

Sudan Overview

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Environment

Sudan is the largest country in Africa. Located in the north-east of the continent, it is bordered by Egypt, the Red Sea, Eritrea, Ethiopia, Kenya, Uganda, the Democratic Republic of Congo (DRC), the Central African Republic, Chad and Libya. Away from the Nile River, most of Sudan is comprised of semi-arid plains, though the south is more lush.

Peoples

There is no accurate demographic data in Sudan. Previous censuses are widely regarded as being of poor quality. A new census is due to be held in January 2008 – but has already been delayed and may yet be again. However, what is clear that Sudan is home to an immense range of peoples – according to one estimate, more than 56 ethnic and almost 600 sub-ethnic groups.

Main languages: Arabic (official), Nubian, over 100 diverse dialects of Nilotic, Nilo-Hamitic, Sudanic languages, especially in the south, Darfur, Nuba Mountains and parts of the East. These include Dinka, Azande, Nuer, Fur, Shilluk and many Nuban languages. English is widely spoken, especially in the south.

Main religions: Sunni Islam, indigenous beliefs (mainly in the south), Christianity (mainly in the south and Khartoum)

Western Nilotes – Anuak, Dinka, Nuer and Shilluk – are the largest Sudanese linguistic group. Predominantly pastoral, they traditionally lived in southern Sudan, occupying parts of southern Kordofan and White Nile province. Further south in Equatoria are Eastern Nilotes, including Azande, Latuka, Madi, Moru, Taposa and Turkana.

Nuer and their associated subgroup, Atuot, are, after the Dinka, among the most numerous groups in southern Sudan. A Nilotic people, they are seasonally migrating pastoralists. Cattle are fundamental to the social structure: a profound measure of wealth, status and personal influence. Cattle are used to pay debts, fines and bride prices, although this latter practice is in decline, and are also central to religious and artistic culture.

Relatively homogeneous in language and culture but without political centralization or formal regional integration, Nuer are divided into a number of independent tribes organized into clans, lineages and age groups. Nuer had a strong history of resistance to British control in the twentieth century. In recent decades, the Nuer have suffered from internecine conflict; a key leader, Riek Machar, took many Nuer with him when he switched sides from the Sudanese Peoples' Liberation Army/Movement (SPLA/M) to join forces with Khartoum government, although subsequently he returned.

Nubians (not to be confused with Nuba) are descendants of the hunter-gathering culture near the site of modern Khartoum, c. 4000 BC, with much admixture from the Egyptian population to the north. Nubians have a very long history linked to the rise of agriculture, ancient states and urbanism, which parallels their association with ancient Egypt. Nubia was a source of gold, slaves, cattle skins, ivory, ebony, ostrich feathers, gum and incense which played a very important role in the basic accumulation of Egyptian wealth and power. When the Nubian kingdom was defeated by the Axumite kingdom it reorganized as three Christian kingdoms. This delayed the arrival of Islam until the fourteenth and fifteenth centuries. Some Nubians fled to remote locations in Darfur and Kordofan; other groups stayed in Nubia, retaining a tradition of religious scholarship and teaching.

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History

From 7000 BC, farmers and herders lived along the Nile in what is now Sudan. Most settled in Nubia, known to the Egyptians as Cush. Nubian civilization reached its peak between 1750 and 1500 BCE and is thought to be the oldest civilization in sub-Saharan Africa. In the sixth century, northern Sudanese adopted Christianity.

By the mid-seventh century, Arab Muslims had conquered Egypt and raided Nubia. In the early 1500s black African Muslims called Funji conquered Sudan. Meanwhile black Africans settled in central and southern Sudan, including Azande, Dinka, Nuer and Shilluk people. From the seventeenth to the nineteenth centuries the rulers of these increasingly Islamic Sudanese states adopted an Arab identity. When Egyptian forces penetrated southern Sudan after 1821 they brought in their wake northern Sudanese and European merchants. The growth in the supply of slaves led to their being used increasingly as domestic servants in northern Sudan.

Northern Sudanese generally regarded the south as part of a large labour reserve. Because southerners were needed for indentured labour this weighed against converting them to Islam, which would have ruled out their use as slaves. By the time of the Anglo-Egyptian Condominium, 1898–1955, the attitudes of the north towards the south had become entrenched. Regional underdevelopment increased, and by the early 1950s educated southerners believed that self-government for Sudan would not necessarily result in self-government for the south. They tried to delay independence and later proposed federation. When this was rebuffed in 1958, two years after Sudan gained independence, to many, secession seemed the only alternative. A series of post-independence civilian and military regimes failed to reconcile deep-seated differences between the south and the north. General Nimeiry seized power in 1969, and in 1972 ended a 17-year civil war by granting the south regional government and local autonomy.

Oil and Islam

During the mid-1970s, significant oil discoveries were made in the Upper Nile region of Sudan, which raised the stakes for control of the south. It also encouraged leaders in Khartoum to sharpen divide-and-rule tactics in the south, and indeed in all of the country's peripheral regions.

Nimeiry's support for the 1979 Camp David peace accord between Egypt and Israel earned him the enmity of Libyan leader Moammar Gaddafi, who supported Nimeiry's enemies.

The north–south conflict resumed in 1983 when Nimeiry ended regional self-government; Libya backed the southern Sudan People's Liberation Army (SPLA) that had emerged under the leadership of defected Sudanese army colonel John Garang. With the outbreak of war, Nimeiry imposed Islamic law.

Nimeiry was overthrown through a popular uprising in 1985 and a civilian government assumed power in May 1986, although it failed to end the war in the south. The new government under Sadiq al Mahdi brought the National Islamic Front (NIF) into its coalition for the first time.

Following a shift in policy on the Middle East, Libya switched its allegiance from the SPLA/M to Khartoum. Al Mahdi eventually fell out with the NIF over his government's agreement to a ceasefire with the SPLA in November 1988, and its provision freezing the implementation of Sharia law in the south. In June 1989 the NIF launched an Islamist coup fronted by Colonel Omar al Bashir.

The new junta – the Revolutionary Command Council (RCC) – set about torturing and killing perceived opponents in the north, while banning labour unions, political parties and outlawing protests against the regime.

In 1991 government forces made gains in the civil war when the SPLA split over whether to seek a secular Sudan or full independence, and during 1991–2, the regime targeted opponents in Juba and elsewhere in the south with the same terror and fervour it had brought against its perceived northern enemies.

The NIF regime specialized in exploiting existing local ethnic and religious tensions, or instigating them, in a bid to divide opposition to its rule throughout the country. The government has survived despite deep unpopularity and chronic neglect of every region in the vast country largely due to its stoking of many proxy wars that are the fallout of its systematic assault on minority rights.

North–south war

The north–south war continued unabated throughout the 1990s. The SPLA/M was dogged by splinter factions, most notably by that led by the Nuer, Riek Machar, who received support from Khartoum, which had a clear interest in encouraging southern in-fighting.

During the decade, tens of thousands of southern Sudanese were taken into slavery in the north, while fighting displaced and killed hundreds of thousands more. From 1993 the Intergovernmental Authority on Development, a regional development body, led peace efforts in Sudan, but these remained in a rut. Religious and racial targeting of southerners exacerbated a conflict that was increasingly becoming about the control of southern oil resources.

Sudan and international terrorism

During the 1990s, Khartoum supported Saddam Hussein in the Gulf War, hosted Osama bin Laden and his Al Qaeda terrorist group, and may have supported Al Qaeda's 1993 bombing of New York's World Trade Centre, the 1998 bombing of the US embassies in Kenya and Tanzania, and the attack on the USS Cole in 2000.

Egyptian president Hosni Mubarak likewise fingered Sudanese involvement in an attempted

assassination on him in 1995. Throughout the decade, Washington aggressively sought to isolate Sudan, including through economic sanctions.

Following the 1998 embassy bombings, the US launched retaliatory strikes on an alleged chemical weapons factory in Khartoum. Mounting international pressure had already led Sudan to expel bin Laden in 1996, and, following the 11 September 2001 attacks on the US, Khartoum made a strategic decision to join the 'global war on terror' by providing Washington with intelligence.

US interventions

The US had long provided support to the SPLA and neighbouring countries that were at odds with Khartoum. With the partial thawing of US–Sudanese relations, and under bi-partisan prodding from Congress, which had long been concerned about abuses against southerners, the White House appointed John Danforth, a respected former senator, to lead a new effort at forging a north–south peace agreement.

The warring parties signed a Comprehensive Peace Agreement (CPA) in January 2005, which brought an end to years of war and cost an estimated 1.5 million lives. Beyond a permanent ceasefire and an agreement on the sharing of oil revenue, most of which comes from the south, the deal nominally brought the SPLA into government.

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Governance

Following the 1989 coup, the RCC immediately banned all political parties. The NIF consolidated its power in October 1993 and changed its name to the National Congress Party (NCP); the RCC disbanded after appointing al Bashir president.

Exceptionally harsh in its treatment of opponents, the government manifested disregard for human rights on a massive scale in the relocation and 'cleansing' of minority populations in northern and southern Sudan. There was a re-launching of slave trading in southern and south-central Sudan, especially targeting Nuba children in the south-west.

The ruling Islamist cabal has held absolute power since 1989 and in March 1996 orchestrated a sham 'election'. Through a power struggle, NIF founder and parliamentary speaker Hassan al Turabi fell out with al Bashir. When al Turabi's Popular National Congress Party signed a memorandum of understanding with the SPLA in 2001, he was quickly arrested. He remains a leading presence in Sudanese politics despite the fluctuations in his relationship with al Bashir and the ruling party.

In January 2005, the Comprehensive Peace Agreement (CPA) was signed, bringing an end to decades of war between Khartoum's rulers and the SPLA. It is a complex agreement, covering security arrangements, boundary demarcation, governance, oil revenues and religion. A government of national unity was formed, but the key guarantee is a 2011 referendum on southern independence.

In the meantime, the South is ruled under the autonomous SPLM-led Government of South Sudan. (GoSS). The agreement is far from perfect. From a minority point of view, one of the major difficulties has been that it guarantees a majority of northern government positions and parliamentary seats to the NCP ahead of elections, effectively entrenching power of ruling clique, while the same guarantee is extended to the SPLM in the South, at the expense of smaller opposition groups.

Similarly, the deal does not address the festering conflicts in Sudan's other regions, such as Darfur and the east, and the growing instability in the north and Kordofan, while the potential for conflict in Nuba Mountains and in the transitional area of Abyei remains high.

But, despite its drawbacks, the agreement is a major step towards transforming traditional power structures in Sudan. For minorities, it offers the possibility of participating in government and choice of government. A census is due (although it has already been much postponed) and in 2009 elections are to be held across the country.

However, no agreement has been made on the type of electoral system to be used and nor have the present discussions been transparent, as the ICG (International Crisis Group) reports (July 2007). This could be of great importance to Sudan's non-dominant communities because, as an MRG study on electoral systems around the world, showed in 2006, the type of system chosen, can greatly affect the representation of minorities in legislatures.

Logically, the CPA weakens the power of the ruling clique, and may eventually lead to the loss of the south altogether. It is not surprising, therefore, that the NCP has dragged its feet over implementation. In July 2007, the verdict of the ICG in July 2007 was that the agreement was 'in danger of collapse' due to 'government sabotage and international neglect'.

Equally, the SPLM leadership has concentrated on southern problems, rather than using its presence in government to push for solutions on the national level. With the death of veteran leader John Garang in a helicopter crash in 2005, supporters within the movement of his vision of a 'New Sudan' based on equality and justice, and built around a devolved, federal system, have been weakened.

Fears have been expressed too, that the SPLM government is dominated by the Dinka tribe, and is not inclusive enough of other groups. But many Dinkas argue that the 'myth of the Dinka war' has been propagated by Khartoum as a way to divide the tribes of the south. In the years running up to the peace deal being signed, Garang had successfully negotiated the return of two key southern leaders, a Nuer and Shilluk, who had split with him in 1991 and joined forces with the north. Riek Machar and Lam Akol now hold top positions in the southern and national governments respectively.

But, it is clear that if Salva Kiir's government is to be considered genuinely inclusive, then it must make efforts to include representatives of other tribes. According to the ICG, reshuffles in 2007 pointed the other way, with a prominent number of Bahr el Ghazal Dinkas appointed to high positions in Salva Kiir's administration and armed forces.

In July 2008, the prosecutor of the International Criminal Court (ICC) requested that a panel of judges approve a warrant for the arrest of President al Bashir on charges of genocide and crimes against humanity and war crimes for his alleged role in the Darfur conflict. Al Bashir attempted to rally the country in defiance of the charges whilst also seeking support among African and Arab leaders to oppose the move. In the UN Security Council, Libya and South Africa sought approval of a draft resolution that, in accordance the ICC's statute, would delay the ICC judges' consideration of the prosecutor's request for one year. Although some western diplomats and analysts were worried that charges against al Bashir could increase his grip on power and undermine prospects for peace, western countries opposed the effort in the Security Council to delay the prosecution. Other diplomats and analysts believed that the charges could eventually weaken Bashir and provide the international community with new leverage over Khartoum in ending the atrocities in Darfur.

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Current state of minorities and indigenous peoples

The Comprehensive Peace Agreement (2005) may have stopped the fighting between the SPLA/M and the NCP, but within the past five years, restiveness across Sudan has grown. Even while the finishing touches were being put to the CPA, the conflict in Darfur (see below) was attracting international concern – although, not at that stage, much action, partly for fear of jeopardizing the impending north–south deal. The rebellions of the Sudan Liberation Army/Movement (SLA/M) and Justice and Equality Movement (JEM) had prompted harsh retaliatory action by the government and its proxy Janjaweed forces, prompting hundreds of thousands to flee their homes, and countless deaths. The conflict (discussed in further detail below) is not likely to end soon.

The Darfur uprising was followed in 2005 by a rebellion in the eastern region, when the Beja Congress joined up with a smaller Bedouin group, the Rashaida Free Lions, to form the ‘Eastern Front’. The fighting there ended in October 2006, with the negotiation of a CPA-inspired power-sharing deal, but this has yet to be fully implemented. Until it is, the threat of another uprising remains.

More recently, reports have emerged of growing restiveness in the north, among the Nubian and Manassir peoples, as Khartoum presses ahead with unpopular plans to build dams on their traditional lands (ICG, 2007). The hydro-electric dams would cause massive disruption of local communities, and some – particularly among the Nubians – fear that the projects have the covert aim of destroying their ancient traditions and cultures.

The LA Times reported (August 2007) that four were killed and two dozen wounded when the military opened fire at a Nubian protest in the northern town of Sebu, and that a rebel group calling itself the Kush Liberation Front had been formed, with the goal of overthrowing the Khartoum government. According to the LA Times, one rebel leader identified the need to get rid of ‘the Arabs’ as a prerequisite to building a new Sudan.

Other potential flashpoints are the Nuba Mountains, whose unresolved status under the CPA has fuelled a long-term sense of insecurity, and the Kordofan region, which has been adversely affected by the neighbouring Darfur conflict.

In August 2007, Darfur rebel groups JEM/SLA launched an audacious attack against a Sudanese military base at Wad Banda in Kordofan, killing 41 military personnel – in a move which was widely condemned across the Sudanese and international communities. There are very real fears that Kordofan could be sucked into the violence engulfing Darfur.

However, the spillover effects of the Darfur fighting are not the only problem in Kordofan. There is also a growing sense of grievance among the nomadic Misseriya people of western and southern Kordofan, who fought on the government side during the war, but who feel their interests – most notably their traditional grazing lands – were not protected under the negotiation for the CPA.

The refusal of Khartoum to accept the binding verdict of the Abyei Boundary Commission (which partly falls within the western Kordofan region) has further fuelled tensions (see DINKA). The UN has tried to broker peace negotiations between the Misseriya leaders and the Ngok Dinka in South Kordofan about guaranteeing security and traditional pastures (USAID, January 2007), but that the situation continues to be volatile.

Conflict and identity

The central dynamic behind the NCP-SPLA/M conflict, and the troubles in the western, eastern and northern regions, is the Khartoum elite's refusal to relinquish power and to share the proceeds of the nation's wealth with the regions.

The conflicts are thus political and economic rather than ethnic. However, there is a strong ethnic dimension – partly because the NCP has adroitly manipulated ethnic identity as a weapon in the war against its enemies, pitting Sudanese from nominally Arabic descent, against those from African communities.

In many ways, the descriptions of Arab and African in Sudan are completely misleading – technically, all Sudanese are African, and, practically, inter-marriage has dissolved ethnic boundaries. However, this has not stopped Khartoum from using ethnicity in its bid to shore up its power base.

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Darfur

This ploy has clearly been seen in the Darfur conflict. For centuries African farmers and Arab nomads existed side-by-side, accommodating each other's needs in the semi-arid desert region. Desertification placed strains on these traditional arrangements, but even more decisive was the Sudanese government's intentional exacerbation of these tensions to dissipate opposition to central rule. Its divide-and-rule tactics spurred many (but not all) nomadic Arab peoples to band together to form militias now known as Janjaweed that targeted people from African ethnic groups. The government organized, armed and trained these militias.

In response, beginning in the late 1980s, the Fur, Masalit, Zaghawa and other, smaller ethnic groups began to form their own militias. The Fur and Masalit dominate the southern Darfuri Sudan Liberation Army/Movement (SLA/M), and the Zaghawa are dominant in the northern and western Darfuri Justice and Equality Movement (JEM), which may have ties to Hassan al Turabi and his party.

Beyond the three main groups, other Darfuris of African descent have come under attack by the government of Sudan and the Janjaweed. These include the Dajo, Abu Darak, Kietinga, Medoob, Sinyar/Singar (considered part of the Fur tribe), Tama and Tungor/Tunjur.

In February 2004, the International Association of Genocide Scholars labelled the atrocities in Darfur 'genocide', followed unanimously in July 2004 by the United States Congress. However, the UN and many governments sought to avoid this term – and the associated obligation to intervene in accordance with the 1948 Genocide Convention.

As the death toll in Darfur rose into the hundreds of thousands and such atrocities as the systematic rape of black Darfuri women by Janjaweed forces became well established, the International Criminal Court (ICC) announced in June 2005 that it was launching an investigation into alleged violations of international humanitarian law. The move came three months after the UN Security Council voted to refer the Darfur situation to the ICC. In May 2007, ICC judges issued warrants for the arrest of Sudanese Interior Minister Ahmad Haroun and Ali Kushayb, a leader of the Janjaweed militia. Both were charged with war crimes and crimes against humanity. The investigation continued, and in July 2008, the ICC prosecutor announced that he was requesting a panel of ICC judges to approve Darfur-related charges against President al Bashir for genocide, crimes against humanity and war crimes. The regime has refused to hand over Haroun and Kushayb for prosecution, and has signalled defiance of pending charges against the president.

In March 2009, the International Criminal Court issues an arrest warrant for President Bashir, for war crimes and crimes against humanity. In an interview quoted by the Reuters news agency on 11 May 2009, the Chief Prosecutor of the International Criminal Court said that he is confident that Bashir will be soon charged with genocide and Haroun and Kushayb with war crimes. The Chief Prosecutor added that the judges asked to clarify the case to the point that leaves no doubt that Bashir had tried to exterminate at least one specific group of people, which is the threshold for a guilty verdict for genocide. The Sudanese government however has rejected the charges against Bashir. The Prosecutor also said that he expects the judges to indict rebel commanders in connection with the attack of September 2007 in Haskanita, Eastern Darfur, in which 10 African Union peacekeepers were killed.

UN Intervention and Darfur Peace Agreement

Divisions on the Security Council (with the main opposition to effective action coming from China and Russia) and the international fallout from the intervention in Iraq have impeded a strong response to the Darfur conflict.

The African Union (AU) troops, who have been the only international military presence on the ground, have been under-equipped, poorly led and lacked experience to tackle such a complex emergency. However, in 2007, the international effort edged forward. Khartoum finally gave its agreement to the deployment of a 26,000 UN–AU peacekeeping force – although how easily this force will be able to deploy, given Khartoum’s previous history of prevarication and obstruction, remains to be seen.

Analysts have also pointed out that the current disorder suits the NCP’s wider goal of garnering as many seats as possible in the 2009 ballot. If the war continues in Darfur, the chances of carrying out a census (a prerequisite to establishing the electoral process), or holding an election in the region – in which the NCP is likely to fare badly – are remote.

But there have been signs of rising tensions among the Janjaweed militia, which the government has armed and backed. In January 2007, there was unprecedented fighting between the various militia close to Nyala in southern Darfur, leading some Darfuris from Arab, nomadic backgrounds to seek refuge in international aid camps for the first time.

The violence was interpreted by some local people as an indication of growing uncertainty among the Janjaweed as to their fate. It was speculated that a stronger UN presence combined with fears of arrest by the International Criminal Court, may have led some militia leaders to conclude that they cannot rely on Khartoum’s patronage to survive.

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Rebel and tribe divisions

Divisions between the rebel groups are emerging as a major obstacle to peace. In October 2005 the Sudan Liberation Army (SLA) split into a mostly Fur faction led by original leader Abdel Wahid al Nur and a group headed by Minni Arkou Minawi that drew support mostly from his Zaghawa tribe.

In 2006, under massive pressure from the US and UK, the Khartoum government and Minawi’s faction signed the Darfur Peace Agreement (DPA). The DPA is now widely seen as a failure which actually led to a deterioration of the situation on the ground in Darfur. Khartoum used the cover of the agreement to justify further military action as attempts to enforce the peace agreement, and the rebel groups split further.

At peace talks held in Arusha, Tanzania, in September 2007, more than a dozen rebel factions were represented – although Abdel Wahid al Nur did not attend – giving an indication of how much more complicated putting together a deal has become.

It has also made life much more difficult for those trying to help those displaced by the fighting. Aid workers describe a situation where multiple checkpoints belonging to different rebel groups, must be traversed in order to deliver humanitarian relief. Neighbouring countries, such as Libya, Chad and Eritrea, have provided support and funding for these nascent rebel organizations, complicating the conflict even further.

While the UN tries to broker peace talks, there have been calls for the talks to be as broad and as representative as possible, so that not just warring factions are represented, but also civil society, and traditional leaders (ICG, 2007). Without an inclusive peace deal representing all sections of Darfuri society, the fear is that the weaknesses of the CPA – which largely divided the spoils up among the combatants – will be replicated.

During 2008 and first half of 2009 ethnic violence increased in South Sudan. The UN reported about the continued insecurity during the last quarter of 2008. Fighting between the SLA/M and Ma'aliya militia in South Darfur continued during October 2008. Reportedly, over a dozen villages were destroyed and nearly 13,000 people displaced. On 12 November, at the end of the People of Sudan Initiative Forum, President Bashir declared an immediate ceasefire in Darfur and promised to disarm the militias and to support UNAMID in its peacekeeping task. Only a day later however clashes between rebels and GoS forces including GoS aerial bombings resumed in North Darfur lasting for some ten days, temporarily displacing an unknown number of people. Armed confrontations including aerial bombings continued in December 2008. The Reuters news agency has reported on tribal violence between the Lou Nuer and the Murle in March-April 2009, in which 700 people were killed. In May fighters from the Lou Nuer tribe raided the village of Torkeji, home to the Nuer Jikany and killed 49 people, most of them women and children. Tribal fighting is said to be fuelled by the huge supply of weapons left from the north-south wars and is feared to intensify and thus jeopardizing the fragile peace process and the preparations for next year's national elections.

In January 2009 the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that as a result of attacks, particularly by government and paramilitary groups, in 2008 some 317,000 people were displaced, often for the second or third time since the conflict started in 2003, bringing the number of internally displaced in Darfur to more than 2.7 million mostly farmers and villagers from non-Arab groups. A further 2 million residents are reported to be directly affected by the conflict. The UN estimates that as many as 300,000 people have been killed in the last six years of ethnic and political violence. Humanitarian access has been further constrained by targeted attacks against humanitarian workers and their assets, including abduction of personnel and physical violence. According to the UN report, between October and December 2008, 12 Sudanese aid workers were wounded and armed men assaulted 48 humanitarian centres. During 2008 11 national humanitarians were killed and 36 injured.

African Commission and Sudan

A series of cases came before the Commission of the African Charter on Human and Peoples' Rights between 1990 and 1992 relating, among other matters, to allegations of oppression and persecution of Sudanese Christians and religious leaders and those of a non-Muslim faith. In the final decision on the cases, published only in 2000, the Commission found numerous violations of the Charter including Articles 2 and 8. The Commission held:

'... while fully respecting the religious freedom of Muslims in Sudan, the Commission cannot

countenance the application of law in such a way as to cause discrimination and distress to others... When Sudanese tribunals apply Shari'a, they must do so in accordance with the other obligations undertaken by the State of Sudan. Trials must always accord with international fair-trial standards. Also, it is fundamentally unjust that religious laws should be applied against non-adherents of the religion. Tribunals that apply only Shari'a are thus not competent to judge non-Muslims, and everyone should have the right to be tried by a secular court if they wish.'

The Commission has paid some attention to the situation in Darfur. Adopting a resolution in 2004, it 'deplores the ongoing gross human rights violations' in the region, including the large number of internally displaced persons and it sent a fact-finding mission to the country in July 2004. Although it is of concern that the mission report has yet to be released, the Commission has sent a request for provisional measures to the government, that it ensure both the security and safe return of internally displaced persons, and the protection of women. It also requested the Sudanese government to abide by its international obligations under international human rights and humanitarian law, and in particular the African Charter on Human and Peoples' Rights to ensure that it guarantees the enjoyment by its people of their basic rights, in spite of their cultural and ethnic diversity. The government has, however, not complied with this request, and the multiple rapes and abuses in Darfur continue.

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