

ALTERNATIVE REPORT TO THE COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION (CERD)

REVIEW OF THE PERIODIC REPORT OF SUDAN

Submitted by:



NUBA MOUNTAINS PEOPLES FOUNDATION (NMP)

This report contains information about the situation of the Sudanese Nuba ethnic minority, with regard to the international convention on the elimination of all forms of racial discrimination (ICERD), to which the government of Sudan is a party.

April 2015

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PRESENTATION OF THE SUBMITTING ORGANIZATION:

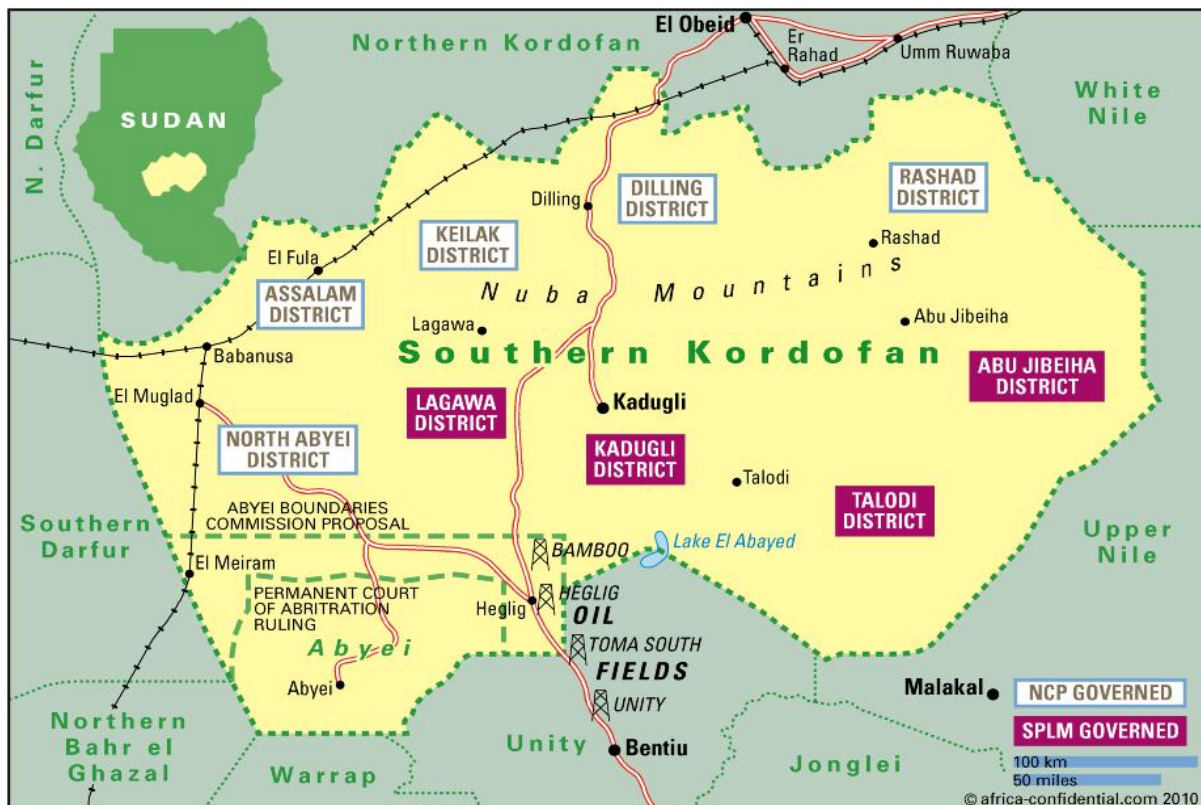
Nuba Mountains Peoples (NMP) Foundation is a non-profit organization, founded in April 2012, and based in the UK. NMP foundation exists for the purpose of promoting and protecting the human rights of the minorities and indigenous peoples of Nuba Mountains/ South Kordofan region - Sudan in accordance with the international declarations for the rights of indigenous peoples and of minorities, and other international legal standards through advocacy, networking and partnership with similar organisations.

PRESENTATION OF THE SUDANESE NUBA ETHNIC MINORITY

Nuba is a collective name for the peoples (50 tribes) of the Nuba mountains in the South Kordofan state of Sudan. They are composed of different tribes speaking different languages, and practicing different religions (Islam, Christianity, traditional African beliefs). They are all black skinned and have faced historically a common experience of discrimination and marginalization.

For more background on the Nuba people (language, origins, history) see the Annex at the end of the report.

Map of South Kordofan / Nuba Mountains - Sudan



Background and Context

1. Even after South Sudan separated in July 2011, Northern Sudan still remains a multi-cultural, multi-religious and multi-racial society. Despite the country's diversity, statements by the ruling party, the National Congress Party, suggested that the government's policies are centred on the ruling Arab and Muslim elite, and this is best illustrated by one of President Omer Al- Bashir public speeches in Gaddaref, in Eastern Sudan, where he declared that after South Sudan's independence, Sudan became a predominantly Arab Muslim country and that there is no place for ethnic and cultural diversity. Top government officials and state sponsored media followed suit, among them was Eltayeb Mustapha of El Entibaha newspaper, a close relative of President Omer El Bashir. During the regional elections of 2011, El Entibaha regularly fuelled tension between the two major candidates from NCP and SPLM/N by writing on their front page warning messages saying "either you elect Moulana or Judge Ahmed Haroun, our candidate, or we turn the situation into hell", and so did the SPLM/N official paper stated retaliating, by saying " Either the star symbol of our candidate to win or we attack". Al Entibaha newspaper published several articles that included hate targeted at ethnic and religious minorities in Sudan. This had prompted wider reactions on social media, and a face book page was set up to campaign to stop the newspaper. Consequently the election triggered violence, timed by the Sudan Armed forces, (SAF) attack on kadugli on 6 June 2011. Gross human rights abuses were committed including extrajudicial killing, door to door killing of political opponents, and spread of bombing across 11 of the 19 localities of south Kordofan resulting in mass displacement of people who were not officially relieved by the government of Sudan. During the first week following the attack 132,000 people were displaced, as reported by the UN Office for Coordination of Humanitarian affairs, (UCHA)¹. Mass graves were later discovered by Satellite Sentinel, enough Project².
2. Sudan's constitution and international treaties ratified by Sudan ensure equality before the law. Despite this, ethnic and racial discrimination in Sudan has continued to exist. In 1992, a group of Muslim clerics issued a religious decree which ruled that the Nuba people are infidels, and as such holy jihad war was waged against them³.

3. Arbitrary arrests and detention of Nuba educated individuals, especially in the Nuba Mountains region were widespread during the 1980's - 1990's⁴. This allows for widely documented cases of torture and other forms of inhumane treatment to occur at the hands of the security service in Sudan. The security agents accuse the Nuba of being sympathisers with the armed opposition and branding them as "Fifth Column". As a result members of youth associations, civil society, teachers and even government officials were killed, detained and forced to relocate to other areas of the country.^{4} The 2010 National Security Act allows for extensive powers of arrest and detention to agents of the National and Intelligence Security Service in Sudan, without judicial oversight – lasting to up to four and a half months. In 2012 and 2013, 34 women, some with very young children, were detained in south Kordofan for nearly a year, (as documented by Nuba mountains Peoples foundation and by North Africa Women Human rights Defenders). They reportedly faced torture, and after they went on hunger strike, they were transferred to El Obeid prison in northern Kordofan, and later released.^{5}

4. The killing of Awadia Agebna, (A woman activist from Nuba mountains), at the door step of her home in Khartoum, an illustration of the treatment reserved to human rights activists from the Nuba Mountains. The Court held a public order police member guilty of murder, but the trial, which went on for two years, is still not fully concluded.^{6} A teacher from Nuba Mountains, Named Jalila Khamis Koko was captured at her home at mid night in Khartoum and detained for 15 months before charging her of any offence.^{7} Jalila was expressing her opinion about violation of civilians' human rights in South Kordofan during the 2011 attack on Kadugli and campaigning for their humanitarian relief. However, after 15 months of detention, Galila was charged with undermining the Sudan constitutional order, dealing with hostile states and use of military uniform, (articles 50, 52, 60, and 61) of the 1991 criminal Act ^{8}. A human rights activist, Dr. Bushra Gamar from Nuba Mountains was also detained and tortured and tried under the articles (50,51,53,63,64,65,and 66) of Sudan criminal Act 1991, which include working with hostile organizations.^{9}

5. The Sudanese parliament recently adopted constitutional amendments that included changes to article (151) of the Sudan 2005 interim constitution. ^{10}

Part of the amendments was to merge the national security service into the regular armed forces.

6. The Rapid Response Forces, (RRF) were recognised under these constitutional amendments as a part of the national security service. As such, this provides them with the same immunities granted to security officers. Members of the (RRF) have been responsible for numerous human rights violations including rapes, looting and killing of innocent civilians in Darfur and in South Kordofan.
7. When President Al Bashir came to power, the new government issued a constitutional decree to dissolve and privatize the mechanized agricultural corporation of the Nuba Mountains. Lands were confiscated from the Nuba and sold off to new owners from outside the region. So far, the government did nothing to compensate the region for the loss of a major source of employment and regional economy.
8. Women and children internally displaced around the capital Khartoum and other cities in Northern Sudan face extreme poverty and many of them end up working in servitude and face daily inhumane treatment. Thousands of Nuba children ended up homeless in the streets of Khartoum, without access to education, healthcare. The Sudan Ministry of Social Development statistics states that there is a staggering number of 9,350 homeless children. Between 21 - 26 June 2011 71 children were found dead in the streets of Khartoum, and after investigation it was revealed that the children were poisoned as a result of consuming Ethanol^{11} The United Nations, (the 2014 UN report from the Secretary General on Children and armed conflict (*A/68/878-S/2014/339*))^{12} records the recruitment and use of 42 children in South Kordofan and Blue Nile, including 2 by the SAF. Both boys aged 13 and 14, were recruited in Blue Nile and remained associated with SAF at the time of reporting. Of the 40 children recruited and used by armed groups, 14 children, all boys, some as young as 12, were recruited by the Popular Defense Force (PDF), a Sudanese paramilitary group, in Blue Nile (5 boys) and South Kordofan (9). At least 26 children (19 boys and 7 girls) were recruited and used by SPLM-N, including 10 (5 boys and 5 girls), as young as 12, escaping from an SPLM-N camp in Mandi, South Kordofan. Sixteen children (14 boys and 2 girls) were recruited by SPLM-N in Upper Nile.

Discrimination against Nuba people and other groups

1) Racial discrimination against Nuba community

9. The NCP led government discriminates against the citizens of South Kordofan based on different grounds including their lack of allegiance to the governing party. During the CPA, (Comprehensive Peace Agreement) transitional period, most of the development projects agreed upon in the agreement were concentrated in the Western part of South Kordofan, where most of NCP supporters live. NCP has then divided the region by creating the new state of Western Kordofan to diminish South Kordofan region share in oil revenue.

2) Hate speech and military violence targeting Nuba people {13}

10. In the 2011 elections the president Omer Al Bashir incited the Arab tribes against the Nuba in an open propaganda speech by ordering the Arab militia of Western Kordofan to chase and kill the Nuba on their horseback hill to hill and cave to cave. He reportedly said at an open public speech in Alfoula, Western Kordofan: " If we did not win by election ballots we would win by boxes of ammunition". Following the attack on Kadugli on 6 June, 2011 which marked the beginning of the war in South Kordofan, the Popular Defence Force (PDF) carried out extrajudicial killings; house to house and the government air force strikes forced civilians to hide in caves, as reported by many international human rights organizations{14}. When thousands of civilians fleeing war in the Nuba Mountains headed North, they received no relief from the government, but instead were ordered by the then governor of South Kordofan; (Ahmed Haroun), to return, indeed many were transported back to Kadugli and Dilling cities of South Kordofan.{23}

3) Conflict-related dispossession of property {15}

11. It is not safe for Nuba people living in other parts of the country to visit their homeland due to fear of arrest and detention by the security forces, which was common experience during the earlier civil war, (1980's and 1990's), and for that reason people feel unsafe to return. Nuba Mountains peoples foundation received reports that many homes were broken into and

demolished, and some Nuba homes have been occupied by the Army militia rent free. Nuba refugees in other countries sometimes face interrogation and intimidation by security forces for mere suspicion, and are therefore intimidated to visit their home country.

4) Encouragement of integration policies

12. Racial aggression and social discrimination have become noticeable in certain parts of Khartoum, and has found its way to some universities. Nuba Mountains Peoples Foundation recently documented incidents by NCP students who have attacked Nuba students in Alzaeem Al Azhary University during the period from the 11th to the 18th of March 2015. The marginalisation of ethnic and religious minorities in Sudan, including the Nuba peoples, is institutionalized in the media including national TV which does not equally represent or portray Sudan's diversity.

5) Situation of Nuba Internally displaced

13. The state is not addressing the social, cultural and development needs of displaced people living around Khartoum. There have been some incidents of churches being destroyed by security forces, as was reported by international media.^{22} There are thousands of Nuba, Darfuri and Blue Nile children who are unable to continue their education because of rising school fees and distance they need to travel to school.^{11} This situation has forced poor children to quit schools. some children ended up doing laborious work to earn money.

6) Policies underpinned by theories of racial superiority

14. The NCP government policies promote the superiority of Arab race and culture. President Al Bashir agreed to settle 10 million Egyptians in Sudan, and to allocate one million and 250 thousand acres of land to be used for agricultural projects by the Egyptian ministry of agriculture in Nile state of Northern Sudan and other unnamed areas, and a further 5 acres for every family settled in Sudan.^{19} Thousands of Egyptians were settled by the NCP led government in the Gezira state, central Sudan causing protests and wide condemnations among Gezira coalition of farmers and landlords, as was reported by Huriat Newspaper and Al Midan on 21 august 2011. ^{20}Tens of

thousands Kuwaiti migrants known as (Budoon) who are not recognized as citizens of Kuwait were also settled in Kassala state of Eastern Sudan.{21}

7) Freedom of movement

15. Sudanese move freely from one region to another without any problem.

However, there are a number of Nuba teachers and civil servants who were relocated against their will out of Nuba Mountains to work elsewhere without returning to their region. There is enforced displacement and assimilation of Nuba communities, evidenced by the mass removal of thousands of Nuba IDPs who chose to settle in Nuba mountains big cities during the civil war 1980's and 1990's. Around 2 million Nuba people, (as reported by UNHCR) are now scattered in small and large communities across Sudan living in poor conditions without access to adequate services. Hundreds of thousands have crossed the borders for safety in Kenya, Uganda, Egypt and Ethiopia. Optional return to the Nuba Mountains following the 2005 peace agreement was not supported by the government, and those who returned suffered gross human rights violations during the current ongoing war.

8) Inheritance and ownership of property

16. The new constitutional powers (amending Article 43 of Sudan 2005 interim constitution) give the president sole right to allocate and confiscate land for investment purposes across the country without restriction. This undermines the indigenous and minority tribal people right to their ancestral lands and their right to free and prior informed consent. The example of Kajbar and Hamadab dams are cases in point.{16} The high Dam build near Aswan South of Egypt had bad implications on the historical heritage of Nubians , so much was buried under Aswan dam and so many people had to leave their ancestral lands. The same has been repeated by NCP who went on with building the Kajbar dam without prior agreement and proper consultation with the Nubian people of Northern Sudan, causing death of innocent civilian protestors on Thursday, the 12th of June 2008, as documented in (Bulletin electronic paper).

17. Thousands of Nuba people who owned lands and homes around Khartoum had their homes demolished and they were forcibly moved by military police to the outskirts of the city. An eye witness reported to Nuba Mountains people

Foundation that the government, who deployed a large number of public order police, moved a large number of Nuba communities who lived in Alezba Bahry, a central suburb in Khartoum Bahry for tens of years to Khojalab area and to Nasser 4 area, Western Omdurman. When the Nuba residents protested, a government official vehemently told them " If you did not like it, go and sue us in Kauda- (the centre of the rebel movement in Nuba Mountains)", as reported in Sudanese Online on 23 June 2014. Two trucks full of Military Police personnel later attacked them at their new settlements at Nasser 4, and incidents of rape and looting of property by the same forces were reported to Nuba Mountains people foundation. However, the victims are too intimidated to pursue legal action, the reporter confirmed. No investigations were carried out to prosecute the perpetrators. The reporter also confirmed that Alezba was a dark place with no electricity and no clean water, but just before the removal took place, electricity and water supply to the area were underway, in preparation for the new settlers who would build their new homes in the area.

9) Health Care

18. Access to education and health care is neither free nor easily attainable by the most vulnerable chunks of the Sudanese population, especially those living in the peripheries of Khartoum.

19. In the Nuba mountains there are very few hospitals, and medicine is neither free nor affordable to buy. In some cases of emergency, patients have to travel all the way for 300 miles to get treatment in Khartoum or in other big cities. The government have denied hundreds of thousands of Nuba children in the SPLA / N controlled areas access to folio immunization. Humanitarian organizations are not allowed access to provide health care to children. {17}

10) Lack of Participation in political and social life

20. There is no fair representation of Nuba people in government functions, including central government ministries, local government, the military and police academies, though the majority of police and army personnel are from the Nuba, but never in high placed positions, especially in conflict locations. Sudanese citizens from Northern Sudan and other mainstream regions get

the highest share of representation, therefore, the majority of army and police high ranking officers, ministers and state governors are Arab Sudanese.

11) Composition of Courts

21. The power to appoint state governors via the president, might lead to a confusion between the executive powers and the judiciary, with concerns on politicisation of court system. The judiciary in Sudan has been proven to be unable or/and unwilling to prosecute war crimes and crimes against humanity committed in the context of various conflicts such as Darfur, where no serious attempts were made to prosecute any of the perpetrators, as documented by many organisations. These concerns remain relevant in South Kordofan where the conflict continues.

Recommendations

Nuba Mountains Peoples foundation recommends for the government of Sudan:

1. To adopt immediate measures designed to eradicate all incitement to or act of discrimination against all Sudanese peoples based on race, religion, language or gender, in accordance with the principles embodied in the Universal declaration of Human rights and integrated in the Sudanese constitution, and to take positive steps to implement the provisions of Articles (4), (5), (6) and (7) of the ICERD.
2. To ratify the protocol to the ICERD, to ensure that complaints against any act of racial discrimination can be made in the Sudan and are properly investigated.
3. To repeal the constitutional amendments made to the Sudan 2005 interim constitution, in particular amendments made to Article (151) and Article (43).
4. To stop all attempts to divide South Kordofan state based on ethnic grounds, that shall create racial barriers between societies already integrated.
5. To take positive measures to promote access to housing, education and healthcare, especially for Internally Displaced Persons and children affected by the conflict in South Kordofan, Blue Nile and Darfur.
6. To immediately stop the use and recruitment of children in paramilitary and regular forces, and issue clear commands to stop and punish those responsible for such use and recruitment.
7. To facilitate the voluntary return and provide reparation for the people of Al Ezba - Bahry, who were forcibly removed from their homes, and to investigate and punish all acts of racial discrimination directed against them.
8. To take special measures that ensure the people of South kordofan and blue Nile enjoy their human rights and fundamental freedoms, including the right to teach their languages in schools, and to stop all practices designed to restrict the use of local languages in Sudan.
9. To stop all attempts and procedures that allow mass migration and settlement of citizens of other countries in the lands of Sudanese people, including assignment of their lands to others for any purposes without their prior, free and informed consent.
10. To stop all acquisitions of lands in South Kordofan by the government of Sudan without prior free and informed consent of those inhabiting the lands. To offer remedies to those who have been forcibly expelled from their lands.

11. To take necessary steps to bridge the gap in education, health, social and economic development that exists between the people of South Kordofan and Blue Nile and the rest of the country.
12. To investigate and take appropriate measures to end and punish all cases of gross human rights violations, including war crimes and crimes against humanity, committed against the civilians of South Kordofan, Blue Nile and across Sudan.
13. To take steps to ensure better representation of the Nuba people in the army and police academies, and in regional and national political bodies;
14. To eliminate discriminatory practices against the people of Nuba mountains when it comes to the distribution of humanitarian aid
15. To affirm the multi-ethnic nature of Sudan, and to refrain from racial superiority rhetoric, and to make sure that diversity of the Sudanese society is valued in public discourse, in school material and in government programs.

Annex

Nuba Language: Can be classified into: Nilo Saharan and Kordofanian. The Kordofanian languages consist of four groups located in SE of NM including; Heiban, Talodi, Rashad and Katla. The Kadugli language group is located in the South East central fringe near Kadugli. The rest of the Nuba languages are classified as part of a major sub-group of Nilo- Saharan called Eastern Sudanic, spoken by Hill Nubian which include; (Dilling, Kadaru and ghulfan, Wali, Karko, haiban, Debri, Tabag and Abu Jinuk) and some tribes to the west like Daju, Timein and Nyimang in the Northern part.

Origin of the Nuba:^{18} Anthropologists established that some tribes in Upper Northern Sudan are related to the so-called *Hill Nubian* languages of the Nuba Mountains and Darfur. They referred to the 13th Century AD when the Nile was destabilized by the Mamlukes who ruled Egypt, as the time when the Badwian and Nubian were driven Southwards. The other Nuba groups inhabited the region for 2000 years before them. Collectively, these tribes are called Nuba and their region Nuba Mountains. Current population is estimated around 4 million, 2.5 million actually lived in the region before the war of 2011. There are minority nomadic Badwian tribes and some ethnic groups from West Africa. The Nuba Mountains is a multi- ethnic region where many groups from all over Sudan used to live and work in harmony. Most recently, the government divided south kordofan into Western kordofan and South Kordifan. Western kordofan is rich of oil but it is semi- desert and is mainly inhabited by the minority nomadic Arab tribes. Both the Nuba and nomadic tribes move freely across the Nuba Mountains with their cattle in search of pasture and water without problems apart from minor conflicts with Nuba farmers, normally settled through traditional or customary treaties between them.

The region witnessed two civil wars in 1983 - 2005 and in 2011 which is still continuing. a considerable number of people of south Kordofan were internally displaced and many crossed the borders to live as refugees in neighbouring countries and all over the world.

The Nuba people have suffered deep rooted forms of racial discrimination due to ongoing legacy of historical oppression they faced over the periods of colonization. During the period of the Turkish rule, (1821 - 1898), the region witnessed slave trade raids. The Ottoman empire invaded the Sudan primarily for the search of gold and slave soldiers. Arab slave traders entered the region alongside the Turks and

continued obliterating the population until the abolition of slave trade by the British colonials who ruled the country from 1898 to 1956. The Nuba Mountains was then closed off from the rest of the country except for those Nuba who were conscripted in the Army in both Egypt and Sudan, which became known as "Sudan Defence Force".

By independence in 1956, the region was immediately reunited with the rest of the country. The Nuba thus found themselves unequipped to partake in the political and economic affairs of their country. They were viewed as uneducated, backward and second class citizens. Under the successive governments of Sudan, the Nuba population continued to suffer from marginalization and gaps in education, health services, infrastructure and development. During the conflicts that raged the region, the Nuba peoples suffered from gross human rights violations, displacement, and forced assimilation. The use of the Arabic language has been imposed in the region and a number of schools were closed in the 1990's when they tried to codify the use of local languages. In the 1990's the government Arabized the curriculum in schools and universities across Sudan, as part of NCP cultural orientation programme.

Notes

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