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**THE INTERNATIONAL
CAMPAIGN TO
STOP RAPE & GENDER VIOLENCE
IN CONFLICT**

SURVIVORS SPEAK OUT

SEXUAL VIOLENCE
IN SUDAN

Survivors Speak Out: Sexual Violence in Sudan

November 2013



Advocating for peace, justice & equality

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INTRODUCTION

Mass rape and other forms of sexual violence occurring in the midst of armed conflict is not a new phenomenon. Throughout history, sexual violence has often been seen as an inevitable by-product of war. But the systematic and widely reported use of rape as a weapon of war during several conflicts of the 1990s, particularly those in Bosnia-Herzegovina and Rwanda, triggered public outrage across the globe and prompted international political authorities to adopt a new perspective on sexual violence in conflict zones.

The evidence from conflicts around the world demonstrates that conflict-based sexual assaults — including rape, sexual slavery, forced pregnancy, sterilization and genital mutilation — are not merely opportunistic acts carried out by individual soldiers and civilians. They are also used strategically by state security forces and armed opposition groups as military tactics aimed at destroying people, communities and entire nations.

A diverse group of actors, including survivors of sexual violence, advocates, grassroots activists, human rights and humanitarian organizations, journalists, governments, academics and multilateral institutions like the United Nations and the Group of 8 have pledged their commitment to tackling this global problem. Under international law, sexual violence is now recognized as a war crime, a crime against humanity and, in some cases, genocide.

In Sudan, women have faced and continue to face sexual violence during armed conflicts between the government of Sudan and various opposition groups in regions such as Darfur, Eastern Sudan, and disputed areas along the new international border between Sudan and South Sudan.

The victims are women and children of all ages. They have been subjected to rape, gang rape, genital mutilation and other cruel sexual acts, often in concert with other crimes such as kidnapping, killings and brutal military assaults on communities of unarmed civilians.

Sudanese president Omar Al-Bashir, who faces an outstanding International Criminal Court arrest warrant for his role in inflicting genocide, including orchestrating sexual violence on target populations in Darfur, blatantly denies the role of rape in Sudan’s many armed conflicts. “It is not in the Sudanese culture or people of Darfur to rape. It doesn’t exist,” he told NBC News in March of 2007.

The testimony of sexual violence survivors and their supporters from grassroots women’s organizations tells a very different story.

The Nobel Women’s Initiative, in partnership with the International Campaign to Stop Rape & Gender Violence in Conflict, seeks to draw attention to their stories with this report examining conflict-related sexual violence in Sudan. The primary purpose is to share the experiences of Sudanese women who deal with gender-based violence on a daily basis. The report draws from 20 interviews with women’s human rights defenders and survivors of sexual violence in Sudan and South Sudan conducted by the Nobel Women’s Initiative from April to November of 2012.¹

1. This research was led by a consultant based in Sudan, and the report was collectively compiled by the Nobel Women’s Initiative team and a consultant specializing in the study of gender-based violence.

We have also drawn from media coverage, briefings from United Nations officials, reports from international and local humanitarian and human rights organizations, and studies conducted in Darfur, in other conflict-torn regions of Sudan and in refugee camps in neighbouring Chad and South Sudan.

Together, these sources paint a damning picture of widespread sexual violence being used as a weapon of war by the Sudanese government, its militias and various armed opposition groups. They portray a social and legal environment that leaves most rape survivors with no access to services, protection or justice, in communities where violence against women has become normalized.

The report has benefited tremendously from the input of key partners and advocates, including but not limited to Sudanese Women Empowerment for Peace, Salmah Women's Resource Center, Vision Association (formerly known as Ru'ya Association), Strategic Initiative for the Horn of Africa Network and the Institute for Inclusive Security.

Speaking out about sexual violence in Sudan is extremely dangerous, especially in cases where the government and its related security apparatus are implicated in the violence. Local activists who speak up about rape by security forces often face imprisonment. Staff from international and national organizations also risk their own security to provide services to and advocate on behalf of survivors. For their safety, some names have been changed.

To date, there has not been a comprehensive study of sexual violence in Sudan, largely due to the inaccessibility and extreme danger of many of the country's conflict zones, as well as the silencing of human rights defenders by state authorities. This report covers some key regions of Sudan affected by conflict or political violence, including Darfur, Eastern Sudan, South Kordofan (including Abyei and the Nuba Mountains), Blue Nile and Khartoum. There are several other regions affected by armed conflict, and where women may very well face systemic sexual violence, but for which research and documentation are virtually non-existent.

By drawing together existing data, first-hand accounts, reports and media coverage, we aim to demonstrate the pervasiveness of conflict-based sexual violence in Sudan and the urgent need for more research. Systematic data collection is required to better understand the scope of the problem and the needs of survivors.

Finally, we intend this report to serve as an education and outreach tool to build international public awareness and inspire collective action to prevent further gender-based violence in Sudan, to protect survivors and to prosecute perpetrators.

activist profile

WALAA SALAH MOHAMED ABDELRHMAN



Walaa is a young women's rights and democracy activist whose parents instilled in her the confidence that she could create positive change in her country.

As a law student at the University of Khartoum, Walaa broke barriers by becoming the first woman and youngest-ever president of the student union, where she led campaigns to promote women's rights in the classroom. Part of Walaa's work is to push for reform of discriminatory laws that restrict the participation of women in public and private arenas.

MAP OF SUDAN



WOMEN'S RIGHTS IN SUDAN

The wave of militarized sexual violence unleashed on women and girls in Sudan takes place against a broader backdrop of increasing gender oppression, discriminatory laws and the exclusion of women from political and civic spheres.

Over the last three decades, and especially since the rise to power of the Islamist National Congress Party in 1989, Sudan has backtracked considerably on prior progress made toward the full realization of women's rights. Sudanese women and girls have been subjected to a spate of discriminatory laws and practices that are informed by conservative interpretations of Islam. These laws seek to limit women's freedom of movement and dictate how they dress, ostensibly to uphold "social morality."

During the interim period between the signing of the 2005 peace agreement that formally ended Sudan's protracted civil war and the creation of South Sudan as an independent nation-state in 2011, the country's constitution provided for considerable gains in women's rights, including explicit quotas for their representation in government. However, following separation, while South Sudan moved towards consolidating gains in women's rights,² Sudan has adopted legislation that is more oppressive for women.

The violation of women's rights in Sudan has been most pronounced in areas that are experiencing overt armed conflict.

The response of Sudanese political authorities to the growing crisis of sexual violence has been one of complacency and denial. President Omar Al-Bashir has told the media that "it is not in the Sudanese culture or people of Darfur to rape. It doesn't exist. We don't have it." Other Sudanese top officials echo his denial that sexual violence occurs in the country, especially within Darfur.³

The government has blocked international human rights monitors from accessing conflict regions and even expelled humanitarian organizations providing assistance to survivors. All the while, evidence of systematic sexual violence against civilians continues to emerge and be publicized by international academics, United Nations officials and human rights organizations.⁴

2. South Sudan's Ministry of Gender finalized a National Gender Policy in 2012 that promises the development of a national plan of action and new legislation to eradicate sexual and gender-based violence. It also calls for measures to prevent and respond to assaults, such as the establishment of "safe centers" for trauma counselling, but "concrete progress in these areas has not yet been achieved." Source: Agnes Odhiambo, "This Old Man Can Feed Us, You will Marry Him": Child and Forced Marriage in South Sudan, Human Rights Watch, Washington, 2013, p. 46.
3. Talea Miller, "Victims of Sexual Violence in Darfur Face Stigma, Unresponsive Justice System," *PBS NewsHour*, June 15, 2007.
4. See, for instance: *Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General*, United Nations, Geneva, January 25, 2005; Alexander C. Tsai, Mohammed A. Eisa et al., "Medical Evidence of Human Rights Violations against Non-Arabic-Speaking Civilians in Darfur: A Cross-Sectional Study," *PLoS Medicine* 9, no. 4., April 2012, p. 1-10; Alex de Waal, "Averting Genocide in the Nuba Mountains, Sudan," *Social Science Research Council*, December 22, 2006, http://howgenocidesend.ssrc.org/de_Waal2/; Tara Gingrigher and Jennifer Leaning, "The Use of Rape as Weapon of War in the Conflict in Darfur, Sudan," Harvard School of Public Health, Boston, October 2004; and multiple reports by Human Rights Watch, Amnesty International, the United Nations Special Rapporteur on the Situation of Human Rights in Sudan and the Independent Expert on the Situation of Human rights in Sudan.

NATURE OF CONFLICT-BASED SEXUAL VIOLENCE IN SUDAN

Sudanese women and girls in conflict zones have been the target of systematic rape and other forms of sexual violence, such as threat of rape, sexual exploitation, sexual harassment, sex trafficking, forced marriages, forced prostitution and sexual slavery. Women and girls of nearly all ethnicities have been sexually assaulted by perpetrators from both within and outside their own ethnic groups.

While media attention has brought to light the regularity and pervasiveness of these abuses in Darfur, where they have clearly been part of a state-led campaign of ethnic cleansing, similar violence is rife in Sudan's periphery regions and disputed areas along the border with South Sudan, including Eastern Sudan, Abyei and the Nuba Mountains in the state of South Kordofan, and Blue Nile.

Along with sexual violence, women and children from primarily non-Arab tribal communities in many of these areas have been abducted during military attacks by the regular armed forces and government-allied militias.⁵

Rape has also been used by armies to terrorize and displace the population, and by soldiers and civilians taking advantage of the break in law and order and the lack of discipline within armed groups.⁶

Even in locations where fighting has subsided, a legacy of sexual violence often persists in conflict-torn communities as they seek to rebuild.

Women displaced from their homes and now living in refugee camps or urban centres such as the capital city of Khartoum also face heightened vulnerability to sexual violence. Sudan has one of the world's largest internally displaced populations in the world, at an estimated 2.5 million people.⁷ As one activist told us in 2012, gangs that regularly rape women have emerged in and around camps for displaced people in Khartoum.⁸

Sexual violence has been used in Khartoum in the targeting of male and female political activists by state security forces. One widely publicized example is that of student activist Safia Ishag, who was kidnapped and gang-raped by three members of the National Intelligence and Security Services in 2011.

5. "Women and Armed Violence in South Sudan," *Human Security Baseline Assessment for Sudan and South Sudan: Small Arms Survey*, April 2012, <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/womens-security/HSBA-women-and-armed-conflict.pdf>, p. 2; Amnesty International, *Sudan: Who Will Answer for the Crimes?* AFR54/006/2005, January 18, 2005, <http://www.amnesty.org/en/library/info/AFR54/006/2005>, p. 11-12; also documented by numerous other sources, including Human Rights Watch and the Rift Valley Institute.
6. Nobel Women's Initiative, *War on Women: Time for Action to End Sexual Violence in Conflict*, May 2011, http://www.nobelwomensinitiative.org/wp-content/archive/stories/Conference_Ottawa_Women_Forging_a_New_Security/war-on-women-web.pdf, p. 12-14.
7. Internal Displacement Monitoring Centre, "Sudan: A worsening displacement crisis in need of a comprehensive response," <http://www.internal-displacement.org/countries/sudan>.
8. Nobel Women's Initiative focus group discussion, Khartoum, October 2012.

REGIONAL HIGHLIGHTS

DARFUR

“One of the Janjaweed pushed me to the ground. He forced my clothes off, and they raped me, one by one vaginally. No objects were inserted. When they shot my father, they saw that I was a little girl. I did not have any energy or force against them. They used me. I started bleeding. It was so painful. I could not stand up... I was sick for seven days. No one helped me...”

— 13 year-old girl, Darfur⁹

The global attention and media spotlight on the Darfur crisis has provided a glimpse into the systematic use of rape as a means of pursuing ethnic cleansing in Sudan.

War in Darfur erupted in 2003 with the rise of an armed liberation movement against the government of Sudan, which it accused of oppressing non-Arab populations in the state. The Sudanese Armed Forces and their allied Janjaweed militias retaliated, carrying out a genocidal campaign targeting the populations of Darfur.

The Sudanese army and the Janjaweed have systematically used rape to terrorize and displace populations and to target non-Arab tribes in Darfur.¹⁰ While the army and its allies bear the majority of the responsibility for rape and violence in Darfur, sexual violence has also been committed by other parties to the conflict.

A number of human rights and humanitarian organizations, such as Human Rights Watch, Médecins Sans Frontières and Physicians for Human Rights, have reported extensively on widespread sexual violence in Darfur. Médecins Sans Frontières, for instance, told of how its clinics in Darfur treated almost 500 women and girls for symptoms related to sexual violence during a five-month period beginning in October 2004. In August 2006, another organization reported 200 sexual assaults in South Darfur’s Kalma camp for displaced people over the course of just five weeks.¹¹ The numbers represent only a fraction of attacks that took place due to the high stigma associated with reporting sexual violence.

Unfortunately, the ability of NGOs to monitor the situation and document cases has been severely hampered since 2009, when the government of Sudan expelled several humanitarian organizations from Darfur. Rape survivors now face even more limited access to desperately needed recovery services, such as medical treatment and protection, which were previously provided by humanitarian groups.

The war in Darfur led to massive displacement, with attacks pushing people out of their homes and into camps for internally displaced persons (IDPs) in Darfur and refugee camps in Chad. Of the estimated 1.9 million Darfuris displaced by the conflict as of 2011,¹² many remain vulnerable to assault, both within the camps due to unsafe conditions and outside the camps, where women and girls must often venture to find water or firewood. Chadian soldiers and people from local populations have been accused of perpetrating sexual attacks within or around the camps.

One woman at the Farchana refugee camp in Chad told Physicians for Human Rights, “I went out along to bring my animals to pasture. A man came up to me and threatened me with his gun. Then he did everything he liked.” The woman became pregnant as a result of her rape.¹³

In our research, we found that Darfuri women have actually reported a greater number of attacks in the lulls between bouts of active armed conflict than during periods of fighting.¹⁴ A forensic review of patient records between 2004 and 2006 at the Amel Centre for Treatment and Rehabilitation of Victims of Torture shows that all 36 attacks studied occurred near an IDP camp.¹⁵ In interviews with Darfuri rape survivors in 2005, Médecins Sans Frontières found that 82 per cent of women said they had been assaulted while “undertaking daily activities,” as opposed to being raped while fleeing an attack on their community.¹⁶

Following intense international focus on Darfur in the early years of the conflict, there is pressure to hold perpetrators accountable for grave war crimes such as mass rape. The International Criminal Court (ICC) issued its first indictment against a sitting head of state in 2009 with its arrest warrant for Sudanese president Omar Al-Bashir. In the application for the warrant, the prosecutor wrote, “Rape is an integral pattern of destruction that the Government of Sudan is inflicting upon the target group in Darfur.”¹⁷

ICC arrest warrants have also been issued for Abdel Raheem Muhammad Hussein (Sudan’s current Minister of Defense, former Minister of the Interior and former Sudanese President’s Special Representative for Darfur), Ali Muhammad Ali Abd-Al-Rahman¹⁸ (alleged leader of the Janjaweed) and Ahmad Harun (Former Minister of State for the Interior of the Government of Sudan and Minister of State for Humanitarian Affairs).

9. Physicians for Human Rights with Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support and Assure Justice for Darfuri Women*, Cambridge, May 2009, p. 3.

10. Alexander C. Tsai, Mohammed A. Eisa et al., “Medical Evidence of Human Rights Violations against Non-Arabic-Speaking Civilians in Darfur: A Cross-Sectional Study,” *PLoS Medicine* 9, no. 4., April 2012, p. 1-10; Physicians for Human Rights, “Medical Evidence of Widespread Torture in Darfur Released by PHR in *PLoS Medicine*,” April 3, 2012, <http://physiciansforhumanrights.org/press/press-releases/medical-evidence-of-widespread-torture-in-darfur-released-by-phr-in-plos-medicine.html>.

11. Human Rights Watch, *Five Years On: No Justice for Sexual Violence in Darfur*, April 2008, http://www.hrw.org/sites/default/files/reports/darfur0408_1.pdf, p. 10-11.

12. “Sudan: Thousands flee fighting in Darfur,” IRIN News, Mar. 16, 2011, <http://www.irinnews.org/Report/92208/SUDAN-Thousands-flee-fighting-in-Darfur>. A 2013 report from the Internal Displacement Monitoring Centre documented 1.43 million internally displaced in Darfur (*Sudan: A worsening displacement crisis in need of a comprehensive response*, July 9, 2013). See also the IDMC web site’s Sudan country page at <http://www.internal-displacement.org/countries/sudan>.

13. Physicians for Human Rights with Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support and Assure Justice for Darfuri Women*, Physicians for Human Rights, Cambridge, May 2009, p. 5.

14. Other studies have also found that rates of sexual violence often spike in the immediate aftermath of conflict.

15. Alexander C. Tsai, Mohammed A. Eisa et al., “Medical Evidence of Human Rights Violations against Non-Arabic-Speaking Civilians in Darfur: A Cross-Sectional Study,” *PLoS Medicine* 9, no. 4., April 2012, p. 5.

16. Médecins Sans Frontières, *The Crushing Burden of Rape: Sexual Violence in Darfur*, Amsterdam, March 8, 2005, <http://www.doctorswithoutborders.org/publications/reports/2005/sudan03.pdf>, p. 4.

17. *Summary of the Case: Prosecutor’s Application for Warrant of Arrest Under Article 58 Against Omar Hassan Ahmad Al Bashir*, ICC-02/05, International Criminal Court, the Hague, July 2008, <http://www.icc-cpi.int/NR/rdonlyres/64FA6B33-05C3-4E9C-A672-3FA2B58CB2C9/277758/ICCOTPSummary20081704ENG.pdf>, p. 5.

18. Also known as “Ali Kushayb.”

EASTERN SUDAN

Eastern Sudan is home to some of the country's most impoverished people. The area is comprised of three states: Red Sea, Gedaref and Kassala. It is home to Sudan's only sea port, a vital economic hub for the country. In 2006, the Eastern Sudan Peace Agreement brought renewed hope for stability in the region after a decades-long simmering rebel insurgency against the Sudanese government, fought largely for economic control over resources.²⁰

Despite the agreement, tensions remain high between the government, the Rashaida and the Beja, the two main ethnic groups indigenous to the region and involved in the insurgency. Some international organizations fear the region is on the brink of a full-scale war.²¹ Relations are particularly tense since the government's expulsion in June 2012 of aid groups who had brought much needed assistance to the impoverished region.

The activists we spoke with told us of cases of government forces targeting Rashaida or Beja women in Eastern Sudan, and of rape committed by the Rashaida or Beja in attacks against each other.

Eastern Sudan receives many refugees coming from neighbouring Eritrea and Ethiopia, and these populations have also been targeted with sexual violence. Reporting by the BBC in 2012 documented how these refugees are vulnerable to kidnapping, rape and sexual violence. One refugee woman recounted to journalists: "They were six. They raped me. It lasted five hours until I became unconscious. Eventually the church and friends raised a lot of money to set me free."²²

Darfur's Special Prosecutor

Following recommendations of the African Union High Level Implementation Panel on Sudan, Sudan's president Omar Al-Bashir established a domestic legal mechanism to investigate war crimes and crimes against humanity in Darfur. The process, however, has been highly ineffective, and in June 2012, the Special Prosecutor of Darfur Crimes, Ahmed Abdel-Motalib, resigned without explanation. He was the third person to resign or be dismissed from the position since it was created in 2010.¹⁹

SOUTH KORDOFAN (NUBA MOUNTAINS AND ABYEI) AND BLUE NILE

"I saw two girls from Angolo captured and then raped to death. If someone isn't dying quickly, they just finish them off with a knife or a bullet. This is what happens to us; I've seen it with my own eyes."
— Nuba woman, Yida refugee camp in South Sudan.²³

South Kordofan and Blue Nile are two Sudanese states situated north of the country's border with South Sudan. The Comprehensive Peace Agreement that marked the formal end of Sudan's decades-long civil war and the independence of South Sudan in 2011 has not brought an end to armed conflict in these states. Rape perpetrated against certain ethnic groups in areas along the border region continues, with renewed violence having erupted in 2011 as a result of ongoing disputes over resources, citizenship and border demarcation.

South Kordofan, including Abyei and the Nuba Mountains, has witnessed significant increases in violence since the division of the two countries in July of 2011. Indiscriminate aerial bombings, attacks displacing communities and human rights violations including sexual violence have been perpetrated here by the Sudanese and South Sudanese armies. Satellite imagery and testimony from fleeing civilians provides evidence of these horrors.²⁴

The Sudanese government has obstructed access to journalists, human rights monitors and aid groups since the resurgence of violence, blocking the delivery of humanitarian assistance and preventing outside groups from conducting research.

Despite the challenges in collecting accurate data, Women Under Siege argues that "Sudan's rampant use of sexualized violence — during conflict in Darfur and times of civil unrest in Khartoum — signals that reports of such violence in South Kordofan are likely not exaggerated. This is a regime that has a nauseatingly consistent record of rape and sexualized violence against women in times of war and unrest."²⁵

Women in the Nuba Mountains region of South Kordofan have known systematic rape as a weapon of war since at least 1987. From 1987 to 2002, rape formed a key part of a genocidal campaign waged by the Sudanese government to "eliminate the Nuba identity." The Sudanese army targeted civilians, using rape to terrorize the population and "cleanse" them from the area, in a strategy very similar to that which was used in Darfur.²⁶

19. "Another Darfur prosecutor resigns in mysterious circumstances," *Sudan Tribune*, June 13, 2012, <http://www.sudantribune.com/Another-Darfur-prosecutor-resigns,42906>.

20. Annette LaRocco, "In Sudan's Forgotten East, Conflict is Likely to Erupt," Enough Project, December 14, 2011, <http://www.enoughproject.org/blogs/sudan%E2%80%99s-forgotten-east-conflict-likely-erupt>.

21. Ibid.; Thomson Reuters Foundation, "East Sudan Insurgency," July 10, 2013, <http://www.trust.org/spotlight/East-Sudan-insurgency/>.

22. "Eritrean Refugees Kidnapped in Sudan," *BBC News*, February 6, 2012, <http://www.bbc.co.uk/news/world-africa-16903627>.

23. Nicholas Kristof, "Besieged in Sudan's Nuba Mountains," *New York Times*, February 23, 2012, <http://www.nytimes.com/video/2012/02/23/opinion/10000001379424/beseiged-in-sudans-nuba-mountains.html>.

24. "George Clooney Behind Front Lines in Sudan's Nuba Mountains," Satellite Sentinel Project, March 14, 2012, <http://www.satsentinel.org/blog/video-george-clooney-behind-front-lines-sudan-s-nuba-mountains>.

25. Louise Hogan, "History repeats itself in Sudan," *Women Under Siege*, November 12, 2012, <http://www.womenundersiegeproject.org/blog/entry/history-repeats-itself-in-sudan>.

26. Julie Flint, "Return to War in Sudan's Nuba Mountains," *Peacebrief 112*, United States Institute of Peace, November 2, 2011, p. 2.

Gender segregation and forced marriage were also inflicted on the Nuba during the war. Men and women were divided into separate camps to prevent them from marrying and having children.²⁷ Arab tribesmen were encouraged to forcibly marry Nuba women to eliminate Nuba identity.²⁸

In 2012, Vision Association visited Juba and Yida camps in South Sudan to speak to refugees who had fled the most recent violence in the Nuba Mountains. The refugees they interviewed said that the military committed sexual assaults against the people as they were fleeing, and that hundreds of women and girls had been abducted and remained unaccounted for.²⁹

Widespread rape has allegedly plagued the contested Abyei area — claimed by both Sudan and South Sudan — as well, attracting concern and condemnation from Mohamed Chande Othman, the United Nations human rights envoy for Sudan, during a visit to the country in June 2011.³⁰

We found it more difficult to gather information on violence against women taking place in Blue Nile since the expiration of the United Nations mandate for peace-keeping in that region in July 2011. As fighting escalated in September 2011, journalists and human rights groups were denied access to the region, making it difficult to document the impact of fighting on the populations of Blue Nile.³¹

One Sudanese researcher who has done an assessment on Blue Nile told us that sexual violence is known to be occurring here, but that the women and girls she met were reluctant to share information about their experiences. They were more willing to tell the researcher stories of friends who had experienced sexual violence and other known cases.³²

activist profile

SAFAA ADAM



Safaa is a women's rights activist and civil society leader from Darfur who has been deeply involved in the peace-building process there, at both the community and international levels. Safaa is an executive member of the Darfur Forum for Dialogue and Peaceful Coexistence and was also the gender expert team leader for the women leaders who participated in the Darfur Peace Negotiations in 2005. She was a participant in the Heidelberg Darfur Dialogue which presented requirements for an inclusive and sustainable peace in Darfur ahead of the proposed peace agreement.

KHARTOUM & SURROUNDING AREAS

While urban centres such as the capital city of Khartoum are removed from direct fighting, our research shows that systemic gender-based violence, often related to armed conflict happening elsewhere, occurs in these areas as well.

Anecdotal evidence and several publicised cases, such as the rape of student activist Safia Ishag by state security forces and the sentencing of two women to lashing, hint at the heavy-handed treatment of women by government forces in Khartoum.

Over the decades, as President Omar Al-Bashir has clamped down on civilians using brutal methods aimed at crushing dissidents, the government has increasingly used rape and the threat of rape as weapons of political repression. The use of such tactics seems to have increased after a wave of peaceful demonstrations took place in the city at the beginning of 2012.

In what some have called Sudan's own Arab Spring, youth took to the streets in 2012 to demand political change under the banner of "Sudan Revolts." Women have been at the forefront of the movement. Their protests, held after Friday prayers, have often been met with violent repression. One such protest, known as "Kandake Friday" was held on July 13, 2012 in honour of the revolutionary women of the country. Masses of women from all age groups attended. Tear gas was fired against those inside the Wad Nubawy Mosque in Omdurman and at least 40 women were arrested, either by police or security forces.³³

Breaking the silence that usually surrounds rape and other forms of gender violence, several activists, journalists, students and other critics of the Al-Bashir regime have spoken out in recent years about their assaults at the hands of government security forces. Written and audio-visual testimonies of sexual violence have been produced and circulated through underground media by grassroots groups from the outspoken youth movement known as Girifna.³⁴ One well-known case is that of Safia Ishag, a student activist and rape survivor whose story has circulated widely on YouTube.

Khartoum is also a site of elevated violence against women from marginalized groups or ethnicities, who are often uprooted by conflict in Sudan and surrounding countries and come to the city as internally displaced people or refugees. These women frequently take up jobs within the informal economy selling tea or brewing traditional alcoholic beverages. While working in neighbourhoods throughout the city or while staying in camps for displaced people, they are vulnerable to targeted sexual assaults.

27. Alex de Waal, "Averting Genocide in the Nuba Mountains, Sudan," Social Science Research Council, December 22, 2006, http://howgenocidesend.ssrc.org/de_Waal2/.

28. Ibid.

29. Nobel Women's Initiative with Ru'ya Association, Juba and Yida Refugee Camp Visit Report, February 2012, http://nobelwomensinitiative.org/wp-content/uploads/2012/05/Ru_ya_vist_report_MY1.pdf, p. 4.

30. Simon Martelli, "'Rape' in Abyei, Darfur camps denied aid: UN envoy," Associated Free Press, June 8, 2011, http://www.google.com/hostednews/afp/article/ALeqM5jpdB_aQfIRQVvovBlfRI8ruojlWg?docId=CNG.4b51b056239693ce4c4888dc9ef63302.921.

31. Human Rights Watch, "Sudan: Blue Nile Civilians Describe Attacks, Abuses," April 23, 2012, <http://www.hrw.org/news/2012/04/23/sudan-blue-nile-civilians-describe-attacks-abuses>.

32. Nada Ali, interview with Nobel Women's Initiative, March 2012. Ali carried out research in government-controlled areas. In addition to a lack of unfettered access, she found that affected communities were not at liberty to speak openly.

33. Ellen Berry, ed., *Sudanese WHRDs on the Frontlines: Report on the Situation of Women Human Rights Defenders 2009-2012*, Arry Organization for Human Rights and the Sudanese Women Human Rights Project, March 2013, p. 22.

34. Girifna is an outspoken youth movement in Sudan, advocating for a change in government. Its web site is <http://www.girifna.com>.

Case of Safia Ishag

University student and Girifna activist Safia Ishag was kidnapped and gang-raped by three members of the National Intelligence and Security Services (NISS) on February 13, 2011, in Khartoum. In what has been described as a watershed moment in breaking the silence on rape against activists in Sudan, Safia spoke out about her experience to making a video of her testimony publicly available on YouTube.

In an interview with the Nobel Women's Initiative, Safia recounted her ordeal in seeking justice for her rape. When she insisted on filing a police report, she was harassed and followed by police and security agents. The threats she faced from police resulted in her fleeing Sudan, but the case remains open and ongoing. Some of those who helped Safia after her rape, including friends who accompanied her to the hospital or with the proceedings, have been arrested or have had to flee the country as well.³⁵

Journalists in Sudan who reported on Safia's attack also faced threats and have even been imprisoned. According to the Sudanese Journalists' Network, in 2011, eleven journalists faced charges of spreading false allegations and defaming the NISS. One of the journalists, Amal Habani, was given a choice between one month in prison or a fine.³⁶

The underreported issue of urban youth gangs that actively engage in robberies and rape emerged during a focus group we conducted with local activists working in IDP camps in Khartoum.³⁷ The formation of such gangs, which have come to be known as the Nigaz or Niga boys,³⁸ is an indirect result of the conflicts that have displaced young Sudanese men, and some activists hint at the support or complicity of the Sudanese government.

One activist told us: "They rape girls and rob people all the time. There are places you can't go after 6 p.m."³⁹ Another said that "people do not report because there is a weakness in our laws and legal system. I know a girl... her dad took her to the police to report, and they got the four guys that raped her, but they were let go without any consequences."⁴⁰

Activists and organizations in Khartoum working on combating sexual violence and on behalf of survivors told us they face very real security risks in their daily work. One woman told us: "Even coming here [to the focus group], I came scared. We are now really scared. We have been threatened several times. We have been detained several times because of the work we do.... I have been detained three times..."

The majority of the national and local organizations supporting survivors of sexual violence must do so quietly and at great personal risk. The silence stunts the development of a coherent and fluid coordination and referral system, which ultimately leaves survivors without many critical and sometimes life-saving interventions.

RESPONSE TO SEXUAL VIOLENCE IN SUDAN

The situation faced by survivors of rape and sexual violence in Sudan is dire. Available reports suggest that the majority of survivors are unable to access the services they so urgently need, including medical care, psychosocial support, protection and access to justice.⁴¹ Greater understanding is required of survivors' needs for longer-term services such as access to economic opportunities, livelihoods and education.

Due to gaps in referral mechanisms across Sudan for the coordination of essential service provision, rape survivors are often unaware of the meagre services that do exist. Even practitioners lack a complete picture of what services currently exist and where the gaps are that need to be filled.

The situation is exacerbated by an environment of shame and silence created by the extreme social stigma surrounding sexual violence in Sudan.

GOVERNMENT AND POLICE RESPONSES

The government's expulsion in recent years of major humanitarian organizations from Sudan has left countless sexual assault survivors cut off from medical and psychosocial care that was previously available.⁴²

In an effort to prevent the study of systemic sexual violence in Sudan, the government has forbidden access to international aid groups, while local providers, such as the Amel Center for the Treatment & Rehabilitation of Victims of Torture in Darfur, have had to close their doors. The Amel Center's staff fled the country due to safety concerns.

Many of the international and national organizations that were expelled from Sudan were instrumental in providing prevention and response services to communities affected by gender-based violence. These organizations were active in gathering data, managing cases, working on prevention and community awareness and strengthening local institutions.

While performing a needs assessment for Darfur in 2010, Physicians for Human Rights wrote that many of the organizations expelled had been either implementing projects to reduce violence or providing treatment to survivors of rape, and that the needs of the local populations significantly increased after 2009.⁴³ Due to constant restrictions on funding and the red tape created by government-imposed administrative procedures, local and national civil society groups are largely unable to fulfill the need for sexual violence programming in Darfur.⁴⁴

35. Safia Ishag, interview with Nobel Women's Initiative, May 2012.

36. "New journalist imprisoned for report on rape case, SJN denounces lack of press freedom," *Radio Dabanga*, July 26, 2011, <http://www.radiodabanga.org/node/16741>.

37. Nobel Women's Initiative focus group, Khartoum, October 2012, 9 participants. Note: For the protection of the participants in the focus group discussion and others within the camp, the location and participants are anonymous for the purposes of this report.

38. Ibid.

39. Ibid.

40. Ibid.

41. Nobel Women's Initiative, *War on Women: Time for Action to End Sexual Violence in Conflict*, May 2011, http://www.nobelwomensinitiative.org/wp-content/archive/stories/Conference_Ottawa_Women_Forging_a_New_Security_war-on-women-web.pdf, p. 12-14.

42. In 2009, when the International Criminal Court announced the arrest warrant against President Al-Bashir and other government officials for genocide, he retaliated by expelling 13 human rights and humanitarian groups.

43. Joe Read, "Action Agenda for Realizing Treatment and Support for Women and Girls in Darfur," Physicians for Human Rights, Boston, March 2010, p. 5.

44. Fahima A. Hashim, "Sudanese Civil Society Strategizing to End Sexual Violence in Darfur from Darfur" Powerpoint presentation, Salmah Women's Resource Center; Salah M. Hassan and Carina E. Ray, ed., *Crisis of Governance: A Critical Reader*, Ithaca, NY: Cornell University Press, 2009.

Across Sudan, many small community or national organizations are doing their best to provide whatever legal, medical and psychosocial support they can to survivors. But given their extremely limited resources and a lack of support and cooperation from relevant government departments, they cannot come close to meeting the essential needs of the many women traumatized by sexual violence.

When faced with mounting pressure to address sexual violence, the government of Sudan has made token efforts to appease the international community. It created, for instance, a unit within the Ministry of Justice to deal with violence against women and children. Refugees International and grassroots activists express doubt this move will have any effect, and for good reason: the head of the unit has issued a report that claims gender-based violence does not exist.⁴⁵

The police response is equally discouraging. As revealed by one activist in Khartoum:

“There is a protection police unit and a hotline, but they do not work. When you call the hotline (6969), you get an automated message saying they are in a meeting. UNICEF distributed cars to the police backing the hotline, but when you call the specialized police unit, they say they have no cars.... They ask you where you are and what happened, but do nothing about it. I have had urgent cases of kids that we had to take care of in the middle of the night... at our own expense.”⁴⁶

Local and regional groups have continued to advocate for women’s rights and provide legal services when possible.

While there are a number of groups in Sudan working to end violence against women, their work to support rape survivors is less overt. When activists do speak out, they live in fear of harassment and detention by Sudanese authorities.

activist profile

FAHIMA HASHIM



Fahima is a women’s rights activist based in Khartoum and the director of Salmah Women’s Resource Center. Working for a just society, the group empowers women and youth in regions troubled by conflict while advocating for changes to discriminatory Islamic laws. Fahima actively pushes for reforms to the existing laws on rape by opening channels of dialogue between Sudanese policy makers and women’s organizations.

45. Adrienne L. Fricke with Amira Khair, *Laws Without Justice: An Assessment of Sudanese Laws Affecting Survivors of Rape*, Refugees International, Washington, June 2007, p. 3.

46. Nobel Women’s Initiative focus group discussion, Khartoum, October 2012.

COMMUNITY RESPONSES

In IDP and refugee camps, the stigma associated with sexual violence continues to prevent women from seeking services that are available. In an example shared by Physicians for Human Rights from a camp in Chad, one refugee who had been trained as a counsellor refused to tell anyone that she had been raped at knifepoint.⁴⁷

Community reactions to widespread rape vary considerably depending on the circumstances surrounding attacks. In general, targeted populations show a much greater willingness to publicize rapes perpetrated by enemy groups during active conflict than those committed by members of their own ethnic group. In Darfur, for instance, local people are more likely to speak out about attacks committed by the Sudanese Armed Forces and Janjaweed militias, and less open to discussing rape committed by their own allies or by the civilian population.

Even when communities have acknowledged the problem of sexual violence, there are no signs that this has translated into long-term support for survivors resulting in better access to services or justice.

There are significant differences across communities in their approach to and treatment of rape survivors. In the Farchana Camp in Eastern Chad, the women of the camp came together and presented a manifesto to the leaders of the camp and male elders, demanding their rights be upheld after a group of women was allegedly raped.⁴⁸

Vision Association Executive Director Zeinab Blandia explained to us that victimhood is viewed differently depending on where people live and the status of conflict:

“Generally, Nuba women who have been raped and sexually assaulted in the context of war and raids on villages are not ostracized from their communities. They may be stigmatized in some other ways, but they are not ostracized or kicked out of their families and communities. They are seen as victims.”

“The situation is different for displaced Nuba girls in Khartoum who also face high levels of sexual violence where they live or work. For example, many Nuba girls who work as domestic workers in Khartoum have gotten raped by their employers, and at times gotten pregnant as a result. They face more stigma than those raped in the war zones and may be seen to have brought [it] on themselves.”⁴⁹

As communities cope with the prevalence of sexual violence, perpetrators increasingly can be found amongst the civilian population, as witnessed by the high levels of rape in and around IDP camps while women move about their daily activities. The decades of high levels of conflict, coupled with complete impunity for crimes, have allowed for the normalization of gender violence.

47. Physicians for Human Rights with Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support and Assure Justice for Darfuri Women*, Cambridge, May 2009, p. 5.

48. “The Farchana Manifesto,” Physicians for Human Rights, June 10, 2008, <http://darfuriwomen.phrblog.org/manifesto>.

49. Zeinab Blandia, interview with the Nobel Women’s Initiative, skype interview, June 2012.

INTERNATIONAL RESPONSE

A comprehensive protection strategy has not been implemented in any area of Sudan. However, peace-keeping missions have recognized the need to make the protection of women and girls a priority. African Union and United Nations (UN) peacekeepers deployed in Darfur have accompanied women going to the market and on errands outside of the IDP camps to collect firewood. However, peacekeepers have been unable to provide consistent and comprehensive patrols.

Moreover, as noted by the UN Independent Expert on the Situation of Human Rights in Sudan, attempts to engage the government of Sudan in such patrols has been problematic due to the significant mistrust among the population towards the military.⁵⁰

activist profile ZEINAB BLANDIA



Zeinab is a peacemaker and community leader from the embattled Nuba Mountains region in the state of South Kordofan. The experience of being displaced from her home

by conflict encouraged her to seek ways to bridge the divides among different groups. Zeinab founded Vision Association which trains women peace ambassadors who build trust within the embattled communities of South Kordofan. Vision also supports women through education and training programs. Since the resurgence of armed violence in the region, the organization has run programs to support local peace-building efforts.

Photo credit: Joan B. Kroc Institute for Peace & Justice

50. Mohamed Chande Othman, *Report of the Independent Expert on the situation of human rights in Sudan on the Status of Implementation of the recommendations compiled by the Group of Experts to the Government of Sudan, AIHRC/18/40/ Add.1*, August 22, 2011, p. 22.

LEGAL FRAMEWORK FOR ADDRESSING SEXUAL VIOLENCE IN SUDAN

Rape and other forms of sexual violence are particularly difficult to prosecute in Sudan. While the country's Bill of Rights formally promotes gender equality, its legal code entrenches gross gender oppression and an environment in which violence against women can be perpetrated with complete impunity, especially by state and military personnel.

Many reforms to Sudan's legal system are urgently needed before it can effectively deal with gender-based violence, including, as summarized by a 2010 report from the IRIS Center at the University of Maryland:

"[the] criminalization of domestic violence, expansion of the legal definition of rape, ...distinguishing the crime of rape from that of adultery, modification of the evidentiary standard for proving rape, comprehensive criminalization of all forms of female genital mutilation (FGM), enforcement of FGM laws, restrictions on the immunities given to members of the police and armed forces accused of [gender-based violence] crimes, and ensuring a competent criminal court's jurisdiction" over crimes of sexual violence in conflict areas.⁵¹

One of the most daunting challenges facing Sudanese rape survivors seeking justice is that many women and girls who come forward to report their assault are immediately accused of *zina* (adultery), which is a crime in Sudan.

In Sudan's Criminal Act of 1991, rape is defined within Article 149 as "sexual intercourse by way of adultery or homosexuality with any person without consent." The confusing law conflates rape with adultery, with serious consequences for victims of sexual violence.⁵² Unmarried women convicted of *zina* can be sentenced to receive one hundred lashes, and married women face the punishment of death by stoning. Simply being unmarried and pregnant is ample grounds to prove adultery, according to Sudan's 1983 Evidence Act.

The burden of proof for rape usually falls on the victim:

"Because rape is defined as adultery without consent, and because adultery is a serious crime under Sudanese law, a woman who alleges rape risks facing criminal charges for adultery if the court is not persuaded that the sexual interaction was nonconsensual."⁵³

Furthermore:

"As REDRESS and KCHRED point out, defining rape by reference to adultery also appears to result in... more stringent evidentiary rules... being applied to cases of rape. This means the prosecutor must either obtain a confession from the perpetrator or produce testimony of four adult male witnesses to prove that

51. *Women's Human Rights in Sudan: A Gender-Based Review and Analysis of the Sudanese Legal Framework*, The IRIS Center at the University of Maryland, College Park, MD, August 2010, p. 127.

52. Adrienne L. Fricke with Amira Khair, *Laws Without Justice: An Assessment of Sudanese Laws Affecting Survivors of Rape*, Refugees International, Washington, June 2007, p. 7.

53. *Women's Human Rights in Sudan: A Gender-Based Review and Analysis of the Sudanese Legal Framework*, The IRIS Center at the University of Maryland, College Park, August 2010, p. 142.

the act of penetration occurred without the victim's consent. Because this evidentiary burden is so high, in cases where the court invokes it, the rape prosecution has little hope to succeed. Although some courts do not impose this near-impossible burden of proof, they may still fall back on discriminatory or improper means of evaluating evidence, such as the classic fallacy of judging a woman by her mode of dress.⁵⁴

What's more, since rape is narrowly defined as only being committed outside of marital relationships, men who rape their wives are not guilty of any crime.

Women seeking justice for rape are also often confronted with the demand that they go to a police station to obtain a document known as a "Form 8" before they can receive medical treatment. Because the form is not even designed to collect many of the details required for conviction in cases of rape, it presents yet another obstacle to bringing rape cases to trial. The law requiring that victims obtain this form before receiving medical attention was overturned in 2004, but we found that few officials working in law enforcement or the legal system are aware of the change. In practice, women are still being told they have to go immediately to the police station to obtain a form, and in some cases are denied medical treatment until they do so.

Form 8

Between 1991 and 2005, in accordance with Article 48(l)(c) of Sudan's Criminal Procedure Act, victims of sexual violence who planned to lay charges were required to obtain a document known as a "Form 8" at the police station before receiving medical treatment. Due to significant international pressure, the law was changed in 2005 to state that victims could access medical attention before going to the police station. Yet despite the change, Human Rights Watch has noted that some rape victims are still being told to go to the police station first.⁵⁵ The Nobel Women's Initiative also found significant confusion about the law regarding Form 8 among the local population, medical personnel and police officers. Many doctors still refuse to provide a medical exam until the form is procured from the police, for fear of reprisal.

The law is not applied uniformly across Sudan, and its application continues to not only be a source of confusion, but also to be used as a deliberate tactic to prevent the reporting of rape. A prime example is the case of Safia Ishag (discussed earlier in this report), who was forced to get the form before her medical examination. The United Nations Special Rapporteur on Human Rights in Sudan has also provided evidence of the form being used as a political tool to deny medical treatment to women.⁵⁶

Refugees International has pointed out that the form itself is poorly suited to collecting basic information relevant to rape investigations. Rather than including a comprehensive medical report, it collects information on only a few factors, such as recent loss of virginity, bleeding and the presence of sperm. But under Sudanese law, Form 8 takes the place of medical documentation for the purpose of criminal prosecutions.⁵⁷

54. *Ibid.*, p. 160.

55. *Women's Human Rights in Sudan: A Gender-Based Review and Analysis of the Sudanese Legal Framework*, The IRIS Center at the University of Maryland, College Park, August 2010, p. 142.

56. Sima Samar, *Report of the Special Rapporteur on the situation of human rights in the Sudan*, A/HRC/9/13, United Nations Human Rights Council, September 2, 2008, p. 19, para. 74.

57. Adrienne L. Fricke with Amira Khair, *Laws Without Justice: An Assessment of Sudanese Laws Affecting Survivors of Rape*, Refugees International, Washington, June 2007, p. 5.

Obtaining legal justice for cases of sexual violence taking place as part of armed conflict is often impossible. Survivors of these crimes soon discover that, in addition to the legal difficulties mentioned above, the law provides complete immunity from criminal investigation and prosecution to many state officials as well as security, military and law enforcement personnel – the very people most often accused as perpetrators. In 2012, Sudan's Minister of Justice noted that 25 per cent of the country's population enjoys immunity from prosecution for all crimes.⁵⁸

As Mathaba Haj Hassan, a member of the legislative council for Khartoum State, explained to the Nobel Women's Initiative:

"The judge's discretionary powers gives them a wider opportunity to apply their own legal interpretations (ijtihad), consequently their rulings vary according to their convictions which are informed by religion or legal precedents. Thus, [the judge's] rulings range from extremist to moderate and vary between indictment and exoneration according to each judge's own interpretation (ijtihad), especially when there is an absence of clear legal texts."⁵⁹

Activists within Sudan have long pressured the government to amend the 1991 Criminal Code definition of rape. The government has acknowledged in communication with the UN Independent Expert on Human Rights in Sudan that such an amendment is needed, but to date there had been no reform.⁶⁰

58. "Another Darfur prosecutor resigns in mysterious circumstances," *Sudan Tribune*, June 13, 2012, <http://www.sudantribune.com/Another-Darfur-prosecutor-resigns,42906>.

59. Mathaba Haj Hassan, interview with the Nobel Women's Initiative, telephone interview, June 2012.

60. Mohamed Chande Othman, *Report of the independent expert on the situation of human rights in the Sudan on the status of implementation of the recommendations compiled by the Group of Experts to the Government of the Sudan for the implementation of Human Rights Council resolution 4/8 pursuant to Council resolutions 6/34, 6/35, 7/16, 11/10 and 15/27*, A/HRC/18/40/Add.1, United Nations Human Rights Council, August 22, 2011, p. 32.

61. As relayed in Salwa's interview with the Nobel Women's Initiative, Khartoum, October 2012.

62. *Zina* or adultery, as outlined above, is often conflated with rape in Sudanese law.

Salwa's Arrest

Salwa, a divorced mother of four, told the Nobel Women's Initiative that she was raped in Khartoum by a man who had been helping her search for a home. The rape resulted in pregnancy, and she became estranged from her family, including her three children. She was determined to prove the child's paternity, as children born of unknown parentage in Sudan are denied birth certificates, citizenship and basic rights such as access to education.⁶¹

She told how she had returned to the man who raped her and asked him to acknowledge paternity of his son. While supportive at first, he soon changed his story and denied knowing Salwa. Despite the challenges she would face and despite their estrangement, Salwa's family encouraged her to report her rape to authorities in the hopes that it would bring legitimacy to the baby.

When Salwa's son was three months old, she went to the police station to report the rape. Because Salwa has a child whose father is unknown, she was accused of *zina* (adultery) and was detained for two days.⁶²

As of October 2012, Salwa's case had gone to court, where her rapist denied knowing her. The witnesses in support of her case refused to appear out of fear. The court ordered a DNA test and Salwa was hopeful that her son's paternity would be proven and that he would be able to receive a birth certificate.

WHAT YOU CAN DO TO STAND WITH THE WOMEN OF SUDAN

TAKE THE PLEDGE

Visit www.stoprapeinconflict.org and pledge your support for the campaign and the women of Sudan. Share with us your personal pledge to share the stories of Sudanese women and take action supporting the campaign in your own community.

SPREAD THE WORD

Use social media to publicly denounce sexual violence, to share the stories of survivors and women human rights defenders in Sudan who face daily threats to their safety, and to spark conversation about how the international community can help end the culture of impunity that allows this phenomenon to persist.

RAISE POLITICAL WILL

Urge your leaders to prioritize gender-based training for the UN Mission in Sudan (UNMIS) troops so they are better equipped to meet the needs of sexual assault survivors. Encourage your government to invest in capacity-building efforts that will increase Sudanese security forces' ability to stop the rampant sexual violence perpetrated against women.

DONATE

Help catalyze change on the ground by donating to women's organizations working with sexual assault survivors in Sudan.

DEMAND JUSTICE

Urge your legislators to support efforts to enforce the International Criminal Court arrest warrant for Sudanese president Omar Al-Bashir, so that he will be brought into custody and stand trial for his war crimes against the people of Darfur.



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