

Any information concerning an association called the Justice and Equality Movement in Northern Darfur during the period 16/10/05 to 26/12/06, and how members were treated by the government.

A *Human Rights Watch* report, in a section titled “Rebel Abuses”, refers to the formation of the Justice and Equality Movement (JEM) as follows:

“The rebel groups in Darfur consist of two main groups, one new faction emerging in 2004. The SLA rebels, drawing mainly from the Zaghawa, Fur, Masalit and several smaller Darfurian tribes, are the largest single rebel group and control the largest territory, including the northern band of North Darfur and areas in South and West Darfur. The JEM, formed in 2002, has the stronger diplomatic presence and smaller army, drawing mostly on the Zaghawa group; many of its leaders were originally members of the Islamist political party, the Popular Congress.” (Human Rights Watch (15 November 2004) *If We Return, We Will Be Killed: Consolidation of Ethnic Cleansing in Darfur, Sudan*)

A *BBC News* report on rebel groups in Darfur states:

“The origins of the Jem are rather different. In 1989 President Omar al-Bashir overthrew the government of Sadeq al-Mahdi. The coup was backed by the National Islamic Front of Islamist leader Hassan al-Turabi. Mr Turabi became the leading ideologue of the new government and was seen as the power behind the throne. In 1991 he organised an Arab Popular and Islamic Conference and became its secretary-general. From this platform Mr Turabi went out of his way to offer African Muslims from peripheral regions of Sudan, like Darfur, a means of obtaining a share of power. He recruited them into his movement, and gave them some prominence. In 1999 Mr Turabi was involved in a showdown with President al-Bashir, when he introduced a bill into the national assembly reducing the powers of the presidency. Mr Bashir reacted by dissolving the assembly and declaring a state of emergency. He also purged Mr Turabi's supporters from the machinery of government. It was the African Muslims from Darfur who were removed at this time who went on to found Jem.” (BBC News (5 May 2006) *Who are Sudan's Darfur rebels?* Martin Plaut)

An *International Crisis Group* report, in a section titled “The JEM”, states:

“Although its military presence in Darfur is much smaller than the SLA's, JEM's political ideology is more strongly articulated. Unlike the SLA, whose political vision is focused primarily on Darfur (though the SPLM's influence has led over time to an increased emphasis on national themes), JEM's elaborate political positions call for a restructuring of the entire nation, with a return to the six original regions and rotating presidents from each region. As part of its national campaign, it has established strong links with the eastern rebels and has joined the new Eastern Front together with the Rashaida Free Lions and the Beja Congress. The JEM also boasts of support in Kordofan, the Northern Nile Valley and Southern Sudan.” (International Crisis Group (6 October 2005) *Unifying Darfur's Rebels: A Prerequisite for Peace*, p.6)

This report also states:

“Unlike the SLM, JEM's political leadership has been based outside Darfur since the beginning of the conflict. Much of it, including Khalil, comes from the Kube subclan of the Zaghawa, where JEM enjoys support in both Darfur and Chad. The movement reportedly recruits extensively in Chad, including from within the army, thereby strengthening the impression that its foot soldiers may be little more than mercenaries, whose political naiveté is exploited by diaspora politicians hoping to advance their ambitions in Khartoum.” (ibid, p.7)

An *Amnesty International* report on attacks on villages in Darfur in 2006 states:

“The people attacked were mostly from the Zaghawa, Jebel and Erenga ethnic groups. The attacks reportedly took place because of ethnic links between some villagers and the members of the Justice and Equality Movement (JEM) or the Sudan Liberation Army (SLA), armed opposition groups which have bases in the area. In addition to the civilians killed, some killed later in the day may have been members of the JEM and the SLA, who came and fought with the Janjawid.” (Amnesty International (3 November 2006) *UA 293/06 Fear for Safety/Fear of Unlawful Killings* AI Index: AFR 54/073/2006)

See also *Amnesty International* report which states:

“JEM fighters often station themselves within civilian areas. Attacks by Janjawid and SAF almost invariably fail to discriminate between civilian and armed groups. On 24 January, Janjawid and SAF forces carried out an indiscriminate attack on the town of Saraf Jidad near Abu Suruj. Some 24 people, mostly farmers, including the Fursha (chief) of the area, were killed in the attack.” (Amnesty International (8 February 2008) *Militia attacks West Darfur towns*)

A *Sudan Tribune* article refers to the arrest of JEM members as follows:

“The Darfur rebel Justice and Equality Movement (JEM) said on Sunday that the Sudanese government arrested six of their representatives at the African Union (AU) Ceasefire Commission. 'An armed unit belonging to the Government of Sudan stormed into AU HQ in Al-Fasher and abducted all remaining JEM Representatives to the AU Ceasefire Commission (CFC)' JEM said in a statement. The AU issued a statement confirming the incident and said that Khartoum is in 'violation of the N'Djamena Ceasefire Agreement of 2004'.” (Sudan Tribune (31 December 2007) *Darfur rebel group condemns Sudan's abduction of its members*)

An *Amnesty International* report on an attack on the city of Omdurman by JEM forces in May 2008 states:

“On Saturday 10 May 2008, the Justice and Equality Movement (JEM), a Darfur based armed opposition group launched a military attack on the outskirts of Khartoum. The attack marked the beginning of a new phase of the conflict in Darfur, with an armed opposition group reaching the edges of the capital for the first time since the conflict's inception in 2003. Many members of the JEM were reportedly killed during the attack and scores were arrested. The government's

response to this military attack has since included hundreds of arbitrary arrests and some cases of extra-judicial executions. These have been carried out by the Sudanese police and National Intelligence and Security Services (NISS) and targeted at Darfuris, particularly from the Zaghawa ethnic tribe. Since the Sudanese forces repelled the attack a curfew was installed in Omdurman and check points were set up throughout the streets of the capital, allowing the arrest and detention of people travelling in buses and cars, while the NISS and the police have been raiding houses of Darfuris and their families. 'Civilians, mainly youths, have been brutally arrested in the streets, in their homes, and taken to yet unknown places of detention. The arrests in public places have been mostly based on their appearance, age, accent, and the colour of their skin.' With these words, a prominent Sudanese lawyer expressed his concerns to Amnesty International over the arbitrary nature of arrests – with individuals arrested on the basis of their ethnicity and age -, the associated ill-treatment and the lack of information about the places of detention. He told Amnesty International that young men, including minors, were more at risk because the JEM is known by the government to partially rely on young recruits. Eyewitnesses reported that those under threat of arrest were asked to pronounce certain words, to judge whether they were Darfuris or not." (Amnesty International (23 May 2008) *Darfur crisis reaches Sudanese capital*)

An *Amnesty International* report on the arrest of suspected JEM supporters states:

"On 9 May, police and National Intelligence and Security Services (NISS) agents in Khartoum began arresting people whom they accuse of supporting the armed opposition group, the Justice and Equality Movement (JEM). The JEM has been fighting Sudanese government forces in Darfur since 2003, and on 10 May 2008 launched an attack on Khartoum for the first time. Eyewitnesses claim that the arrests were arbitrary, merely on the basis of people's Darfuri origin, ethnicity or physical resemblance, or on suspicion of having provided shelter to JEM members. Excessive use of force was reported during many arrests." (Amnesty International (23 May 2008) *UA 139/08 Fear of torture or ill-treatment/ fear of extrajudicial execution/ fear of enforced disappearance* AI Index: AFR 54/026/2008)

See also *Human Rights Watch* report which states:

"Mass arrests in Khartoum of perceived supporters of a Darfur rebel group and other political opponents raise fears of mistreatment, Human Rights Watch said today. The arrests by Sudanese security forces of more than 100 people followed an attack on Sudan's capital by the Justice and Equality Movement (JEM) on May 10, 2008 that left dozens of civilians dead or severely injured." (Human Rights Watch (12 May 2008) *Sudan: Mass Arrests After Rebel Attack Raise Concern*)

An article published by the Sudanese newspaper *Al-Sahafah* states:

"President Umar al-Bashir has given the National Security and Intelligence Services [NSIS] a free hand to arrest anyone who proves to be affiliated to the

[rebel] Justice and Equality Movement. At a mass gathering of thousands of NSIS officers and regulars, Al-Bashir ordered the arrest of anyone affiliated to the JEM saying 'I direct the security organs that anyone affiliated to the JEM should not wake up in their home and must be arrested and detained.' 'We don't care if they are a student, worker or employee, we pay the student's school and university fees and they say we are JEM,' 'there is no such thing, anyone who is JEM and who is of age must be arrested now in any place or location.' 'There is a limit to patience and there is no such thing as the liberated areas and anyone who belongs to the JEM must be subject to the necessary procedures,' Al-Bashir said." (Al-Sahafah (21 May 2008) *Sudan's security given "free hand" to arrest rebel-affiliated students* (in Arabic))

In a section titled "Arbitrary Arrest and Detention" a *Human Rights Watch* report states:

"In the weeks following the JEM attack, Sudanese authorities have arrested hundreds of individuals. Human Rights Watch interviews with released detainees and family members of those still unaccounted for has produced a list of more than 200 names of people detained by NISS during this time. Some former detainees estimate the total number may be as high as 3,000. NISS officers arrested men, women and children in house-to-house searches, on public transport, on the street, and at checkpoints set up by police and security forces around Khartoum. Accounts from local residents indicate that the vast majority of those detained were individuals who are or appear to be from Darfuri ethnic groups, mainly the Zaghawa ethnic group, which form the majority within JEM." (Human Rights Watch (17 June 2008) *Crackdown in Khartoum – Mass Arrests, Torture, and Disappearances since the May 10 Attack*, p.14)

An *Agence France Presse* report on the imposition of the death penalty on alleged JEM members states:

"Sudanese courts on Thursday sentenced another 22 alleged Darfur rebels to death over an unprecedented attack on the capital last May in which more than 222 people were killed. The sentences from two special courts, set up to try those arrested in a crackdown following the May 10 assault, bring to 30 the number of alleged members of the Justice and Equality Movement (JEM) condemned to death." (Agence France Presse (31 July 2008) *Sudan sentences 22 more 'Darfur rebels' to death* Ali, Abdelmoniem Abu Edries)

An *Amnesty International* report on the arrest of family members of alleged JEM members states:

"Zubeida Sandal Hajjar, her nine-month-old son Hashem Abdel Shakour Haslem, and her sister Zahra Sandal Hajjar were arrested by the National Intelligence and Security Services (NISS) in Khartoum on 8 June. They are believed to be held incommunicado in a NISS detention centre, where they are at risk of torture, ill-treatment or enforced disappearance. Zubeida Sandal Hajjar's husband is Abdel Shakour Hashim Derar, a lawyer and member of the Darfur Bar Association. He was arrested by the NISS in Khartoum on 14 May, on suspicion of involvement in a military attack on Khartoum by the Justice and Equality Movement (JEM), a

Darfurian armed opposition group (see UA 139/08, AFR 54/026/2008, 23 May 2008). He is being held incommunicado at an unknown location. The two women are also sisters of a JEM commander, Suleiman Sandal Hajjar.” (Amnesty International (19 June 2008) *UA 173/08 Fear of torture or ill-treatment/ fear of enforced disappearance* AI Index: AFR 54/029/2008)

An *Amnesty International* report on the detention of alleged JEM members states:

“Amnesty International today accused the Sudanese government of holding hundreds of people – including women and a nine-year-old – without charge or access to lawyers as they prepare to try another 109 in sham courts over the armed attacks by the Justice and Equality Movement (JEM) on 10 May in the outskirts of Khartoum. The fate and whereabouts of most of those still held in Khartoum over the 10 May attacks remain unknown. Many are still unaccounted for and Amnesty International has received reports of torture and ill-treatment from people who were released and fears those still detained are at high risk of torture or that they have been disappeared. Amnesty International’s charge comes after eight alleged JEM members were sentenced to death by Sudan’s Anti-Terrorism Special Courts yesterday in trials that failed to meet international standards of fairness. The verdict takes the number of individuals sentenced to death in relation to the 10 May attack to 38.” (Amnesty International (18 August 2008) *Sudan: Hundreds unaccounted for and 109 to face sham courts over May attacks*)

See also report from the *World Organisation Against Torture (OMCT)* which states:

“The defendants, whom the government alleges are members of JEM, have been charged as a group under various articles of the 1991 Penal Code and the 2001 Anti-Terrorism Law, which is being used for the first time after Sudan classified JEM as a terrorist group following the May 10 attack. The charges include waging war against the state, inciting hatred, possessing guns and belonging to an outlawed group. They are also accused of using official military uniforms and terrorizing civilians, armed robbery and violating the 'Terrorist Crimes' and 'Terrorist Organization' provisions of the 2001 law, which carry the death penalty. Reports from Sudan suggest that the new Anti-Terrorism courts have been conducting the trials under unfair conditions with defendants being stripped of their judicial rights. Defendants could be convicted on the basis of confessions made in detention and have no right against self-incrimination. Defence lawyers have also been denied access to their clients or been forced to withdraw. The Special Courts were created shortly after the May attacks under Sudan's 2001 Anti-Terrorism Law. According to the same information received, in May 2008, widespread arrests had taken place after the attacks with members of the police and the National Intelligence and Security Service (NISS) reportedly targeting Darfuris. Reports had indicated that many of those rounded up in the mass arrests were subjected to physical abuse in custody. (World Organisation Against Torture (OMCT) (12 August 2008) *Death penalty imposed on 30 individuals, including a minor*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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