on 13 September 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

**Mona Ibraheam Salih**, 22 yrs, Fur tribe – abducted on 4 December 2005 by Janjaweed militias outside Kalma camp whilst fetching firewood

## ***10.6 Other Cases of Violations***

On 07 March 2005, two armed militias in military uniform attacked four girls from Seraif IDP camp, Hay AlGeer, West Nyala, Southern Darfur. The girls were attacked whilst collecting firewood outside the camp at 11:30. During the attack, one of the men assaulted one of the girls and attempted to rape her. The armed man touched the girl's breasts and attempted to forcefully remove her underwear. When she resisted, the man began to beat her. In defence she grabbed a knife that she had been using to cut the firewood and stabbed the attacker in the stomach. The details of the girls are as follows: **Amouna Mohamed Ahmed**, (17 yrs), Fur tribe; **Fayza Ismail Abaker**, (16 yrs), Fur tribe; **Houda Ismail Abdel Rahman**, (17 yrs), Fur; **Zahra Adam Abdella**, (17 yrs), Fur tribe. Following the stabbing, the girls managed to escape and returned to Seraif camp where they reported the incident to police officers inside the camp. The police refused to file the case. On the same day, 07 March 2005, in the afternoon, police officers inside the camp were told of the death of a stabbing victim. Following the news of the death, the officers immediately arrested the four girls inside the camp on suspicion of murder. The girls were initially taken to Nyala Shamal police station where they were detained for five days and charged with murder under Article 130 of the 1991 Penal Code. On 11 March 2006, the girls were transferred to Nyala Wasat (Central) Police station, head quarters of the Police in Nyala where they remain in detention.

**Hawa Soulieman Adam**, (35 yrs), W, arrested on 23 May 2005 in Sanya Afondu village because her brother, Ibrahim Soulieman Adam has launched legal proceedings against the armed forces in Sanya Afondu for his arbitrary detention and torture – remains in detention without charges at Sanya Afondu military camp.

**Makka Soulieman Adam**, (37 yrs), W, arrested on 23 May 2005 in Sanya Afondu village because her brother, Ibrahim Soulieman Adam has launched legal proceedings against the armed forces in Sanya Afondu for his arbitrary detention and torture – remains in detention without charges at Sanya Afondu military camp.



**Eptisam Hassan Adam**, (35 yrs), Berta tribe – arrested on 6 October from her home on suspicion of murdering her husband. Charged under article 130, detained at Nyala Prison, awaiting trial

# 11. Victims of Darfur

## 11.1 Killed 2005 -2006

Abaker Adam Nour  
Abaker Mohamed Momin, (18 yrs), Zaghawa;  
Abal Rasoul, (27 yrs)  
Abdalla Hassan  
Abdalla Hussain  
Abdel Rahman Hammad Aljidai,  
Abdel Rahman Mohamed Mahmoud, (30 yrs)  
Abdelaziz Yagoub  
Abdella Hamid Tibin, (27 yrs)  
Abdella Issa Terbo, (55 yrs)  
Abduelkareem Musa  
Abdullah Doko, (38 yrs)  
Adam Abdalla Osman  
Adam Abdella De'aina  
Adam Abdella De'aina  
Adam Ahmed Suliman  
Adam Dawood Ali  
Adam Habeeb  
Adam Ibrahim  
Adam Idreas Hussain  
Adam Idrees Hussain  
Adam Kandouly, (55 yrs), Farmer  
Adam Musa Basi, (65 yrs), Farmer  
Adam Nimir Mohammad  
Adam Simena, (38 yrs)  
Adam Suliman  
Adami Ali  
Ahmed Abubaker Mohamed  
Ahmed Adam Younis  
Ahmed Adam Younisd  
Ahmed Doko, (36 yrs)  
Ahmed Ibrahim Abu Albasher, (50 yrs), Paramedic  
Ahmed Issa, (50 yrs), Farmer  
Aisa Haroon, (48 yrs)  
Alameen Sulieman Harry  
Aldau Issa, (31 yrs)  
Alfaki Adam Musa  
Alfaki Sambo, (80 yrs)  
Ali Alla Hassan, (35yrs)  
Ali Hasabella, (35 yrs), Farmer  
Alkareim Adam  
Alshaikh Bahr Aldean, (50 yrs), Farmer  
Alzain Dawood  
Badour Haroun Sarsar, (18 yrs), Student  
Bakhiet Daw Elbeit  
Dagash Yaseen Mohamed, (26 yrs)  
Dahiya Abderahman Talib  
Faiza Mohamed (17 yrs), Student, (F)  
Faki Adam Mohager, (65 yrs)

Faki Omer Adam  
Fatima Ishag Musa, (65 yrs), (F)  
Fisal Ibrahim Mohmaed, (32 yrs)  
Gazafi Mohamed Hamid, (25 yrs)  
Haja Mohamed Haroun, (27 yrs), (F)  
Halima Adam Musa, (16 yrs), Student, (F)  
Haroun Abdel Kaream Aseel, (27 yrs)  
Haroun Ateim  
Hasabo Ahmed Issa, (18 yrs), Student  
Hassan Abdalla  
Hassan, (16 yrs), Student  
Hawa Ateam Hussain, (F)  
Hussain Sedaqu  
Ibraheam Hadi, (55 yrs), Zaghawa;  
Ibrahim Ali Ali, (45 yrs)  
Ibrahim Ali Ibrahim  
Ibrahim Indris Ibrahim  
Ibrahim Issa El-Haj  
Ibrahim Yousif Joda, (26 yrs)  
Idrees Soulieman, (42 yrs), Zaghawa  
Illias Mohammed Mattar  
Indris Shareif Eldeen, (32 yrs)  
Ishag Haroun, (50 yrs), Farmer  
Ishaq Haroun  
Ismaeal Abaker Ibraheam  
Ismaeal Jar Alnabi  
Ismail Abaker Ibrahim  
Ismail Jar Alnabi  
Jamal Ismeal Ahmed, (25 yrs)  
Jumma Sedaqu  
Khadiga Hussein, (45 yrs)  
Isayid Yagoub Hessain Neel  
Mattar Abdalla  
Mohamed Abakar Idriss  
Mohamed Abdel Majeed, (25 yrs), Teacher  
Mohamed Adam Haroun, (40 yrs)  
Mohamed Adam Mohamed  
Mohamed Aldoud Hammad, (30 yrs)  
Mohamed Dafalla  
Mohamed Isaq Abdalla  
Mohamed Ishaq Gazoli, (25 yrs)  
Mohamed Issa Ahmed, 75  
Mohamed Mahmoud Yousif, 23 Yrs  
Mohamed Mansour  
Mohamed Soulieman Mohamed, (25 yrs)  
Mohammed Ali  
Mohd Adam Alrasoul  
Mohd Hamid  
Moudasir, (25 yrs)  
Mubarak Mohamed Baldo, (21 yrs), Student  
Mukhtar Adam Mouhajir, (37 yrs), Teacher  
Musa Adam Musa  
Mustafa Ibrahim Mohamed  
Nafisa Abdella Mohamed  
Najmel Dean Adam Omer  
Nasr Aldean Mohamed Bokhari  
Nasr Aldean Mohamed Bokhari  
Omda Hassan Ahmed  
Omer Abdel Hamid, (50 yrs)

Omer Adam Osman, (35 yrs), Farmer  
Osman Mohammed Hashim, (55 yrs)  
Osman Suleiman Abdalla (30 yrs), Fur Tribe  
Roda (25 yrs)  
Saeed Higazi, (65 yrs)  
Salah Aldean, (25 yrs), Student  
Salah Raheim Alshafi (20 yrs)  
Salateen Alnour, (25 yrs)  
Saleh Ishaq Abdalla  
Sanousi Joda Aldaleel, (30 yrs)  
Sosal Kirdi, (23 yrs)  
Souleiman Adam Mohamed, (28 yrs), Masalit tribe  
Soulieman Abaker Yahya  
Suliman Abaker Wadi  
Suliman Ibrahim  
Suliman Zakaria  
Taj Aldean Adam Alsayir, (30 yrs)  
Tibin Adam  
Tirab Hamid Salim  
Yagoub Adam Shugar  
Yahya Adam Abaker  
Yousif dam  
Yousif Khaleel, (40 yrs)

## ***11.2 Wounded***

Abaker Abdel Hamal Abdel Sadig Mohammed, (80 yrs)  
Abdel Monim, (19 yrs), Student  
Abubaker Suliman Almalik Mohamed Yassin  
Adam Mohamed Dimis, (21 yrs), Student  
Adam Mohamed Nour, (45 yrs), Farmer, Zaghawa tribe,  
Ahmed AAlla  
Ahmed Suliman  
Altayib Soulieman, (18 yrs),  
Brash Laroun  
Faisal Omer Hassan  
Fatima Musa Izel Dean, (27 yrs), (F)  
Haj Adam Jummah Daoud, (60 yrs)  
Halima Mohammad Yahia, (19 yrs), (F)  
Hamid Ramadan Hamad, (14 yrs)  
Hassan Suleiman  
Hawa Ateam Hussain, (F)  
Hawa Ibrahim Mohamed (F), (80 yrs)  
Ibrahim Ali Mohamed, (40 yrs), Farmer  
Jamal Abdella Soulieman, (23 yrs), Zaghawa  
Mohamed Abaker Neel  
Mohammad Adam Ibrahim, (48 yrs)  
Nafisa Abdella Mohamed  
Najmel Dean Adam Omer  
Osman A/Karim Malik (20 yrs)  
Sediq Yahya Abaker  
Soulieman Hussain Ishag, (50 yrs), Farmer  
Student  
Yahya Ali Omer  
Zahra Soulieman, (18 yrs), (F)

Zakaria Ibrahim Abdel Julil, (80 yrs)

Zarouk, (55 yrs)

### **11.3 Killed 2004 -2005**

Abaker Abboud

Abaker Ahmed Abboh

Abaker Ahmed AbdelRahman

Abaker Hussain

Abaker Ismaeal

Abaker Jibreel

Abaker Mohamed Issa

Abaker Mohamed Jouma

Abaker Musa

Abaker Musa Hamid; (25 yrs)

Abaker Salih Abaker

Abbas Adam Jouma Bakheat; (15 yrs)

Abdel Kaream Alhaj

Abdel Kareem Hussain Ishag

Abdel Kareem Toubaya; (67 yrs)

Abdel Mawla Haroun Ibraheam

Abdel Mawla Musa

Abdel Moumin Salih

Abdel Mounim Musa Ahmed

Abdel Rahman Abdel Raheam

Abdel Rahman Abdella Abu Teela

Abdel Rahman Abdella Mohamed

Abdel Rahman Ashaga

Abdel Razig Abaker

Abdel Razig Adam Abdel Kareem

Abdel Razig Adam Abel Majeed

Abdel Razig Mohamed Nour Basi; (85 yrs)

Abdella Abaker Ahmed

Abdella Abdel Rahman

Abdella Adam Abdel Rahman

Abdella Adam Younis

Abdella Alhaj Abaker

Abdella Habeeb Adam

Abdella Ibraheam

Abdella Majwan Mawak, Sultan

Abdella Musa

Abdella Salih

Abdu Khair

Abu Algasim Ahmed Abdella; (36 yrs)

Abubaker Hussain Abu Shumma

Abubaker Yagoub Adam

Adam Abaker Dougo

Adam Abaker Issa

Adam Abaker Mohamed

Adam Abdel Aziz; (32 yrs)

Adam Abdel Kaream Mohamed

Adam Abdel Majeed Mohamed

Adam Abdel Majeed

Adam Abdel Rahman

Adam Abdel Rahman Adam Karam

Adam Abdella Mohamed

Adam Adel Rahman Ishag

Adam Ahmed Jibreel  
Adam Ahmed Mohamed  
Adam Ali  
Adam Ali Mohamed  
Adam Ali Tom  
Adam Alnour  
Adam Bakheet; (35 yrs)  
Adam Haroun  
Adam Hussain  
Adam Ismaeal Fadil  
Adam Issa Sineen  
Adam Joumma Bakour; (35yrs)  
Adam Mohamed Abu Algasim  
Adam Mohamed Ahmed; (45 yrs)  
Adam Mohamed Idreas  
Adam Musa Yousif  
Adam Nour Aldeen, from Jokhana  
Adam Osman Adam  
Adam Salih Ali  
Adam Yagoub Ibraheam  
Adam Yahya  
Adam Yahya Adam  
Adam Yahya Mohamed Arbab; (45 yrs)  
Ahmed Adam Mohamed  
Ahmed Dahub  
Ahmed Ibrahim Abdel Rahman  
Ahmed Ishag  
Ahmed Mohamadain Dagoss  
Ahmed Omer Ali  
Aisha Ibrahim; (F)  
Aldigail Adam Ahmed  
Alfadil Hessain  
Alfaki Altahir Abdel Gadir  
Alfaki Haroun Adam Issa  
Alfaki Hassan Haroun Adam Daing Gevic  
Alfaki Hussain Ramadan  
Alhadi Adam Abdel Kareem  
Alhadi Omer Abaker  
Alhaj Abdel Raheam Alhaj  
Alhaj Salih Hassan  
Ali Abdel Rahman Suleiman  
Ali Jelab  
Ali Osman Mohamed  
Ali Salih Abdel Rahman  
Alnayir Adam  
Alrabi Ibraheam Hussain; (22 yrs)  
Alsadig Mohamed Musa  
Alsayir Osman Omer  
Alshaikh Adam Abaker Rizig  
Alshaikh Ismaeal  
Alshaikh Zakarea Abaker Adam  
Alsheikh Mohamed Jouma  
Altahir Abdel Gadir  
Altayib Ibraheam  
Alzain Abdella Ali  
Alzain Ibraheam Abdella  
Alzebair Ibraheam Abdel Shakour; (25 yrs)  
Asha Mohamed (F)  
Asha Mohamed Ali Ahmed; (F)

Aymen Shoumo Hessain  
Azreg  
Azreg Dagosh Mohamdain  
Bag Daing  
Bakour Souleiman Abaker  
Basheer Haroun Mohamed  
Bishara Mohamadain  
Dagosh Mohamadain  
Daing Dall, Sultan  
Dawood Abdella Osman  
Dawood Dot  
Ebaid Abdella Doka  
Fadoul Adam Hamid  
Faki Abdella Kerry  
Faki Adam Abdella  
Faki Haroun Abdel Rahman  
Faki Haroun Omer  
Faki Ismaeal Souleiman  
Faki Salih Abdel Kareem  
Faki Yousif Tagalay  
Fatima Abdel Rahman Mohamed; (F)  
Fatima Ali Ahmed; (F)  
Fawzi Issa Hassan Omer; (18 yrs)  
Hamid Abdel Kareem  
Hamid Abdel Kareem, from Abu Odam  
Hammad Adam Musa  
Hamza Hussain Ishag  
Haroun Ahmed Haroun  
Haroun Mohamed Haroun  
Haroun Mohamed Ibraheam  
Haroun Souleiman  
Haroun Taha Abaker; (35 yrs)  
Hassan Adam Abdel Rahim  
Hassan Ibraheam  
Hassan Ishag Bolad  
Hassan Ismaeal Dawood  
Hassan Nour Aldean  
Hassan Nourain  
Humadi Ali Mohamed  
Hussain Abdella  
Hussain Adam Haroun  
Hussain Baher Aldean Habeeb  
Ibraheam Adam Souleiman  
Ibraheam Ahmed  
Ibraheam Mohamed Hamid  
Ibraheam Osman  
Idreas Adam Ahmed  
Idreas Ahmed Abdel Rahman  
Idreas Hassan Yahya  
Ishag Abdel Kareem Bosh  
Ishag Adam Bilal  
Ishag Ahmed Ishag  
Ishag Ali; (35 yrs)  
Ishag Musa Adam Haround, (15yrs)  
Ishag Musa Adam Haround; (15 yrs)  
Ismaeal Abdel Aziz  
Ismaeal Abu Firka  
Ismaeal Ali Saead  
Ismaeal Ibraheem Haroun

Ismaeel Mohamed Dawood  
Issa Adam  
Issa Adam Souleiman  
Issa Haroun  
Issa Haroun Adam  
Issa Haroun Ismaeel  
Issa Mohamadain Mohamed  
Issa Mohamed Moudyen  
Issa Zakaria Abdel Rahman  
Jamal Hamad  
Jibreal Musa Ahmed  
Jido Mohamadain  
Jouma Younis Mustafa  
Kadoum Mohamed Abdella from Amar Jadeed  
Kamal Hassan Abdel Jebbar  
Khaleel Issa Tour  
Khalifa Hassan Nourain  
Khamees Toka  
Malog Bail, Sultan  
Meryem Abaker Abdel Raheem; (23yrs), (F)  
Meryem Omer Ali; (F)  
Mohamadain Jouma Souleiman  
Mohamed Abaker Ateam  
Mohamed Abaker Dawood  
Mohamed Abdel Rahman Mohamed Salih  
Mohamed Abdella Haroun  
Mohamed Abdella Khamees, (35 yrs)  
Mohamed Abu Kiltik  
Mohamed Adam Abu Kader  
Mohamed Adam Abu Shor  
Mohamed Adam Alhaj  
Mohamed Adam Ateam  
Mohamed Adam Mohamed Baher  
Mohamed Ahmed  
Mohamed Ahmed Abdel Rahman  
Mohamed Ahmed Adam; (25 yrs)  
Mohamed Ahmed Mohamed Khamis  
Mohamed Ali Aldouma  
Mohamed Baher  
Mohamed Baher Mero  
Mohamed Beraima Imam  
Mohamed Bourma Hassan  
Mohamed Haroun Mohamed  
Mohamed Hasabella  
Mohamed Ibraheem Abdel Ghani  
Mohamed Ibraheem Arman  
Mohamed Ibraheem Nasour  
Mohamed Issa Adam  
Mohamed Issa Haroun  
Mohamed Mohamadain Adam  
Mohamed Omer  
Mohamed Omer Ahmed Zaroug  
Mohamed Salih  
Mohamed Salih Ali  
Mohamed Sideag Yousif  
Mohamed Sola Kouba; (45 yrs)  
Mohamed Soulieman Mohamed; (40 yrs)  
Mohamed Yahya Alshikh; (40 yrs)  
Mohamed Yahya Hussain



Mouhi Aldean Zakarea Mohamed Tikka; (27yrs)  
Mouhyi Aldean  
Musa Abdel Gadir  
Musa Abdella Ahmed  
Musa Adam Abdel Mawla  
Musa Adam Taha; (50 yrs)  
Musa Ahmed Ibraheam  
Musa Ahmed Yousif  
Musa Altahir Adam  
Musa Hamid  
Musa Mohamed Musa; (25yrs)  
Musa Mohamed Yahya  
Musa Tahie Ibraheam  
Musa Yousif  
Mustafa Altaj  
Najeeb Mohamed Ahmed; (40 yrs)  
Nasrel Dean Ahmed Abdel Rahman  
Nimayri Ahmadaya Haroun  
Nour Aldayim Adam Hassan  
Nour Aldean Mohamed Dawood  
Nourain Idreas Adam  
Omda: Adam Adam Degaish  
Omda: Adam Hussain  
Omda: Ahmed Gantour  
Omda: Gantour  
Omda: Jiddo Khameas Abdel Kareem  
Omda: Mohamed Souleiman  
Omda: Mohamed Souleiman Abdel Shafi  
Omda: Yahya Ahmed Zaroug  
Omer Adam Abdel Shafi  
Omer Adam Khamees, from Amar Jadeed  
Omer Osman Aldouma  
Omer Sideag Abaker  
Osman Ibraheam  
Osman Ibraheam Abu Kabuk  
Osman Yousif  
Saead Abbaw  
Saead Abbaw Amlas  
Salih Abdella Abaker, from Abu Odam  
Salih Ateam Kitir; (50 yrs)  
Salih Younis Mohamed  
Salwa Yahia; (F)  
Sayyid Abdella Musa  
Sharef Aldean Abaker Abdel Kaream  
Sharef Aldean Abaker Yahya  
Sharef Aldean Salih Musa  
Sharef Salih  
Shayib Adam Abdel Mahmoud  
Shiekh Aldean Abdel Rahman Mohamed  
Sideag Abaker Ishag  
Sideag Hassan; (29 yrs)  
Souleiman Adam Ibraheam  
Souleiman Ahmed Hassan  
Souleiman Wed Alomda  
Soumaya Mohmed Musa; (F)  
Suliman Abdel Rasoul  
Tayrab Mohamed Ahmed  
Tibin Mohamed Abdella  
Tindil Souliemam Ahmed Sanousi; (6 yrs)

Yagoub Adam Ahmed  
Yagoub Adam Hussain Omer; (15 yrs)  
Yagoub Dogoul  
Yagoub Mohamed  
Yagoub Mohamed Yagoub  
Yagoub Mohamed; (38 yrs)  
Yahya Abdel Kaream Abdella  
Yahya Abdel Kareem Rizig  
Yahya Hassan  
Yahya Yagoub Ibraheam  
Yaseen Adam Yagoub  
Yaya Ahmed Zaroug  
Yaya Yousif  
Yousif Adam Ahmed  
Yousif Adam Mohamed; (20 yrs)  
Yousif Ahmed Fahalain  
Yousif Ahmed Ramadan  
Yousif Bosh Jar Alnabi  
Yousif Mohamed Yousif; (30 yrs)  
Yousif Zakrea  
Zakarea Abdel Mawla Abaker  
Zakarea Abdella Jar Alrasoul  
Zakarea Mohamed Tikka; (75 yrs)  
Zayid Mohamed Zayid

*Sudan Organisation against Torture (SOAT) is an independent non-governmental human rights organisation established in 1993. SOAT works in Sudan and the UK and has members worldwide.*

*SOAT's primary objective is preventing torture and challenging impunity. SOAT works to, rehabilitate Sudanese survivors of torture; provide legal assistance to survivors and individuals threatened with punishments such as execution and amputation; and to research and document human rights violations.*

SOAT, Argo House, Kilburn Park Road, London, NW65LF, UK  
Tel: +44 (0) 20 7625 8055 Fax: +44 (0) 20 7372 2656 Email: [info@soatsudan.org](mailto:info@soatsudan.org)  
Charity Registration No. 1040432