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Responses to Information Requests

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19 February 2015

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Sudan: Student protests; treatment by government authorities 2013-January 2015)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

Amnesty International (AI) reported on 1 July 2014 that, "[i]n the past year, students and political activists have organized a number of prominent, large scale demonstrations across Sudan, which have been met with excessive use of force and arbitrary arrests by the NISS [National Intelligence Security Service] and police."

2. Student Protests 2013

Human Rights Watch reports that, in 2013, security forces "violently dispersed" student protests on several occasions throughout Sudan (Jan. 2014, 3). Freedom House similarly indicates that authorities "targeted" universities during 2013 protests (2014). The US Department of State's *Country Reports on Human Rights Practices for 2013* states that security forces used "heavy-handed tactics" against largely peaceful university protests and other protests involving university students in 2013 (US 27 Feb. 2014, 22).

Human Rights Watch reports that, in May 2013, security forces shot at students at El Fashir University, North Darfur and injured eight people (Jan. 2014, 3).

Freedom House states that, in June 2013, "[m]embers of a student group at Red Sea University were detained overnight after plans to hold a press conference on a controversial dam project were discovered in June [2013]" (2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Human Rights Watch reports that, in July 2013, student activists of Nuba and Dafuri ethnicity were among 24 people arrested because of "perceived links to rebel groups" (Jan. 2014, 4).

2.1 Student Involvement in September 2013 Protests

Sources report that, in September 2013, there were protests in response to government cuts to fuel subsidies (Reuters 30 Sept. 2013; AI 1 July 2014; UN 4 Sept. 2014, para. 32). The protests reportedly began on 23 September 2013 and continued into October (AI and ACJPS Sept. 2014, 16; US 27 Feb. 2014, 3). According to the International Center for Non-Profit Law (ICNL), a Washington-based organization with a global mission to strengthen civil society and advance the freedoms of association and assembly (ICNL n.d.), university campuses and schools were among the major sites of these protests (ibid. 12 Dec. 2014). Sources

mention demonstrations occurred at Ahfad University (Reuters 30 Sept. 2013; Freedom House 2014) in Omdurman (Reuters 30 Sept. 2013).

Sources indicate that the protests occurred in Khartoum (Freedom House 2014; Human Rights Watch April 2014, 7), Omdurman (AI and ACJPS Sept. 2014, 19; Human Rights Watch Apr. 2014, 7), as well as in Wad Madani, Port Sudan, Atbara, Gedarif, Nyala, Kosti and Sennar (ibid.).

According to sources, during student protests in September 2013, government forces

- used "excessive force" (AI and ACJPS Sept. 2014, 16; US 27 Feb. 2014, 3; Human Rights Watch Jan. 2014, 3),
- were "brutal and aggressive" (Sudan Tribune 7 Dec. 2014),
- and were "high-handed in repressing these demonstrations" (ICNL 12 Dec 2014).

Sources report that security force tactics included the use of the following:

- tear gas (US 27 Feb. 2014, 3; Reuters 30 Sept. 2013; ICNL 12 Dec 2014);
- physical force (US 27 Feb. 2014, 3);
- batons (AI and ACJPS Sept. 2014, 28; ICNL 12 Dec 2014; Human Rights Watch 21 Apr. 2014); and
- "live ammunition" (US 27 Feb. 2014, 3; AI and ACJPS Sept. 2014, 16-17; Human Rights Watch Jan. 2014, 3).

A report entitled *Excessive and Deadly: The Use of Force, Arbitrary Detention and Torture Against Protestors in Sudan*, which was researched jointly by Amnesty International and the African Centre for Justice and Peace (ACJPS) [1], states that a committee, which was composed of those in solidarity with the families of those killed during the September 2013 protests, found that 200 protestors died, 230 were injured, and 33 individuals required urgent medical treatment during the protests (AI and ACJPS Sept. 2014, 17). The same source states that ACJPS received reports of 185 killings and verified the names and identities of 144 of those killed (ibid.). Human Rights Watch reports that as many as 170 people were killed (21 Apr. 2014). Sources indicate that some of the people killed were bystanders (Human Rights Watch 21 Apr. 2014; UN 4 Sept. 2014, para. 37). Sources indicate that the government of Sudan denied responsibility for the deaths during the September 2013 protests and contested the number of casualties (AI and ACJPS Sept. 2014, 17; Reuters 30 Sept. 2013; UN 4 Sept. 2014, para. 40). Sources report that government authorities initially said there were 32 deaths, but later said there were 85 deaths (AI and ACJPS Sept. 2014, 17; UN 4 Sept. 2014, para. 40).

AI and ACJPS report that more than 800 protestors were arrested during the September 2013 protests (Sept. 2014, 17), while *Country Reports 2013* says that as many as 2,000 protestors were arrested (US 27 Feb. 2014, 8). Sources indicate that some were released after a few hours, while others were detained for weeks (ibid.; AI and ACJPS Sept. 2014, 16-17) or months (ibid., 18). Sources report that many detainees did not have access to family members or a lawyer (US 27 Feb. 2014, 8; AI and ACJPS Sept. 2014, 18).

Human rights monitors report that detainees were subjected to "torture" and other ill-treatment while in the custody of police or NISS (ibid.; US 27 Feb. 2014, 3). Such treatment included beatings, electric shocks and threats of sexual violence (AI and ACJPS Sept. 2014, 18). Sources also indicate that detainees were held in extremely cold temperatures (ibid.; US 27 Feb. 2014, 3).

In June 2014, the Sudan government presented the Independent Expert for the situation of human rights in Sudan for the UN Human Rights Council with a report on its investigation into the September 2013 protests, in which the government said the following with respect to treatment of detainees, who were classified in three categories:

Category One, which includes minors under the age of 18, were immediately released on personal guarantees by their guardians. They were all released within a few hours following their arrest. Category Two, includes adults against whom no adequate evidence was available in relation to acts of sabotage and looting. They were released on ordinary bail. Category Three, which includes the persons against whom there was prima facie evidence to their involvement in acts of theft, looting and sabotage. The public prosecution decided to keep them in custody pending completion of investigation and estimation of the financial bail for their release. (UN 4 Sept. 2014, para. 35)

AI and ACJPS note that there were reports of protestors who were under surveillance after they were released from prison and were required to have regular meetings at NISS offices (AI and ACJPS Sept. 2014, 28). The same source indicates that families attempting to report the death of a protester to the police said that they received "threatening phone calls" and were discouraged from coming forward by supporters of the government (ibid., 28 and 47). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Reuters, the Interior minister also claimed that the security forces did not use live ammunition against the protestors (30 Sept. 2013). In the report to the UN Independent Expert on the investigation into the September 2013 protests, the government stated that eyewitnesses were unable to provide identifying features of the police officers accused of shooting, such as vehicle numbers, or the number of the patrol or the force commander (UN 4 Sept. 2014, para. 37). In addition, the government report also stated that they were unable to identify the forces operating in the specific locations of the protests due to the "sporadic" movements of police forces (ibid.). According to the report, 25 casualties were found in hospitals and mortuaries, many of which were transported there by demonstrators who did not wait to be questioned (ibid.).

The UN Independent Expert considered that the June 2014 government report on the September 2013 protests did not provide "evidence of a thorough and independent investigation" of the incident (ibid., para. 40). AI and ACJPS expressed general concern about the government's failure to perform independent investigations in regards to protests (Sept. 2014, 21).

In reference to the September 2013 protest, the Interior minister claimed that armed groups were responsible for the killing of the protestors (AI and ACJPS Sept. 2014, 17; Reuters 30 Sept. 2013). Sources report that the government claims that protestors attacked public and private property (ibid.; UN 4 Sept. 2014, para. 38). According to the report of the UN Independent Expert, the government also stated that the security forces only responded when protestors destroyed property, were a threat to national security and stability or when citizens were at risk of harm (ibid.). According to Human Rights Watch, the protests began peacefully but there were some locations where protestors damaged public and private property (Human Rights Watch April 2014, 7). Human Rights Watch also states that government used the reasons of rioting and destruction of property to deploy armed forces as a "Plan B" to suppress protests (ibid.). The AI and ACJPS report states that the government of Sudan often denies responsibility in protests and attributed violence to armed political opposition groups and others (Sept. 2014, 21).

2.2 Student Protests and Arrests in 2014

Human rights organizations report that, on 10 March 2014 (UN 4 Sept. 2014, para. 42), students at the University of Khartoum staged a demonstration against violence in Darfur (Human Rights Watch 20 Mar. 2014; AI and ACJPS Sept. 2014, 18). Sources indicate that security forces and the police used tear gas and fired bullets to disperse the demonstration (Sudan Tribune 18 Oct. 2014; AI 1 July 2014; Human Rights Watch 20 Mar. 2014). Sources report that a University of Khartoum student was shot and killed during the protest (ibid.; UN 4 Sept. 2014, para. 42; AI 1 July 2014). Human rights organizations report that several other students sustained injuries from rubber bullets and/or were beaten with batons (AI and ACJPS Sept. 2014, 19; Human Rights Watch 20 Mar. 2014). According to Human Rights Watch, Sudanese officials claimed that the student protesters were affiliated with rebel groups and denied responsibility for the protester's death (20 March 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to AI and ACJPS, approximately 1,000 people attended the dead student protester's funeral in Khartoum; attendees began shouting anti-government slogans and security forces launched tear gas to disperse the crowd (Sept. 2014, 19). Similarly, Human Rights Watch reports that security forces used "excessive" force and beat students following the funeral (20 Mar. 2014). Sources indicate that many student protesters were arrested in the days following the protest (AI 1 July 2014; Human Rights Watch 20 Mar. 2014). According to AI, protests and sit-ins continued at the University of Khartoum demanding an investigation into the shooting of the student and a safer university environment (21 May. 2014).

A joint report by several human rights organizations including the International Federation for Human Rights (FIDH) and the African Centre for Justice and Peace Studies (ACJPS) [2] stated that President Omar al Bashir publicly promised to free political activists (FIDH et al. 25 June 2014). Human Right Watch noted that Sudanese human rights groups reported that the activists, including a Darfuri student, had been held since September 2013 for their "real or perceived political views," despite the government having said they would release all "political detainees" (21 Apr. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that, in May 2014, three student activists who were involved with the March protests at the University of Khartoum, were arrested by NISS officials (AI 21 May 2014; FIDH et al. 25 June 2014). AI reports that all three students had been arrested several times before without charge (1 July 2014). According to AI and ACJPS, the families were unable to visit the detainees for a month (Sept. 2014, 20). Sources state that the students were held without charge (AI 1 July 2014; UN 4 Sept. 2014, para. 47; AI and ACJPS Sept. 2014, 20), and were not granted access to a lawyer (ibid.). In the joint report by FIDH and four other human rights organizations, the families of two of the students said that they appeared to have been beaten while in

detention (FIDH et al. 25 June 2014). Sources note that the students were released without charge on 11 July 2014 (UN 4 Sept. 2014, para. 47; AI and ACJPS Sept. 2014, 20).

According to the joint statement by FIDH and other human rights organizations, five student members of the Congress Party were arrested, along with others, in a raid by authorities in al-Nuhood; one of the detainees, who was released a week later said he was badly beaten and required medical treatment (FIDH et al. 25 June 2014).

The UN Independent Expert notes that there were other youth activists being detained without charge by NISS at the time of his September 2014 report (4 Sept. 2014, para. 47). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 September 2014

According to ACJPS, "at least 59 people" were arrested between 20 September 2014 and 26 September 2014 as a preventative measure to stop the organization of memorial events to mark the one-year anniversary of the 23 September 2013 protests (ACJPS 26 Sept. 2014). The same source provides details about several cases of students and youth activists who were arrested, including a student who was arrested on 22 September in front of al-Ahlyia University and two student activists affiliated with the Democratic Unionist Party who were arrested on 24 September in front of al-Azhari University (ibid.). The family of one of the detained student was reportedly told by NISS that they had to wait three days to receive information about the location of the student (ibid.). An ACJPS report of 23 October 2014 noted that all detainees had since been released. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.4 Eviction from a Female Dormitory, 5 October 2014 (at University of Khartoum)

Sources report that, in early October 2014, government security forces "forcibly evicted" approximately 70 female Darfuri students from the Zahra dormitory in Khartoum (Human Rights Watch 15 Oct. 2014; Sudan Tribune 18 Oct. 2014). Authorities had reportedly ordered the students to evacuate their dormitories, for maintenance purposes, and many of the students protested (Human Rights Watch 15 Oct. 2014; Sudan Tribune 18 Oct. 2014). Sources indicate that the Sudanese authorities detained approximately 20 students at the time of the raid (Human Rights Watch 15 Oct. 2014; Sudan Tribune 18 Oct. 2014). Sources report that the female protestors said they were verbally abused, physically assaulted, sexually assaulted and harassed by security officials (Human Rights Watch 15 Oct. 2014; Sudan Tribune 18 Oct. 2014).

According to Human Rights Watch, the female protestors arrested at the Zahra dormitory were taken to NISS offices, where they were interrogated and beaten by officials (15 Oct. 2014). Sources report that 15 of the women were being held at the Omdurman prison for women and did not have access to their families or legal representation, while the whereabouts of other students was unknown (Human Rights Watch 15 Oct. 2014; Sudan Tribune 18 Oct. 2014).

2.5 20 January 2015

Media sources report that, on 20 January 2015, in Nyala, the capital of South Darfur, a demonstration took place in which students and citizens protested against attacks and killings by the paramilitary Rapid Support Forces (RSF) (ibid. 20 Jan 2015; Radio Dabanga 20 Jan. 2015). The protest reportedly started in response to an incident in which an RSF security official shot and killed a young man in El Shaabi market in Nyala on 19 January 2015 (ibid.; Sudan Tribune 20 Jan. 2015), after the two got into an argument (ibid.).

According to the Sudan Tribune, a Paris-based non-profit website run by a team of independent Sudanese and international journalists (ibid. n.d.), hundreds of protestors participated in the 20 January 2014 protest (ibid. 20 Jan. 2015). The protesters reportedly marched towards the South Darfur government headquarters (ibid.; Radio Dabanga 20 Jan. 2015). Sources state that the protesters were met by police and security forces who fired tear gas and live ammunition at the protesters (ibid.; Sudan Tribune 20 Jan. 2015). Radio Dabanga, a Darfur-based radio station (n.d.), reports that 13 people were injured during the demonstrations (20 Jan. 2015). The Sudan Tribune notes that 5 individuals who were injured were hospitalized and 11 others were arrested and taken to central Nyala police station (20 Jan 2015).

The Sudan Tribune reports that authorities sent "military reinforcements to the centre of Nyala, in anticipation of further riots" (20 Jan. 2015). Media sources report that the governor of South Darfur said that five citizens were injured at the protest in Nyala (Radio Dabanga 20 Jan. 2015; Sudan Tribune 20 Jan. 2015), as well as three (Radio Dabanga 20 Jan. 2015) or four police officers (Sudan Tribune 20 Jan. 2015). The

governor accused "infiltrators" of starting the protests (ibid.; Radio Dabanga 20 Jan. 2015). Radio Dabanga reports that the governor had ordered police officials to take tough measures prohibiting gatherings (ibid.).

3. Legislation Pertaining to Freedom of Assembly

Sources indicate that the law in Sudan does not allow for the gathering of more than five persons (ICNL 12 Dec. 2014; US 27 Feb. 2014, 23) without a permit (ibid.). ICNL states that people who commit "even minor infractions of the law of assembly" may be subject to prison terms and physical punishments (ICNL 12 Dec. 2014). ICNL quotes Section 67 of Sudan's Penal Code:

A person shall be said to commit the offence of breach of the peace if he joins in any crowd of five persons or more, if the crowd shows force or uses terrorism or violence, or if the common intention is to achieve any of the following objects:

- To resist the execution of a provision of any law or any legal process.
- To commit the offence of mischief or criminal trespass or any other offence.
- To exercise any right or claimed right in way that may lead to a breach of public peace.
- To compel a person to do what he is legally bound to do or to omit to do what he is lawfully entitled to do. (ibid.)

The same source further quotes Section 68 of the Penal Code:

Any person who commits the offence of 'breach of the peace' shall be punished with imprisonment for a term not exceeding six months or with flogging which may not exceed twenty lashes. If he is carrying a weapon or any instrument which may cause death or grievous harm he shall be punished with imprisonment for a term not exceeding one year or with fine or with both. (ibid.)

AI and ACJPS report that some of the individuals involved in the September protests of 2013 were tried under Article 67 and sentenced to fines and floggings, while others were held without charge in detention (AI and ACJPS Sept. 2014, 18). The same source notes that many of the protesters who were mistreated during protests fear reporting the violence to authorities for fear that they will be charged with disturbing the public peace [Art. 67] or be accused of supporting armed opposition groups (ibid., 28).

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 sources consulted in researching this Information Request.

Notes

[1] The African Centre for Justice and Peace Studies is an NGO that monitors human rights in Sudan; it is headquartered in New York, and has offices in London and Africa (ACJPS n.d.).

[2] The report was a joint collaboration of the International Federation for Human Rights (FIDH), African Centre for Justice and Peace Studies (ACJPS), Amnesty International (AI), Human Rights Watch and REDRESS. According to its website, REDRESS is "a human rights organisation that helps torture survivors obtain justice and reparation. REDRESS works with survivors to help restore their dignity and to make torturers accountable." (REDRESS n.d.)

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Internet sites, including: BBC; European Country of Origin Information Network; Institute for War and Peace Reporting; International Crisis Group; IRIN; Minority Rights Group International; Radio France internationale; Radio Free Europe/Radio Liberty; United Nations – Refworld, ReliefWeb, UN Development Programme, UN Women.

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