

# Report on the risk to Nuba individuals in Sudan

*Prepared by Maddy Crowther*

*Completed 27 August 2019*

## Basis of expertise

1. I am Maddy Crowther, Co-Executive Director of Waging Peace. I have been working at this Sudan-focused organisation since September 2014, and worked in a volunteer capacity for the organisation on and off for several years prior to this. Before starting at Waging Peace I was in largely unrelated roles, though studied African politics as part of my degree in Politics, Psychology and Sociology from Cambridge University.
2. My role at Waging Peace is to oversee our research and reports, external communications, and support offered to lawyers handling Sudanese asylum cases.
3. I have personally commented on dozens of individual cases involving claims for asylum or humanitarian protection from Sudan, including by attendance at court, where my evidence has broadly been accepted. As you will know in 2018 I served as an expert witness for the Country Guidance case on Nuba ethnicity, producing written evidence<sup>1</sup> as well as attending court, likewise doing so for a Country Guidance case on the non-Arab Darfuri ethnicity<sup>2</sup> in early 2019, which has now been determined, but remains unreported. I have also increasingly been asked by other European states to input to their Sudanese country information and policy guidance. For instance, I was asked to contribute to the report released by the Belgian Office of the Commissioner General for Refugees and Stateless persons (CGVS) in February 2018, receiving citations throughout.<sup>3</sup>
4. I am the author of many of Waging Peace's publications covering a wide range of issues in Sudan:
  - 'Risk to LGBT communities and HIV sufferers in Sudan' (2015)<sup>4</sup>
  - 'Rape in Darfur - A History of Predation' (2015)<sup>5</sup>
  - 'Mental health in Sudan – the psychiatric and psychological infrastructure' (2016)<sup>6</sup>
  - 'The UK's involvement in the Khartoum Process as it relates to Sudan' (2016)<sup>7</sup>
  - 'Recent cases of post-deportation risk' (2017)<sup>8</sup>
  - 'Peacekeeping cuts – a decision for Darfur' (2017)<sup>9</sup>
  - 'State of the World's Emergencies' (2017)<sup>10</sup>

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<sup>1</sup> Waging Peace, 'Risk to individuals from Nuba Mountains in Sudan', March 2018, accessed online 14.01.19

<http://wagingpeace.info/wp-content/uploads/2018/03/waging-peace-report-for-nuba-country-guidance-case-march-2018.pdf>

<sup>2</sup> Waging Peace, 'Risk on return for Darfuris in Sudan', January 2019, accessed online 23.08.19

<https://wagingpeace.info/wp-content/uploads/2019/03/NAD-report-FINAL-18.01.19.pdf>

<sup>3</sup> Office of the Commissioner General for Refugees and Stateless persons, 'COI Focus – Sudan – Risk on return', February 2018, accessed online 15.01.19 [https://www.cgra.be/sites/default/files/rapporten/coi\\_focus\\_sudan\\_risk\\_upon\\_return\\_1.pdf](https://www.cgra.be/sites/default/files/rapporten/coi_focus_sudan_risk_upon_return_1.pdf)

<sup>4</sup> Waging Peace, 'Risk to LGBT communities and HIV sufferers in Sudan', 2015, accessed online 17.01.19

[http://wagingpeace.info/wp-content/uploads/pdfs/Briefing\\_-\\_LGBT\\_issues\\_in\\_Sudan.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/Briefing_-_LGBT_issues_in_Sudan.pdf)

<sup>5</sup> Waging Peace, 'Rape in Darfur – A History of Predation', November 2015, accessed online 17.01.19

[http://wagingpeace.info/wp-content/uploads/pdfs/Rape\\_report\\_v.3b\\_web.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/Rape_report_v.3b_web.pdf)

<sup>6</sup> Waging Peace, 'Mental health in Sudan – the psychiatric and psychological infrastructure', 2016, accessed online 17.01.19

[http://wagingpeace.info/wp-content/uploads/pdfs/Mental\\_health\\_in\\_Sudan\\_-\\_the\\_psychiatric\\_infrastructure.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/Mental_health_in_Sudan_-_the_psychiatric_infrastructure.pdf)

<sup>7</sup> Waging Peace, 'Response to Parliamentary inquiry on UK-Sudan relations hosted by APPG on Sudan', 2016, accessed online 17.01.19 [http://wagingpeace.info/wp-content/uploads/pdfs/Waging\\_Peace\\_Article\\_1\\_submission.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/Waging_Peace_Article_1_submission.pdf)

<sup>8</sup> Waging Peace, 'Recent cases of post-deportation risk', 2017, accessed online 17.01.19 [http://wagingpeace.info/wp-content/uploads/pdfs/Post-deportation\\_update\\_January\\_2017.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/Post-deportation_update_January_2017.pdf)

<sup>9</sup> UNA-UK, 'Peacekeeping cuts – a decision for Darfur', 2017, accessed online 17.01.19 <https://www.una.org.uk/peacekeeping-cuts---decision-darfur>

<sup>10</sup> Bond, 'State of the World's Emergencies – Sudan', accessed online 17.01.19 [http://wagingpeace.info/wp-content/uploads/pdfs/state\\_of\\_the\\_worlds\\_emergencies\\_2017\\_-\\_sudan.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/state_of_the_worlds_emergencies_2017_-_sudan.pdf)

- 'Risk to individuals from Nuba Mountains in Sudan' (2018)<sup>11</sup>
  - 'Recommendations on post-deportation monitoring in Sudan' (2018)<sup>12</sup>
  - 'Submission to Human Rights Committee' (2018)<sup>13</sup>
  - 'Risk on return for Darfuris in Sudan' (2019)<sup>14</sup>
  - 'Briefing on the situation in Sudan following June massacre' (2019)<sup>15</sup>
5. Not included above are the dozens of briefings I have produced as part my role as secretariat of the UK-Sudan working group. This is a group of 30+ organisations, consisting of the UK branches of the major international non-governmental organisations and humanitarian agencies working on or in Sudan. It was formerly convened by an organisation dedicated to conflict prevention, Crisis Action,<sup>16</sup> but I have managed it over the past 4 years. The group serves as a single point of contact for stakeholders including the Foreign and Commonwealth Office (FCO), the US State Department, European External Action Service (EEAS), journalists, and academics. The working group has produced briefings on topics as diverse as the US decision to lift sanctions, EU spending on migration management in Sudan, and the downsizing of the peacekeeping mission in Darfur. We also host approximately 12 meetings a year with key policy-makers.
  6. Waging Peace is a non-governmental organisation (NGO) formed in 2004 to document and respond to human rights abuses in Sudan. Together with its sister charity Article 1<sup>17</sup> Waging Peace also works closely with the Sudanese community in the UK, with a focus on those made most vulnerable by the immigration system. Waging Peace and Article 1's shared mission is to support Sudanese refugees to build meaningful lives in the UK. This contributes to our vision of a Sudanese-British community contributing to local and national life in UK while working for an inclusive, diverse, and peaceful Sudan.
  7. Waging Peace has been able to source substantial evidence on post-return risk, particularly, but not exclusively, when individuals are rejected asylum-seekers and have engaged in sur place activity. Our reports on this are 'The Danger of Returning Home' (2012)<sup>18</sup>, 'The Long Arm of the Sudanese Regime' (2014)<sup>19</sup>, and 'Recent cases of post-deportation risk' (2017)<sup>20</sup>, and contain between them dozens of testimonies of individuals targeted on return to Sudan. Their conclusions form part of the Home Office's reporting on the country via its latest country policy and information notes, receiving citations throughout.
  8. Waging Peace is currently listed as the only organisation able to assist with post-return monitoring on a relevant online forum,<sup>21</sup> and as such I regularly field enquiries from European, or increasingly also global, organisations concerned for individual returnees, or seeking information on the issue at large. I have also

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<sup>11</sup> Waging Peace, 'Risk to individuals from Nuba Mountains in Sudan', March 2018, accessed online 14.01.19

<http://wagingpeace.info/wp-content/uploads/2018/03/waging-peace-report-for-nuba-country-guidance-case-march-2018.pdf>

<sup>12</sup> Waging Peace, 'Recommendations for returns and readmission discussions at 5<sup>th</sup> round of Strategic Dialogue', 2018, accessed online 17.01.19 <http://wagingpeace.info/wp-content/uploads/2018/11/waging-peace-recommendations-on-returns-and-readmission-procedures-april-2018.pdf>

<sup>13</sup> Waging Peace, IRRI, SOAS, 'Sudan's compliance with its obligations under the International Covenant on Civil and Political Rights in the context of mixed migration from, and to, Sudan – 124<sup>th</sup> session of the Human Rights Committee – Review of Sudan's State Party report', September 2018, accessed online 16.01.19 <http://wagingpeace.info/wp-content/uploads/2018/09/joint-submission-to-human-rights-committee-sudan-september-2018.pdf>

<sup>14</sup> Waging Peace, 'Risk on return for Darfuris in Sudan', January 2019, accessed online 23.08.19

<https://wagingpeace.info/wp-content/uploads/2019/03/NAD-report-FINAL-18.01.19.pdf>

<sup>15</sup> Waging Peace, 'Sudan in transition: a window of hope?', 12 June 2019, accessed online 23.08.19 <https://wagingpeace.info/wp-content/uploads/2019/06/FINAL-Sudan-briefing-June-2019.pdf>

<sup>16</sup> [www.crisisaction.org](http://www.crisisaction.org)

<sup>17</sup> [www.article1.org](http://www.article1.org)

<sup>18</sup> Waging Peace, 'The Danger of Returning Home', September 2012, accessed online 14.09.19 [http://wagingpeace.info/wp-content/uploads/pdfs/pdf/Exclusives/2012\\_09\\_THE\\_DANGER\\_OF\\_RETURNING\\_HOME.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/pdf/Exclusives/2012_09_THE_DANGER_OF_RETURNING_HOME.pdf)

<sup>19</sup> Waging Peace, 'The Long Arm of the Sudanese Regime', September 2014, accessed online 14.09.19

[http://wagingpeace.info/wp-content/uploads/pdfs/The\\_Long\\_Arm\\_of\\_the\\_Sudanese\\_Regime\\_-\\_COMPRESSED.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/The_Long_Arm_of_the_Sudanese_Regime_-_COMPRESSED.pdf)

<sup>20</sup> Waging Peace, 'Recent cases of post-deportation risk', accessed online 14.09.19 [http://wagingpeace.info/wp-content/uploads/pdfs/Post-deportation\\_update\\_January\\_2017.pdf](http://wagingpeace.info/wp-content/uploads/pdfs/Post-deportation_update_January_2017.pdf)

<sup>21</sup> Rights in Exile Programme, 'Sudan Post-Deportation', accessed online 15.01.19

<http://www.refugeelaidinformation.org/sudan-post-deportation-monitoring%20>

engaged the Home Office and FCO specifically on the issue of post-return monitoring best practice, and hope to establish a more formal process in future.<sup>22</sup>

9. Our 15 years of dedicated work on the country means Waging Peace has established regular contact with Nuba groups, as well as a wider cross-section of the diaspora and civil society, both in the UK and Sudan. For instance, I run a WhatsApp group connecting 70+ of the major Nuba, Darfuri and other community leaders in the UK, who can filter my requests for information, contacts, and opportunities to their larger networks. In this way I feel I have good visibility into the circumstances of the estimated 50,000-strong Sudanese community in the UK.
10. This also means I am able to fact-check information. As such, I have sometimes had cause to contact the Home Office regarding potentially fraudulent methods being used by individuals to obtain asylum as Sudanese nationals, instead specifying the correct persons and procedures that community and tribal groups are using in order to prove ethnicity, or affiliation with a political party or rebel movement. I did so most recently on 7 November 2018, providing updates on both a tribal group and rebel movement. I have a personal, as well as professional, commitment to ensuring that the asylum procedure is robust.
11. In short, I work from a solid position of trust with policy-makers, politicians, academics, journalists, the Nuba community in the UK, and on the ground in Sudan, so am uniquely placed to collect information on the topics under consideration in this report.

## Methodology

12. As an expert, I am aware of my responsibility to provide a balanced assessment of the issues under consideration. I have made every attempt to familiarise myself with a variety of viewpoints for the production of this short report.
13. I have consulted widely for this report, drafting and sending a letter (see Annex I) seeking input to a variety of sources, consisting chiefly of organisations or individuals with known expertise operating inside Sudan. A total of 6 responses were received, and are quoted in full below, and largely offered for the reader's independent consideration. As most responses were received via email, small formatting changes have been made to allow for readability, but responses were otherwise left as received, so spelling and grammar errors are included.
14. In choosing who to approach, I prioritised those individuals named and quoted in existing Home Office reporting, but also drew on the recommendations of the UK-Sudan working group. I also prioritised organisations with operations on the ground in Sudan. In short, I approached an authoritative and respected group of Sudan commentators with various backgrounds and areas of expertise, including individuals also consulted by the Home Office.
15. I sent out a standardised letter (see Annex I) to all individuals approached for input, dated 17 July 2019, though copies of the letter were sent on different dates to different individuals, depending on when they were first identified as a potential source. In some instances, those I initially approached then forwarded this letter on to other individuals or organisations that they had identified for additional input.
16. Often such a request for input led to telephone or in-person conversations which further influenced this report, or provided specific examples and background materials which are mentioned below, and accredited where suitable.

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<sup>22</sup> Waging Peace, 'Recommendations for returns and readmissions discussions at 5<sup>th</sup> round of Strategic Dialogue', April 2018, accessed online 14.01.19 <http://wagingpeace.info/wp-content/uploads/2018/11/waging-peace-recommendations-on-returns-and-readmission-procedures-april-2018.pdf>

17. In addition, in this report I draw on the observations made during a trip to South Sudan undertaken in November-December 2018, details of which have already been supplied in my report for consideration in the Darfuri Country Guidance case, the relevant section of which I include at Annex VIII.<sup>23</sup>

## Current political situation

18. Circumstances have changed quite dramatically in Sudan since the last time these issues were under consideration by the Tribunal. Protests starting in December 2018 forced former President Omar Al-Bashir from office on 11 April 2019. Power was immediately assumed by the self-appointed Transitional Military Council (TMC), and negotiations commenced with civilians and opposition bodies under the banner of the Forces for Freedom and Change (FFC). A power-sharing and constitutional agreement was signed between these bodies on 17 August 2019, with the new government due to take effect later this month.

19. At the time of writing, it remains to be seen whether there will surface the political will and consensus needed for the implementation of the monumental tasks outlined in this agreement. The new leadership body includes individuals involved in the commission of mass atrocities in the conflict areas of Sudan, notably Mohamed Hamdan Dagalo, or 'Hemetti', formerly deputy within the TMC, and now a member of the 11-strong Sovereign Council. As leader of the Rapid Support Forces (RSF), itself the re-branded '*Janjaweed*' forces responsible for war crimes, crimes against humanity, and genocide in Darfur, Hemetti also oversaw campaigns of violence in the Nuba Mountains.

20. It is relevant that such violence continued during the length of the protests, including in South Kordofan, where there are several gold mines being run by the RSF, the proceeds of which are funnelled through Hemetti's family company, Al Junaid Industrial Group, and so kept off Sudan's official budget sheet.<sup>24</sup> In one case on 22 April 2019, RSF soldiers killed a gentleman at point blank range when he refused to be arrested by any security force other than the police.<sup>25</sup> When the families protested this action, RSF soldiers fired into crowded scenes in the main town.<sup>26</sup> In a similar incident, when residents of Tar Tar protested around the same time at residents in Atbara in mid-December 2018, they were instead met with brutality including the death of 2 individuals under torture. Similarly, the South Kordofan/Blue Nile Coordination Unit noted in their reporting, and in Annex V below, that there was a build-up of Sudanese Armed Forces (SAF) troops along the frontlines with Sudan People's Liberation Movement-North (SPLM-N) areas, accompanied by fly-overs, in March and April 2019. Baroness Caroline Cox, President of the Humanitarian Aid Relief Trust, also confirmed acts of similar intimidation based on a recent visit to the area and a report dated February 2019. While such cases were under- or even un-reported in the wider media, especially given the then ongoing crackdown occurring elsewhere in the country, they are indicative of the respect for Nuba lives shown by the RSF. It is my opinion that the Nuba will likely remain at threat in any system in which the RSF retain power.

21. Hemetti and other TMC actors were also responsible for acts of repression in the capital, Khartoum, including a massacre on 3 June 2019 of the sit-in site in front of SAF headquarters which left at least 128 individuals dead, with 70 rapes, and reports of bodies dumped in the River Nile.<sup>27</sup> In an interview I facilitated for The Economist's Intelligence podcast, a recent returnee from the 3 June massacre described

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<sup>23</sup> Waging Peace, 'Risk on return for Darfuris in Sudan', January 2019, accessed online 23.08.19

<https://wagingpeace.info/wp-content/uploads/2019/03/NAD-report-FINAL-18.01.19.pdf>

<sup>24</sup> Radio Dabanga, Eric Reeves, 'Op-ed: The Constitutional Charter and the future of Sudan', 7 August 2019, accessed online 23.08.19 <https://www.dabangasudan.org/en/all-news/article/op-ed-the-constitutional-charter-and-the-future-of-sudan>

<sup>25</sup> HUDO Centre, 'Killing of a civilian by RSF soldier at Altugula gold mine in Talodi, Sudan', 9 May 2019, accessed online 24.08.19 <https://hudocentre.org/killing-of-a-civilian-by-rsf-soldier-at-altugula-gold-mine-in-talodi-sudan/>

<sup>26</sup> HUDO Centre, 'Murder and injuring of civilians by RSF at Altugula gold mine in Talodi, Sudan', 9 May 2019, accessed online 24.08.19 <https://hudocentre.org/murder-and-injuring-of-civilians-by-rsf-at-altugula-gold-mine-in-talodi-sudan/>

<sup>27</sup> Waging Peace, 'Sudan in transition: a window of hope?', 12 June 2019, accessed online 23.08.19 <https://wagingpeace.info/wp-content/uploads/2019/06/FINAL-Sudan-briefing-June-2019.pdf>

her experiences of the brutal RSF attack.<sup>28</sup> She, as well as others, described to me that RSF soldiers intent on committing rape and sexual violence spoke of the woman they pursued using the racist language which they would use towards those coming from the Nuba Mountains or Darfur. In an incident reported by the journalist Dr Mohamed Galal Hashim, and in an article which is written in Arabic and which I have had translated for me by a Nuba activist now based in the UK, Hemetti described the sit-in site as being full of *zurgha*, meaning black people, and that this made him anxious. This may explain the particular brutality reserved for this site on 3 June.

22. It is also the case that tea ladies in Khartoum were massacred. Tea ladies are overwhelmingly drawn from conflict-affected groups, and Nuba saleswomen in particular are known to produce a lightly alcoholic beverage called *merisa*. Many have historically been subject to harassment, nicknamed *kasha*, by police and other security actors, seen as a campaign to repatriate rural migrants based on racial profiling.<sup>29</sup> During the protests, tea sellers were drawn to the sit-in site because of increased foot traffic, and in some cases, shared revolutionary feeling. The treatment they received worsened during the length of the protests, but specifically on 3 June, when tea sellers were a crucial group that was targeted, with many subjected to rape, sexual violence, and the destruction of their property.<sup>30</sup>
23. What this indicates to me is that while violence was widely used on 3 June, there was also an element of racial profiling and targeting. So while protesters in general were the target, the most egregious abuses could be reserved for those felt to have the most extreme views and whose ill-treatment would likely bring no serious repercussions, given the inability of such groups to launch well-funded campaigns for justice and redress, while such incidents would still serve to act as a deterrent to other protesters.
24. There were also instances of the individual targeting of particular Nuba persons, both before and after the 3 June massacre. Many Nuba activists mentioned to me the case of Saifeldin Terry, a national football player. While many of his teammates protested alongside Mr Terry, when Mr Terry did he was arrested and interrogated. Protesters clearly linked this to his Nuba ethnicity, raising this issue in a demo in a Nuba-majority Khartoum suburb, Al Haj Yousef, on 27 July 2019, which was met with teargas, with civilians sustaining injuries. This forced Mr Terry's release on bail on 30 July 2019, but he is awaiting trial at the end of August. Another Nuba footballer, Mutaz Kabier, was also allegedly dealt with more aggressively than his other teammates. The absence of other documented cases should not indicate that such cases do not exist, however, I find it highly likely that such incidents would not be reported, especially given this occurred at a time during which the internet was shut down.
25. In fact, Sudan expert Hafiz Mohamed, who has before been consulted by the Home Office for its reporting, mentioned to me at a meeting on 20 August 2019 that in his home area of Um Bada in Khartoum's 'Black Belt', which is majority Nuba or Darfuri, after 3 June there were attacks that made the neighbourhood sound like a battle ground. He speculated that such reprisals were reserved for areas populated by these marginalised groups because they would not receive wider media coverage.
26. Persecution also includes the particularly poor treatment while in detention of Nuba individuals. Mr Mohamed mentioned to me at the same meeting that in reading testimonies of detained individuals, with which he comes into contact regularly given his profession, it was clear that Nuba and Darfuri individuals were treated much more harshly. Similarly, there are at least 25 individuals that were arrested back in 2011 and who remain detained, or otherwise disposed of, and who were expressly not included in the

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<sup>28</sup> Economist, "'You smell the tear gas, you can smell the blood' – Sudan's violent transition", accessed 09.07.19 [https://www.economist.com/podcasts/2019/07/01/you-smell-the-tear-gas-you-can-smell-the-blood-sudans-violent-transition?fbclid=IwAR3UEuP14M02JO4AcO5sU41rLioZPMLDhBWZKhPB1aBU7g7bWmd3b\\_yLJa0](https://www.economist.com/podcasts/2019/07/01/you-smell-the-tear-gas-you-can-smell-the-blood-sudans-violent-transition?fbclid=IwAR3UEuP14M02JO4AcO5sU41rLioZPMLDhBWZKhPB1aBU7g7bWmd3b_yLJa0)

<sup>29</sup> Mada Masr, 'Awadeya Mahmoud Koko: from tea seller to union leader to 'mother of the revolution'', 21 May 2019, accessed 27.08.19 <https://madamasr.com/en/2019/05/21/feature/politics/awadeya-mahmoud-koko-from-tea-seller-to-union-leader-to-mother-of-the-revolution/>

<sup>30</sup> Radio Dabanga, 'Body of killed tea seller found in Sudan's Nile river', 26 June 2019, accessed online 27.08.19 <https://www.dabangasudan.org/en/all-news/article/body-of-killed-tea-seller-found-in-sudan-s-nile-river>

TMC's release pardon. The precise names are withheld here at the request of the Human Rights and Development Organisation (HUDO) Centre, which supplied this information, given the fear that individuals would be subject to reprisal if there were seen to be a public campaign for their release.

27. Overall, this speaks to the fact that anti-Nuba (or other marginalised groups) attitudes are still prevalent in the TMC, who now rule Sudan in coalition with FFC representatives. These attitudes will likely prevail in the coming transitional period, and there are insufficient checks on the power of security forces to prevent persecution of such groups.
28. As an aside, while investigations into more historic crimes are included in the terms of the current agreement, many have raised concerns that the terms fail to mention benchmarks and consequences should there **not** be needed reforms to ensure justice and accountability, and also that provisions in the agreement ensure immunity for members of the Sovereign Council, including Hemetti.<sup>31</sup> Bashir has been tried on charges of corruption, but not for genocide, war crimes, and crimes against humanity in Darfur, or elsewhere in the country, either domestically or at the International Criminal Court (ICC) where he has an outstanding arrest warrant. The TMC's overall track record for accountability is poor, for instance the whereabouts of former security chief and head of what was formerly called the National Intelligence and Security Services (NISS), Salah Gosh, are unknown/unconfirmed. There are fears such individuals have been allowed to leave the country and recover stolen state assets. This helps feed the notion that the TMC is just 'Ingaz 2.0', or a continuation of the old regime, intent on protecting its former leading members.
29. Similarly, many quite rightly doubt Hemetti's commitment to those new constitutional provisions detailing security sector reform, as although the RSF is formally incorporated into the SAF, Hemetti retains his autonomy through self-serving and self-enriching campaigns throughout the country, mostly through the smuggling of gold, as detailed.<sup>32</sup>
30. More generally, at the moment it remains unclear exactly how Sudan will change, and I am of the opinion that there is not enough evidence to indicate that attitudes and behaviours shown towards marginalised groups will be significantly altered by new provisions. Many of the armed movements representing such groups in fact have boycotted the signing of the agreement between the TMC and FFC, notably the SPLM-N Al-Hilu faction, though ceasefires have been temporarily agreed. But while the area of the Nuba Mountains and the fate of its people, openly calling for secession, remains an open area of contention and concern, it is clear to me that the risk to groups from such areas displaced or otherwise living in the capital is high, as they will have imputed political opinion and presumed sympathies with this cause.
31. The 6 respondents quoted below are also unanimous in cautioning against hastily optimistic interpretations of the current context. Sudan expert A says "the implications of the recent changes for Nuba specifically are not easy to measure"; and Koert Debeuf from the Tahrir Institute for Middle East Policy Europe says, "Everything is rather messy now. Therefore it is risky to make an assessment that can hold for more than one week." The All-Party Parliamentary Group, in their submission at Annex VI said, "The APPG for Sudan and South Sudan has heard from senior officials in the British Government who believed that the situation in Sudan had drastically improved only to give a more cautious opinion within a matter of days after the situation deteriorated rapidly. Given that the situation is unstable, at this point it is inappropriate to consider South Kordofan safer under the current regime than it was under the old regime."
32. What is also relevant for your consideration is the role assumed by the diaspora in the protest movement. Several commentators have highlighted the role that the UK diaspora in particular played in the

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<sup>31</sup> Human Rights Watch, 'Sudan: prioritise justice, accountability', 23 August 2019, accessed online 24.08.19 <https://www.hrw.org/news/2019/08/23/sudan-prioritize-justice-accountability>

<sup>32</sup> Radio Dabanga, Eric Reeves, 'Op-ed: The Constitutional Charter and the future of Sudan', 7 August 2019, accessed online 23.08.19 <https://www.dabangasudan.org/en/all-news/article/op-ed-the-constitutional-charter-and-the-future-of-sudan>

revolution.<sup>33</sup> In one instance, pro-government journalist Hussein Khoujali spoke in a televised address about a London pub, The Monkey Puzzle in Paddington, regularly frequented by dissidents, particularly those from the Communist Party, and from which he said the revolution was organised.

33. It is worth noting that many of the members of the newly appointed Sovereign Council, notably those elected by the FFC, were educated and lived in Britain at some stage: Muhammad Hassan al-Taeshi lived here after 2009, and Aisha Moussa al-Saeed studied at the universities in Leeds and Manchester.<sup>34</sup> Most notably, incoming Prime Minister Abdullah Hamdok obtained a PhD from the University of Manchester. This is relevant in that it more clearly links the bodies united in favour of revolution to the UK, presenting the UK as a hotbed of revolutionary ideals. This means that those returning to Sudan from the UK, either forcibly or voluntarily, are likely to be subject to increased scrutiny on this basis.
34. In this context I also find it relevant that procedures for exiting and entering the country remain largely unchanged, even despite the limitation of the NISS's role to simply information-gathering – activist Hafiz Mohamed confirmed to me that security officials maintain a desk at the airport at which they ask you about your planned activities out of or in the country. It is too early to say how, and if, this will change in coming months.
35. In conclusion, now is not the time to say whether attitudes towards Nuba individuals have improved, especially considering the very recent fall of the Bashir regime and its replacement by a new transitional system. The situation is simply too new to draw firm conclusions that would last more than the coming few weeks or months, and many respondents to my request for input said they felt that even if better treatment were to hold for an initial period, the historically marginalised groups would be among the first to suffer should there be a wider governmental crisis. There is ample evidence that attitudes among the TMC, chiefly originating in the RSF and its leader Hemetti, are anti-Nuba, both on ethnic/racist grounds, and because individuals are assumed to have existing anti-government political opinion. It is therefore my opinion that someone returned to Sudan as a rejected asylum seeker could foreseeably face difficulty on arrival at the airport or otherwise, not least as their exposure to diaspora activities would single them out as being of further interest.

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<sup>33</sup> See The Guardian, 'Sudan's displaced citizens stir revolt from the sidelines', 21 April 2019, accessed online 23.08.19 <https://www.theguardian.com/world/2019/apr/21/sudan-diaspora-stir-revolt-from-overseas> and BBC News, 'London's unlikely link with Sudanese demonstrations', 12 April 2019, accessed online 23.08.19 <https://www.bbc.co.uk/news/av/world-africa-47903616/london-s-unlikely-link-with-sudanese-demonstrations>

<sup>34</sup> Middle East Eye, 'Who are the members of Sudan's new sovereign council?', 21 August 2019, accessed online 23.08.19 <https://www.middleeasteye.net/news/who-sudans-new-sovereign-council>

## Annexes

### Annex I

Letter shared by Waging Peace to seek input to report



G12, The Foundry,  
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Wednesday 17 July 2019

Dear Sir/Madam,

**Re: Input into Waging Peace report on risk to Nuba individuals in Sudan, and as failed asylum seekers**

1. I am the Co-Executive Director of Waging Peace, a non-governmental organisation that documents human rights abuses in Sudan, and together with its sister charity Article 1 (<http://www.article1.org> registered number 1124746), helps Sudanese refugees and asylum-seekers build meaningful lives in the UK.
2. We have been instructed as an expert witness in a UK Country Guidance case looking to establish risks to Nuba individuals in Sudan. In order to help us prepare a report, we are seeking input from a variety of sources on the below questions. We also welcome submission of other research and resources.
3. We would be grateful if you could provide answers from yourself/your organisation via email to [maddy.crowther@wagingpeace.info](mailto:maddy.crowther@wagingpeace.info) at your earliest convenience, and with a **strict deadline of 13 August 2019**.
4. Please indicate in your email how/if we should attribute your information. All emails, except where it is made clear that answers are provided *on background only*, will be provided in full in the Annexes of the finished report.
5. Please answer the below with an emphasis on events since the establishment of the Transitional Military Council in April 2019.
  - a. What is your assessment of the security and humanitarian situation in South Kordofan?
  - b. What is your assessment of the risk to Nuba individuals in Khartoum? What is your view of the reasonableness of the assertion that an individual can relocate to Khartoum from either elsewhere in Sudan, or internationally?
  - c. What is your assessment of the fact that Nuba individuals are targeted in Sudan on the basis of their ethnicity, and that they suffer discrimination amounting to persecution, for instance concerning access to healthcare, housing, employment, education, or religious freedom?
  - d. What is your assessment of the risk to Nuba individuals returning to Sudan via Khartoum International Airport, including the impact of any immigration or security measures? How does this vary among groups, for instance returning travellers, or those returning on Emergency Travel Documents?
  - e. How would you/your organisation describe your relationship with the British Embassy Khartoum? Has this relationship changed in recent years?
  - f. Any other information of which you think we should be made aware?

Thank you for your consideration of this matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Maddy Crowther".

Maddy Crowther  
Co-Executive Director, Waging Peace  
[maddy.crowther@wagingpeace.info](mailto:maddy.crowther@wagingpeace.info) | 0203 752 5817

*Annex II*

Sudan expert A – name withheld for security reasons, response received via email 18 July 2019

Hi Maddy,  
COngrats for all the great work!

For Nuba (or Blue Nile), it's very difficult to reply, as I only saw a few cases of Nuba asylum seekers in Libya and Europe, and none who returned (voluntarily or not), although I met one who could be ready to return (from Tunisia, after crossing Libya), but I'm not sure he knows the risks.

Further, I've not been to Khartoum or Nuba Mountains since a few years, and the implications of the recent changes for Nuba specifically are not easy to measure.

To be sure, there's always been a strong Nuba presence in Khartoum, mixing pro-SPLM and anti-SPLM people, both socially and economically marginalized, but not necessarily systematically persecuted. I suspect some sub-groups in particular could be persecuted, or even more that it could be on an individual basis. TMC spokesperson Kabashi is a Nuba and pretends to represent all Nuba, but it has not the same implication than Hemeti for Darfur who actually only represents the Arabs from the region. There's also the division between Abdelaziz al-Hilu and Yasir Arman, both competing to get Nuba on their side. Yasir was arrested then expelled with 2 Nuba politicians he coopted (Ismail Jallab and Mubarak Ardol, the latter incidentally from Kabashi's tribe), but you may still expect the TMC to be closer to Yasir's than to Abdelaziz's supporters.

On the latter question, in fact, I felt much less welcome by the FCO after I testified, albeit confidentially, at the Parliament commission. But the embassy has always been rather polite and friendly, even if completely focused on development issues as if there was no more political and security problems in the peripheries. I'm curious to see how it will evolve.

In case you didn't see that piece: <https://foreignpolicy.com/2019/07/09/how-darfur-became-sudans-kingmaker/>

And that one: <https://www.doctorswithoutborders.org/what-we-do/news-stories/story/refugees-face-death-disease-and-despair-libyas-detention-centers#breadcrumb-block>

*Annex III*

Koert Debeuf, Director, Tahrir Institute for Middle East Policy Europe, response received via email 7 August 2019

Hi Maddy,

Please find below my answers.

Do let me know if this is ok for you.

All the best,

Koert

a. What is your assessment of the security and humanitarian situation in South Kordofan?

It is very difficult, and even more so than in the past, to get an accurate picture of the situation in Sudan in general and in South Kordofan in particular. From the information I get, the situation is much better now as negotiations were concluded in a rather good way. However, as we have seen in countries like Egypt or Iraq,

the situation remains unstable. This means that from the moment the consensus is broken, regions like South Kordofan will be the first to suffer from the new chaos.

b. What is your assessment of the risk to Nuba individuals in Khartoum? What is your view of the reasonableness of the assertion that an individual can relocate to Khartoum from either elsewhere in Sudan, or internationally?

Right now, it seems safe for Nuba individuals in Khartoum. However, as said in answer a), the situation remains very prematurely stable. Things can collapse quickly. If that happens, Nuba individuals, as well as Darfuri people, might become the first victims. Therefore, I would advise them to wait with relocation until the consensus becomes more stable.

c. What is your assessment of the fact that Nuba individuals are targeted in Sudan on the basis of their ethnicity, and that they suffer discrimination amounting to persecution, for instance concerning access to healthcare, housing, employment, education, or religious freedom?

From what I have read in the new constitution, just published on 6 August, the problem of the minorities is not specifically or sufficiently tackled. This means that it was no breaking point for the opposition, and thus that the discrimination is likely to persist.

d. What is your assessment of the risk to Nuba individuals returning to Sudan via Khartoum International Airport, including the impact of any immigration or security measures? How does this vary among groups, for instance returning travellers, or those returning on Emergency Travel Documents?

Everything is rather messy now. Therefore it is risky to make an assessment that can hold for more than one week. That is the reason why one should remain very reticent in returning Nuba individuals to Sudan via Khartoum. Moreover, one should not underestimate the habits of the police and the secret police, and how persistent they are, even when a regime is changing for the better. It is really too early to say that things will be safer now.

e. How would you/your organisation describe your relationship with the British Embassy Khartoum? Has this relationship changed in recent years?

That is a question I am unable to answer

f. Any other information of which you think we should be made aware?

I hope that my answers above make clear that although I am hopeful for a better future for Sudan, I remain very prudent about human right violations. I have lived through transitions in Egypt and have seen how quick old habits can return.

*Annex IV*

Mohaned Elnour, human rights lawyer, response received 31 July 2019

I, Mohaned Ahmed, a practicing human rights lawyer for over 13 years in Sudan, I have started my career at Peoples' Legal Aid Centre, providing legal services to victims of human rights violations and abuses all over Sudan, and I worked in Darfur, Blue Nile and Nuba Mountains. Since 2012 I have focused on Freedom of Religion or Belief and providing legal aid for Christians as the Muslim brotherhood government in Sudan has been systematically violating their rights and discriminating against them. In March 2013, I become a founder and director of Justice Centre for Advocacy and Legal Consultations, I am also a legal researcher on Sudanese laws in comparison with international human rights standards. Additionally, I have accomplished training and development practitioner experience in managing and delivering training in Human Rights and Constitutionalism. Recently, in July 2019, I trained 40 Nigerian human rights lawyers from different faiths In Abuja, Nigeria on Freedom of Religion or Belief. Moreover, I was the legal assistant for European Election Observation Mission for Sudanese General Election 2010 and South Sudan Referendum 2011.

I have been leading the defence teams in most of the high profile human rights violations cases before the different Sudanese courts, such as the case of Mariam Ibrahim, a woman whom was sentenced to death for apostasy in 2014, the case of two South Sudanese pastors charged for crimes against State and undermining the constitutional order which carrying death penalty and life imprisonment in 2015, the case of 12 girls charged for indecent clothes in 2015, the case of Sudanese priests and Czech citizen charged for crimes against State which carrying death penalty and life imprisonment in 2016, deputy of the head legal defence team of TRACKS's case; 8 human rights defenders charged for crimes against State which carrying death penalty and life imprisonment in 2016, and other cases.

It is noteworthy that as a result of my active engagement of defending the above-mentioned cases and many others, the British Embassy in Khartoum has nominated me to attend a human rights course went for ten weeks organized by the human rights centre of Nottingham university in 2015 as well as in December 2018 I received a certificate of apperception from Foreign and Commonwealth Office. I have also received a certificate of appreciation from US state department in 2014 and I have been nominated to take part in International visitor program in the USA in February 2017.

I am a reliable source for most the international human rights organisations and diplomatic delegations especially British Embassy and USA Embassy. I contribute on most of the reports related to the human rights situation in Sudan. In 2018, I contributed on a report released by Office of the High Commissioner for Refugees and Stateless persons in February 2018. [https://www.cgra.be/sites/default/files/rapporten/coi\\_focus\\_sudan.\\_risk\\_upon\\_return\\_1.pdf](https://www.cgra.be/sites/default/files/rapporten/coi_focus_sudan._risk_upon_return_1.pdf)

Regarding my status, on 24 April 2018, I was forced to flee Sudan after being tortured by the Sudanese authorities, National Intelligence and Security Service (NISS), coming to UK and seeking asylum, Currently, I have been granted leave to remain as a refugee for five years.

As a human rights lawyer, I am fully aware of injustice that non-Arab are facing based on their ethnicity and religion, especially, people with background from Darfur and the two areas (Blue Nile and Nuba mountains). the Islamic-Arab regime has been on the United States list of state sponsoring terrorism since August 1993. All the Nuba mountains people are African, many of them are non-Muslim. It was not an accident that most of my clients in the above-mentioned cases are from Nuba Mountains and non-Arab Darfuris.

After the war took place in the two areas (Blue Nile and Nuba mountains), the situation has become worse as Sudanese Government lunched aerial bombardments targeting the civilians in Nuba Mountains. <https://www.gov.uk/government/news/troika-statement-on-current-situation-in-sudan>.

For those whom have been deported, NISS treated them discriminately and consider them as a threat to the regime's security. I could tell NISS believes any one from the two areas or non-Arab Darfuris belongs to rebel movements unless they prove the opposite.

The ethnicity is encounter and very much linked to politics, especially when it comes to the formation of rebel movements, for instance, most of the fighters of rebel groups are non-Arab Darfuris or belong to Nuba and Angasna ethnicities, therefore, it is most likely that anyone from these areas is suspected to belong to rebels or cooperating with them by way or another, and he/she will be subject to risk of detention and torture or even assassination upon his deportation to Sudan.

After the overthrow of President Omer Al-Bashir in April 2019, Lt. Gen. Mohammad Hamdan Daglo (known as Hemeti) become the most powerful person in Sudan. Hemeti is the Deputy Chairman of Sudan's Transitional Military Council (TMC), and Commander of the Rapid Support Forces (RSF). RSF is the former Janjaweed militia, which has been formulated from Arab ethnicity responsible for the genocide and crimes against humanity in Darfur, as well as in Nuba Mountains against Indigenous African ethnicities. The risk of return to Sudan for non- Arab especially from Nuba Mountains is too high with the control of Hemeti's militia over all Sudan.

On 3rd June 2019, RSF, jointly with National Intelligence Security Service NISS, used the same tools previously used by the genocidal Janjaweed militia against civilians in Darfur and other regions, these include Killings, Torture, Rape and Property looting and destruction. See the report released by African centre for Justice and Peace Studies ACJPS, which I personally work closely with. <http://www.acjps.org/rapid-support-forces-tactics-of-bloodshed-and-violence-against-civilians-in-sudan-is-not-new/>

As a result of RSF's violations, EU has suspended migration control projects in Sudan amid repression fears

<https://www.dw.com/en/eu-suspend-migration-control-in-sudan>

In December 2016, I met with one of the deported people returned from Italy. He is non-Arab Darfuri, he told me they were 40. When they arrived, NISS gave them 50 SDG each (£2) and they have immediately left, while himself and other 5 persons, two

from Nuba mountains and three are also non-Arab Darfuris were kept. He informed that he has been kept for 35 days in NISS premises, he was heavily tortured before being released without being charged. He has no idea what happened to the others.

It is important to mention that many of the people who left Sudan have no connections with their families, they might be died or detained or deported to Khartoum as no one tells the families when they deported. Also, human rights defenders don't aware when people deported to Khartoum, NISS keep any news about deportation as a State secrets. For example, In March 2017 there were six people returned to Khartoum, I knew about them from a source in Khartoum airport, I circulated their names widely but did not find any feedback so far.

Finally, I would like to update that currently the situation in Sudan has become very unpredictable and it is getting to be worse than it used to, the country is controlled by the Janjweed, as a result, respect for human rights and humanitarian law is not considered, the Sudanese constitution has been suspended since April 2019, killing of the innocent civilians occurs on regular basis since December 2018. The violent disperse of the peaceful demonstrators in June 2019 who were participating in the sit in in front of the military headquarter in Khartoum reflects the brutality of the Janjweed. In short, no Sudanese, especially those from Nuba Mountains, will be secure and peaceful with such dirty hands which are always thirsty for bloodshed, who can kill shamelessly and without hesitation.

Please do not hesitate to contact me if any explanations or more information. Mobile number: 07477249084, Email: [mohaned.lawyer@gmail.com](mailto:mohaned.lawyer@gmail.com)

Yours sincerely, Mohaned Ahmed

*Annex V*

South Kordofan/Blue Nile Coordination Unit, response received via email 19 July 2019

Dear Maddy,

I could only comment on a) below and did so as extensively as possible. I hope some of it at least is useful. For the rest of the points below, more applicable for the SRRA. Have you been in contact yet with [REDACTED] of SRRA AA applicable to Nuba? I don't have any information from the Kit side

a. Humanitarian situation

Here I can refer you to the last few Humanitarian updates but I would recommend using the info from the last update (July)

Security situation

A distinct build-up of SAF troops was reported along the frontlines with SPLM-N areas in November 2018 only to seemingly subside when the demonstrations put pressure on the military to recall troops to Khartoum. There was then again a buildup noted around March and April but no reports of any ground offensives. The buildup seemingly coincide with multiple flyovers again reported in March both in South Kordofan and Blue Nile after a few months of no fly overs. (April 2019 SKBNCU Humanitarian Update)

Furthermore, there was an increase in cattle raid incidents in the Heiban, Thobo and Dellami counties reported since April. Cattle raids are said to often be carried out by SAF militia and these incidents not only lead to cattle being stolen, but sow panic and fear among communities.

And as reported in the SKBNCU Humanitarian update of June 2019 "The number of cattle raiding cases was reported to be high in Dilling [Western Jebels]. At least four incidents of cattle raids have been reported in Sillara payam. As these incidents were concentrated around the front line where there has been a reported decrease in SAF military presence, the cause is thought to be related to the absence of the rule of Law"

In the month of May, a number of cattle raid incidents have been recorded. As reported in the previous update, it continues to be prevalent in the counties of Heiban, Thobo and Dellami counties

For a security update it's important to note the killing of 2 civilians in a suspected landmine explosion in March - reference the flash update put out by the SKBNCU as well as a statement from SRRA attached.

The SPLM-N led by Abdel-Aziz al-Hilu announced a three-month unilateral cessation of hostilities in all areas under its control in April until the end of July 2019. It was described as a sign of goodwill towards peaceful resolution of the conflict in Sudan.

*Annex VI*

All-Party Parliamentary Group on Sudan & South Sudan, response received 12 August 2019

**Input into the Waging Peace report on risk to Nuba individuals in Sudan, and as failed asylum seekers by the All-Party Parliamentary Group (APPG) for Sudan and South Sudan.**

**Overview of the submission**

The response by the APPG for Sudan and South Sudan has been written following consultation with the Officers of the APPG based on their many years of experience of Sudan policy work and travel within Sudan. The Officers are Members of Parliament and Peers from the Conservative Party, Labour Party and Liberal democrats, as well as independent crossbench Peers. The APPG is a non-political body in Parliament which speaks with authority on Sudan and South Sudan. This submission has been signed on behalf on the APPG by its Chair Sir Henry Bellingham who has drawn on his experience as Minister for Africa as well as his longstanding interest in Sudan.

Jack Patterson, APPG Coordinator

**a. What is your assessment of the security and humanitarian situation in South Kordofan?**

There remains a serious security and humanitarian situation in South Kordofan despite many positive signs coming from the capital. Since the Transitional Military Council (TMC) took over the Government of Sudan there have been continued massacres. The APPG for Sudan and South Sudan has heard evidence from credible witnesses that violence is being committed by TMC forces on the basis of gender, and we have no reason to believe that ethnically motivated violence has decreased.

During the APPG for Sudan and South Sudan's visit to Sudan last year we were not given free access to all areas we wished to visit, and the Government of Sudan has continued to restrict our ability to fully assess the situation. The same restrictions would apply to any UK Government body attempting to assess the situation. Since April 2019 the military council governing Sudan has hindered our ability to effectively monitor the situation by removing access to the internet. In addition, while we have also reached out to the Sudan Ambassador, we have been told that he is unable to speak to us for the time being.

The APPG for Sudan and South Sudan has heard from senior officials in the British Government who believed that the situation in Sudan had drastically improved only to give a more cautious opinion within a matter of days after the situation deteriorated rapidly. Given that the situation is unstable, at this point it is inappropriate to consider South Kordofan safer under the current regime than it was under the old regime. Many of those who currently control the military forces in Sudan are suspected of committing atrocities of the worst kind. While the President has been removed from office, the military and intelligence bureaucracies who committed these atrocities remain unreformed and determined to maintain or increase their power through violence.

**b. What is your assessment of the risk to Nuba individuals in Khartoum? What is your view of the reasonableness of the assertion that an individual can relocate to Khartoum from either elsewhere in Sudan, or internationally?**

The APPG for Sudan and South Sudan has heard that there are risks to Nuba individuals throughout Sudan but is not able to make a full assessment given the restrictions placed on our travel and the lack of freely available information coming out of Sudan since April 2019.

**c. What is your assessment of the fact that Nuba individuals are targeted in Sudan on the basis of their ethnicity, and that they suffer discrimination amounting to persecution, for instance concerning access to healthcare, housing, employment, education, or religious freedom?**

The APPG for Sudan and South Sudan have seen evidence on numerous occasions that people face institutionalised racial discrimination throughout Sudan. Officers of the APPG have seen first-hand that “black” Sudanese are considered to be lesser races and are described as “slaves”.

**d. What is your assessment of the risk to Nuba individuals returning to Sudan via Khartoum International Airport, including the impact of any immigration or security measures? How does this vary among groups, for instance returning travellers, or those returning on Emergency Travel Documents?**

At this time we do not have enough evidence to fully assess this, but we have heard of people disappearing on return to Sudan in concerning circumstances.

**e. How would you/your organisation describe your relationship with the British Embassy Khartoum? Has this relationship changed in recent years?**

We have an excellent relationship with the British Embassy Khartoum, nonetheless during our delegation to Sudan last year it was clear that the British Embassy did not have a total understanding of the civil society networks in place in Sudan, as many prominent Human Rights Defenders (HRDs) contacted us following the delegation to ask why they had not been invited to meet with us.

**f. Any other information of which you think we should be made aware?**

It is relevant to this Country Guidance case that international visitors to Sudan are not afforded the access needed to understand the persecution and repression facing Sudanese people today.

The reach of the Government extended into all parts of our delegation in 2018. It was almost impossible to meet Sudanese people not volunteered by the Government. The delegation held meetings at the British Embassy with key HRDs, for which we were grateful, but it was insufficient to make a judgment on the scale of civil society repression in Sudan.

From the meetings we held in Sudan, it was clear that Government persecution extended beyond activists and Opposition figures to students, women, and those of different ethnicities. Independent reports have confirmed that the power of the National Intelligence and Security Services to act independently of the Rule of Law and Due Process enables widespread and often arbitrary repression. However, it was impossible to verify this during our time in Sudan, as the Government used administrative, financial and security obstacles to prevent the necessary field research from taking place. As a result, any delegation from the Home Office to Sudan would face similar struggles and their conclusions would therefore have to be placed within the context of independent, verifiable testimony from civil-society actors in Sudan.

There have been significant changes in the political and security situation in Sudan in 2019 however our efforts to fully evaluate the situation has been frustrated by the actions of the Transitional Military Council.

Sir Henry Bellingham MP

**Chair of the APPG for Sudan and South Sudan**

*Annex VII*

Hafiz Mohamed, activist

Dear Maddy

Thank you for your message and I hope you are fine, with regards to your questions my answers are as follows:

a- The security and humanitarian situation in South Kordofan still the same haven't change because of ousting of the NCP regime, the risk still high as, state of emergency still in place and the militias still carrying

their arms and committing many atrocities, crimes like rape, confiscation of properties and risk to lives still there.

b- Generally, if you are from the Nuba mountains, leaves in the capital Khartoum and the majority of Nuba leaves in the slumps of the capital with no services, or very poor services (lack of clean water, electricity, health clinics etc) many leaves as squatters badly treated by the police and others. Khartoum is not considered to be safer for many of them,

c- Nuba are treated as second class citizen, in term of housing, employment the majority works in petty jobs with very low salaries with no job security even graduate with university degree their chances of getting a job in their field is very low in comparison with others from the centre or northern parts of Sudan

d- The procedures on the arrival in Khartoum airport , still the same immediately after you pass the passports section there is a desk for the National Security and Intelligent Services (NISS) they check all the passport and might ask you questions, because the old policies hasn't change due to the lack of civilian government since April 2019 but that will change after the appointment of the new civilian government as the agreed Constitutional Declaration clearly define the role of NISS ( just collecting information and analyse them) . if you carry travel document you will be asked questions and they might move you to one of their centres, that also depends on your ethnic back ground, Darfuri and Nuba treated very harsh.

e- We used to have very good relation with the British Embassy, but not now, things changed since the last Ambassador, I was invited in the current Ambassador residency 8 months ago during the visit of Archbishop of Leeds to Sudan that my last encounter with the British Embassy, normally they engaged activists , academia ,civil society in discussing the ongoing political events , issued of human rights , chance to meet special envoys on their visits to Sudan, but recently we have not been invited or involved , our relation with others western diplomatic missions such the Dutch German , Swedish the Canadian is very strong, in Sudan there are too many politics as where you came from sometimes has impact of how you will be treated , I personally don't why things change , last year I met with the delegation from the Home Office carrying out assessment actually I was asked the same questions about the risk for Darfuri and Nuba in Khartoum and in Sudan as general.

I also used to meet official from Sudan Desk when I visit London but for the last two years, things changed.

we will follow the situation after the formation of the government and update you with the new development.

I am coming to London on the 17th August, 2019 , and happy to see you if you have more questions.

Best regards

Hafiz Mohamed

*Annex VIII*

Excerpt from report produced for Darfur Country Guidance case pertaining to trip to South Sudan, prepared January 2019

As an organisation based in the UK, with a small team and budget, travel to the region is not regularly possible for us. I prioritised this trip with the research goal of upcoming Country Guidance cases relating to risk on return for both Nuba and Darfuri ethnicities. However, I decided against a trip to Khartoum itself due to

Waging Peace's profile on human rights issues, which would likely have precluded our chance of obtaining a visa. I strongly suspect this to be the case as we have been the topic of several disparaging media articles drafted by Sudanese Embassy staff in London, notably and most recently the media attaché (letter included at Annex A). I am also aware of other organisations that document human rights abuses in Sudan finding their visa applications repeatedly rejected, for instance Amnesty International.

Instead I, along with my fellow Co-Executive Director, Sonja Miley, traveled to the camps housing refugees from the Nuba Mountains at the border between Sudan and South Sudan, notably Yida, Ajuong Thok, and Pamiir, hosting a combined 126,000 refugees between them according to the Samaritan's Purse Area Coordinator. My travel dates were 27 November to 4 December 2018, with 6 of those days spent in the camps themselves.

I have already reported back to the Tribunal as a witness in the Nuba Country Guidance case in relation to this visit. However, I take the view that there is a parallel between the situations of both Nuba and Darfuris, parallels drawn at length in my report for the Nuba case.<sup>35</sup> I also support the opinion of Dr Enrico Ille in the FFM report, that these groups are better understood as a shared category using the more general term 'Westerner' (*gharāba*), referenced in the FFM report by Dr Enrico Ille (1.7.6). So, while I recognise that the refugees I interviewed are not Darfuris, I believe the conversations I had are instructive as to the nature and lived experience of Sudan's internal conflicts and resulting refugee flows.

While near the Sudan border, I spoke to a wide variety of sources, from the Yida camp chairman; to the staff and beneficiaries a local organisation we support which organises sports activities for youth in Yida, called Green Kordofan (<https://www.greenkordofan.com>); to women waiting in line during General Food Distribution; children and adults walking around the camps; as well as those in positions of leadership among rebel group the Sudan People's Liberation Movement-North (SPLM-N).

Everyone I spoke to told us that they did not want to return to the Nuba Mountains due to fears that conflict could recommence at any point. While there I was told by camp residents that their relatives and friends still in the Nuba Mountains, and chiefly those in rebel-controlled Kauda, had witnessed a fly-over of Sudanese government aircraft, including an Antonov bomber, in recent days. I was also told of sightings of Sudanese government troops near border areas. Many expected a return to conflict following the expiration of unilateral ceasefires on 31 December 2018. A journalist we met in the camp has provided additional reporting on this, saying government troops are amassing at "kudugli, farshaya, laszraq, Dalami, Tolodi, Abujubeia Dalanyi and karasana".<sup>36</sup> Neither the SPLM-N nor the Sudanese government have reaffirmed their commitment to a ceasefire, even on a unilateral basis, in recent weeks. Instead, both factions of the SPLM-N (under both Malik Agar and Abdel Aziz al-Hilu) have expressed their support for the protests which have engulfed Sudan since 19 December 2018 (discussed below) in written statements. Many I spoke to forwarded the argument that the only reason they understood a ceasefire had initially been introduced by the Government of Sudan (GoS) was because of the economic crisis that had beset the country, as well as the US government's insistence that Sudan end its internal conflicts in order to achieve first the October 2017 lifting of economic sanctions, and second the country's removal from the State Sponsors of Terrorism List. With an end to even this ceasefire of convenience, the region is formally back in war time.

There seems to be no viable political process that will end this state of affairs. Most recently, even the stalled but still nominally active African Union High Level Implementation Plan (AUHIP) led process has hit a stumbling block, after the failure of a December 2018 meeting to hold any substantive talks at all with and between the body representing the major opposition and rebel groups, the Sudan Call. These groups are now widely

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<sup>35</sup> Waging Peace, 'Risk to individuals from Nuba Mountains in Sudan', March 2018, accessed online 14.01.19

<http://wagingpeace.info/wp-content/uploads/2018/03/waging-peace-report-for-nuba-country-guidance-case-march-2018.pdf>

<sup>36</sup> Tashrah News, 'Khartoum Plan', 28.11.18, accessed online 14.01.19 at <http://www.sudantribune.com/spip.php?article66770>

expressing their dissatisfaction with the process itself, and the stewardship of AUHIP lead Thabo Mbeki.<sup>37</sup> In testimony provided to me, the head of the National Umma Party UK and Ireland chapter, Mohammed El-Ansari, was also critical of the government's position: "NCP showed very carless attitude toward the peace process and refuse to meet Sudan call in Addis Ababa between 16 – 18 December 2018 as their internal policy preferred military solution."

Western government representatives have been quick to single out the SPLM-N for their intransigence in negotiations, centring on the fact that both factions have so far refused to make concessions with GoS about the nature and origin of humanitarian provision. GoS is adamant that all provision should be cross-line, whereas the SPLM-N have argued for multiple access. A solution was thought to have been found when the US agreed to broker access, and check any cross-line goods, but the SPLM-N still refused. It was only in meeting Nuba refugees on the ground that I understood that this view had popular backing - no one I spoke to said they would trust food or medicine that had had any association whatsoever with GoS.

The conditions in the camp were poor - food distribution was delayed and food stocks were empty when I arrived; water, sanitation, and hygiene (WASH) facilities were being phased out; and there were few formal programmes in the camp aside from those provided by Samaritan's Purse, with whom I stayed, and Médicines Sans Frontières, as well as the smaller sports project Waging Peace facilitates (and for which my colleague Sonja Miley is a trustee). This diminished humanitarian provision is due to a long-running dispute between humanitarian actors and GoS. GoS argues that the camp's proximity to the border is a threat to their territorial integrity, in that it serves as a potential way-station for rebel forces and their families. They would prefer these refugees to be moved to the Ajuong Thok and Pamir camps some distance away, and humanitarian agencies are following suit, regularly bussing people from Yida to Ajuong Thok, a process I witnessed first-hand. Despite this, many residents of Yida are adamant that they will stay and cultivate a life there, even if there is no external assistance from which to benefit.

When flying in and out of Juba I had the luck of meeting with Dr Tom Catena, a US surgeon working in the Nuba Mountains, and who fed into my March 2018 report on risk to Nuba individuals, for several hours on 29 November 2018. We spoke broadly about the conditions on the ground. He spoke about the fact that his hospital facility has been bombed 2 times. He also said that the people on the ground were more committed than ever to independence, even if it took 100 years to achieve. He also added that the context of a new peace in Sudan, nominally brokered by Sudanese President Omar Al-Bashir, could make life more difficult for the Nuba people, as South Sudanese President Salva Kiir has been tasked with bringing the two SPLM-N factions back together, and opposition and rebel leader Riek Machar has always been understood to be hostile to the Nuba cause following the Nuba's decision to back Kiir during earlier splits in the movement.

I also met with Amar Amun, the Secretary-General of the SPLM-N Al-Hilu faction, on 5 December 2018. He described to me that the conflict against the Nuba Mountains, including of its citizens elsewhere in the country, constituted a "double apartheid", from both a racial and religious perspective - if you are not Arab and a Muslim then you are a second class citizen. He also confirmed that he had seen GoS troop movements in recent days, as well as aircraft fly-overs, as mentioned above.

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<sup>37</sup> See Gibril Ibrahim, 'The AUHIP needs to revisit its modus operandi', Sudan Tribune, 15.12.18, accessed online 14.01.19 <http://www.sudantribune.com/spip.php?article66770>