

Civil Society Statement on Push Factors in Sudan and the Khartoum Process

20 June 2016

On World Refugee Day, we, the undersigned individuals and civil society organisations, wish to draw attention to a number of the human rights violations serving as push factors for Sudan's refugees and internally displaced. In light of the recent EU-Horn of Africa Migration Route Initiative (also known as the Khartoum Process) which has increased the EU's cooperation with Sudan, we are deeply concerned that Sudan is being treated as a partner in addressing migration despite the fact the country is producing refugees itself and failing to respect international refugee law. It is critical that the EU does not, directly or indirectly, contribute to the violations or create more refugees.

Sudan is the fifth¹ largest source country of refugees worldwide. In 2015, over 150,000 people arrived by sea² to Italy with almost 9,000 of them originating from Sudan. Inside the country itself, over 3.2 million people have been displaced and according to the UN,³ roughly 20% of Sudan's population are in need of humanitarian assistance.

The reasons that Sudanese civilians are fleeing are numerous but one of the major reasons behind displacement is the conflict situation in parts of the country. In Southern Kordofan and Blue Nile states alone, at least 1.7 million people have been forced to flee⁴ their homes due to the ongoing conflict between government forces and the Sudan Peoples' Liberation Army. In both areas, through aerial bombardments, government forces have attacked⁵ civilian areas and civilian objects including humanitarian and educational facilities. For example, in June 2014, the Sudanese Air Force partially destroyed⁶ a hospital run by Médecins Sans Frontières, killing two and injuring another three. Many parents are not sending their children to school⁷ out of concern of what could happen on their journey or whilst in school, a fear that is genuine given three schools in SK suffered damage in May 2014⁸ and two children were injured. In 2015 alone, human rights monitors verified⁹ 309 attacks, an increase of 78% since 2012 and found evidence the government is using cluster bombs, despite their prohibition under the 2008 Convention on Cluster Munitions. Further exacerbating the situation is the authorities continued refusal to grant humanitarian assistance to certain areas. The situation has become so dire for

¹ UNHCR, Mid-year trends 2015, http://www.unhcr.ch/fileadmin/user_upload/dokumente/06_service/zahlen_und_statistik/Mid-Year_Trends_2015.pdf

² UN Office for the Coordination of Humanitarian Affairs (OCHA) OCHA, Humanitarian Bulletin Sudan, February 2016, https://docs.unocha.org/sites/dms/Sudan/Reports/OCHA_Sudan_Weekly_Humanitarian_Bulletin_2016/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_09_%2822__28_February_2016%29.pdf?utm_source=OCHA+Sudan&utm_campaign=158ee39c5f-SHB+Issue+09%2C+2016&utm_medium=email

³ OCHA, Humanitarian needs reach US\$982 million, July 2014, <http://reliefweb.int/report/sudan/humanitarian-needs-reach-us982-million>

⁴ Sudan Consortium and NHRMO, "Human Rights Violations in Southern Kordofan and Blue Nile: 2015 in Review," 20 April 2016, http://www.sudanconsortium.org/darfur_consortium_actions/reports/2016/2015ARFINAL.pdf 4

⁵ ACJPS, FIDH and IRRI, "Submission to the Universal Periodic Review of Sudan 2016," September 2015 https://www.fidh.org/IMG/pdf/20150922_pj_joint_submission_upr_sudan_2016.pdf

⁶ MSF, Hospital bombed in Sudan, 17 June 2014, <http://www.msf.org/en/article/msf-hospital-bombed-sudan>

⁷ UNICEF, Education Under Fire, September 2015, <http://www.unicef.org.uk/Documents/Media/Education%20Under%20Fire.pdf>

⁸ Sudan Consortium and NHRMO, "Human Rights Violations in Southern Kordofan and Blue Nile," May 2014 _

⁹ See footnote 4

civilians that Yida camp¹⁰ (in war-torn South Sudan) is home to around 70,000 refugees. Already this year, more than 7,500 refugees from Southern Kordofan alone arrived in Yida camp.¹¹

In Darfur, also affected by conflict, forced displacement continues. Over 138,000 people¹² have been displaced from Jebel Marra since the beginning of this year after the government carried out a series of attacks. Tensions have now been reported¹³ in Sortony where people fled to for their safety and just last month, on 9 May, six civilians including two children were killed outside an IDP camp.

Outside of the conflict, other push factors include President Bashir's increasingly repressive regime which has led to severe restrictions¹⁴ to freedoms of expression, association and assembly and the increased use of arrests and arbitrary and incommunicado detention, torture and ill-treatment against government opponents, civil society and other activists and human rights defenders.¹⁵ The government also continues to use excessive and lethal excessive force against demonstrators and public gatherings by security services. In September 2013, more than 170 protesters were killed after security forces used live ammunition. To date,¹⁶ there has been little accountability for those deaths. And just this April,¹⁷ government security forces used live ammunition to disperse protests resulting in the deaths of two students.

Despite the gross violations committed by the regime and the increasing repression, not to mention the fact that the country's president is wanted by the International Criminal Court, the EU has, under the Khartoum Process agreed to give Sudan an estimated EUR 100 million to try and deal with the issue of migrant trafficking, whilst conveniently ignoring the fact that Sudan is, itself, a massive generator of refugees and displacement.

In addition to subjecting its own citizens to gross human rights violations, Sudan has failed to uphold its obligations under the 1951 UN Convention relating to the status of refugees as a refugee host. Just last month, Sudan arrested at least 313 Eritreans and after convicting them of "illegal entry", forcibly returned¹⁸ them back to Eritrea. Given conditions in Eritrea, there is serious reason for concern that this action may have resulted in refoulement of genuine refugees. This is not the first time this has happened and, unless the international community speaks out strongly against it, will not be the last.

¹⁰ UNHCR, 5 years into Southern Kordofan conflict, refugees are still fleeing, June 2016, https://www.ecoi.net/local_link/325039/451239_en.html

¹¹ UNHCR, South Sudan Information Sharing Portal, <https://data.unhcr.org/SouthSudan/region.php?country=251&id=26>

¹² UN Security Council, Peacekeeping Chief, Briefing Security Council, Blames Intensified Fighting for Rapidly Deteriorating Situation, Large-scale Displacement in Darfur, 6 April 2016, <http://www.un.org/press/en/2016/sc12317.doc.htm> 14 OCHA, Jebel Marra Fact Sheet, 24 March 2016,

¹³ OCHA, Humanitarian Bulletin, 8 May 2016,

http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_Sudan_Weekly_Humanitarian_Bulletin_Issue_19_%282_-8_May_2016%29.pdf

¹⁴ See footnote 5

¹⁵ ACJPS, Sudanese human rights defender detained on baseless charges and others at risk after armed raid on Khartoum training centre, 18 April 2015, <http://www.acjps.org/sudanese-human-rights-defender-detained-on-baseless-charges-and-others-at-risk-after-armed-raid-on-khartoum-based-training-centre/>

¹⁶ ACJPS, Protestors calling for justice for victims of 2013 protest killings beaten and detained by Sudan's security agency in Khartoum, 10 February 2016, <http://www.acjps.org/protestors-calling-for-justice-for-victims-of-2013-protest-killings-beaten-and-detained-by-sudans-security-agency-in-khartoum/>

¹⁷ Joint civil society letter, Open Letter concerning excessive use of force by Sudanese authorities, May 2016, <http://www.refugee->

[rights.org/Publications/PR/2016/3%20May%202016%20Letter%20concerning%20excessive%20use%20of%20force.pdf](http://www.refugee-rights.org/Publications/PR/2016/3%20May%202016%20Letter%20concerning%20excessive%20use%20of%20force.pdf)

¹⁸ UNHCR, UNHCR concerned by expulsions from Sudan, 2 June 2016,

http://www.unhcr.org/574fed7d4.html?utm_source=twitterfeed&utm_medium=twitter

Within this context, the the EU is providing support to Sudan to train border police and set up detention camps. The EU's current approach fixates on curbing migration and securing borders but fails to consider Sudan's human rights record. Given allegations that its own security services have facilitated traffickers instead of arresting them,¹⁹ there is little to suggest that Sudan will be a reliable partner in dealing with migration and trafficking. There is also a huge risk that the EU's support may worsen the situation for Sudan's citizens and those fleeing from other countries seeking safety. As Oxfam has stated²⁰ "[t]he EU needs to reconsider very carefully exactly how much it is willing to sacrifice on the altar of migration, because right now, they are headed down a road where they will have a foreign policy that consists of a single objective. And they will be bargaining with regimes that they have held at arm's length."

On World Refugee Day, the **government of Sudan** needs to:

- Respect the prohibition on *refoulement* and ensure all law enforcement authorities are suitably trained to ensure they are notified of Sudan's obligations concerning individuals in need of international protection;
- Ensure that its own forces immediately end all deliberate and indiscriminate attacks against civilians in Southern Kordofan, Blue Nile and Darfur;
- End arbitrary detention, torture and other abuse of individuals – particularly those who criticise the authorities;
- Grant full freedom of expression, association and assembly;
- Allow unrestricted access to humanitarian aid to all populations in need;
- Ensure that security forces refrain from using excessive force against peaceful demonstrators and such violations are thoroughly investigated;

Furthermore the **EU** needs to:

- Condemn Sudan's actions against its civilians and ensure it is not directly or indirectly contributing to the human rights violations committed by Sudan against its people and those seeking refuge in the country;
- Commit to respecting the core principles of refugee law and share the burden of hosting refugees;
- Publish full details relating to the specifics of the Khartoum Process
- Set benchmarks to measure progress of the Khartoum Process which takes into account human rights standards.

This joint statement is signed by the following individuals and organisations:

Darfur Refugees Association
Face Past for Future Foundation (FP4F)
Human Rights and Development Organisation (HUDO)
International Justice Project

¹⁹ Human Rights Watch, Egypt/Sudan: Traffickers Who Torture, February 2014, <https://www.hrw.org/news/2014/02/11/egypt/sudan-traffickers-who-torture>

²⁰ The Guardian, EU considering working with Sudan and Eritrea to stem migration, June 2016, <https://www.theguardian.com/world/2016/jun/06/eu-sudan-eritrea-migration>

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