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28 February 2007

SDN102446.E

Sudan: Informal "tent courts" used to mete out speedy justice to non-Muslims by military or religious personnel (2004 - 2007)

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Information on "tent courts" could not be found among the sources consulted by the Research Directorate. However, sources consulted by the Research Directorate indicate that there exist several types of laws and law courts in Sudan (US 8 Mar. 2006, Sec. 1.e; Freedom House 2006; *GlobaLex* Jan. 2007). A January 2007 report concerning the Sudanese legal system published in *GlobaLex*, an electronic legal publication of the Hauser Global Law School Program at New York University (NYU) (*ibid.* n.d.), states that "[a]rbiters of disputes and administrators of formal and informal laws come in various forms throughout Sudan, depending on ethnic, religious and political factors."

According to *Country Reports on Human Rights Practices for 2005*, there are four types of courts in Sudan: regular; military; special and tribal (US 8 Mar. 2006, Sec. 1.e). The report notes that regular courts include civil and criminal courts, as well as appeals courts and the Supreme Court (*ibid.*). Special courts were reportedly established in Sudan under the state of emergency and are used to try "crimes against the state" (*ibid.*). The *Freedom in the World 2006* country report on Sudan indicates that while the regular court system in Sudan provides "some due process safeguards," the country's military and special courts do not provide any (Freedom House 2006). The report further notes that special courts, although generally dealing with criminal matters, use military judges (*ibid.*).

In December 2004, Amnesty International (AI) published an article on "Specialised Criminal Courts" in Darfur (2 Dec. 2004). According to the article, "Specialised Criminal Courts" use only one civilian judge, differing from the "Special Courts" that also use military personnel (2 Dec. 2004). The article indicates that specialized courts, established "for reasons of 'expediency'," deal with such offences as armed robbery, banditry, crimes against the state and public order offences (AI 2 Dec. 2004).

In rural areas of Sudan, tribal courts are often used to resolve local disputes and family matters (US 8 Mar. 2006, Sec. 1.e; see also *GlobaLex* Jan. 2007 and Sudan n.d.). These courts, referred to as "informal community practices" by the *GlobaLex* report, reportedly make use of local chiefs to help resolve such disputes (*GlobaLex* Jan. 2007; see also Sudan n.d.). The *GlobaLex* report on Sudan's legal system notes that "[g]iven Sudan's ethnic and religious plurality, customary laws and practice are diverse, differing from tribe to tribe and community to community" (Jan. 2007).

Sources consulted by the Research Directorate indicate that court systems in north and south Sudan differ (US 23 Jan. 2007; *ibid.* 8 Mar. 2006; *Forced Migration Review* Nov. 2005; Freedom House 2006). For example, while courts in the north of Sudan apply Sharia law, those in the south of the country do not (*ibid.*; US 23 Jan. 2007; *ibid.* 8 Mar. 2006). The United States (US) Central Intelligence Agency (CIA) *World Factbook* states that all persons living in northern Sudan, regardless of their religion, are governed by Sharia law (23 Jan. 2007). Under Sharia law, criminal offences are reportedly punishable by "flogging, amputation, crucifixion and execution" (Freedom House 2006; see also ACCORD 20 Apr. 2006).

According to a November 2005 article in *Forced Migration Review*, a journal published by the Refugee Studies Centre at the University of Oxford (*Forced Migration Review* n.d.), the judiciary structures in northern Sudan are more developed than those in the south (*ibid.* Nov. 2005). The article indicates that the court system's physical infrastructure in the south is "practically absent" and that "traditional justice is still administered under a tree, while even higher courts in towns lack windows" (*ibid.*; see also ACCORD 20 Apr. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the

merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Amnesty International (AI). 2 December 2004. "Sudan: The Specialised Criminal Courts in Darfur." <<http://web.amnesty.org/library/index/engAFR541542004?open&of=eng-392>> [Accessed 6 Feb. 2007]

Austrian Centre for Country of Origin and Asylum Research Documentation (ACCORD). 20 April 2006. "Sudan." 10th European Country of Origin Information Seminar. 1 - 2 December 2005, Budapest. (Office of the United Nations High Commissioner for Human Rights Web site) <<http://www.unhcr.org/home/RSDCOI/4451d6a04.pdf>> [Accessed 16 Feb. 2007]

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Additional Sources Consulted

Oral sources: Attempts to contact Sudan Human Rights Organization (SHRO) were unsuccessful. A professor of law and Arabic studies at the University of Amsterdam and a representative of the United Nations Development Programme (UNDP) in Sudan, Governance and Rule of Law Unit, did not provide information within the time constraints of this Response.

Internet sites, including: Emory Law School, European Country of Origin Information Network (ecoi.net), Factiva, Human Rights Watch (HRW), Internal Displacement Monitoring Centre (IDMC), Sudan Human Rights Organization, Sudan Organization Against Torture (SOAT), United Kingdom Home Office.

Publications: *Encyclopedia of Islam and the Muslim World* (Vol. 1-2), *The Oxford Encyclopedia of the Modern Islamic World* (Vol. 1-4).

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