



## **EU and Italian cooperation with Sudan on border control: what is at stake?**

### **Report GUE/NGL Delegation to Khartoum, Sudan**

### **19-22 December 2016**

The reasons behind GUE/NGL MEPs' visit to Sudan were based on the numerous press articles which drew attention to the impact of the EU pressure on Sudan to control its borders. In particular, reports on the rise in the arrests of Eritreans in Khartoum and at the Libyan border, followed by returns to Eritrea amidst claims by the head of the Rapid Support Forces (RSF) (formerly known as the "janjaweed" force accused of mass murders in Darfur) that they had been tasked by the government to control the Northern border and would receive funding and equipment from the EU in return for performing their duty.

Alerted by these reports, four GUE/NGL MEPs travelled to Khartoum on 19-22 December 2016 on a GUE/NGL Delegation to closely examine the EU's increased partnership with Sudan in the framework of the Khartoum process, the Africa Trust Fund and the new 'Migration partnerships'. The specific aims of the delegation were to:

- Look into the EU's increased cooperation with Sudan in the area of border control and migration;
- Look at the implementation of the Italian bilateral police cooperation agreement, notably in the field of return by enabling some of the Sudanese returned illegally on 24-08-2016 from Italy to meet with their lawyers who had accompanied the delegation;
- Assess the situation of Eritrean refugees in Sudan, including arrests and returns to Eritrea;
- Look into the use of EU funds notably the EU Africa Trust Fund for migration control.

A direct outcome of the GUE/NGL Delegation has been the filing on 13th February 2017 of an appeal in front of the European Court of Human Rights by five Sudanese citizens from Darfur who had been expelled by Italy on 24th August 2016. The appeal was made possible with the help of the complainants' lawyers, Dario Belluccio (ASGI, [www.asgi.it](http://www.asgi.it)) and Salvatore Fachile (ARCI, [www.arci.it](http://www.arci.it)) - members of Tavolo Asilo - who had joined the GUE/NGL Delegation to Khartoum.

#### **1. A specific context**

##### **Arrival on starting day of Civil Disobedience**

Our delegation arrived on 19th December, the starting day of a call for 10 days of "civil disobedience" widely spread on social media in a quite tense context. This was the second call for civil disobedience in a month, the first one being from 27 to 29 of November.<sup>1</sup> These calls were made in a context of protest, including strikes, against the adoption on 3rd November 2016 of a new "economic package" of austerity measures that included public salary heavy cuts, a 300%

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<sup>1</sup> Some media coverage: <http://www.aljazeera.com/programmes/insidestory/2016/11/civil-disobedience-work-sudan-161130180708687.html>; <https://advox.globalvoices.org/2016/12/08/sudanese-government-targets-activists-stifles-media-coverage-of-civil-disobedience/>

increase of medicine costs due to subsidies cuts (this proposal has been withdrawn following the protests) and fuel costs increase.

One week before the 19th of December, in an address before a crowd in Sudan's eastern city of Kassala, Al-Bashir warned the participants of the civil disobedience call, reminding them of what happened in 2013 when people went to the streets in reaction to another economic package of austerity measures and it is estimated that over 200 got killed:

*"You hear about those who seek to defeat you through the keyboard and the WhatsApp. I won't hand over the country to them, and I say to them: If you want to topple the regime, meet us on the streets, however, we are certain that you won't take to the streets because you are aware of what had occurred in the past,"*

The government did "preemptive arrests" detaining more than 100 people, including many political activists from the opposition who did not even participate in any protests. According to the EEAS, their whereabouts and detention conditions are unknown, the only person who had been released before our delegation visit had signs of torture with electric shocks<sup>2</sup>. At the same time, the government have seized newspapers after printing for a series of days (in order for the newspapers to have a huge economic loss).

EU and so-called troika (US-Norway-UK) published the statement below condemning detention and newspaper censorship on 7th December 2016. The statement has only been published in an online EN-speaking media, no Arabic media given the fear. The Sudanese government reacted with outrage to the statement for unjustified intervention. Two Arabic newspapers published the reaction of the ministry but not the original statement.

**Joint Troika-EU Statement on Political Detentions and Newspapers' Censorship,  
7 December 2016**

The members of the Troika (Norway, the United Kingdom and the United States), the European Union (the EU, France, Germany, Italy, the Netherlands, Romania, Spain, Sweden and the UK), and Canada are concerned about the detention, apparently without charge, of a number of political leaders either in anticipation of protests or having protested government economic moves. We are also aware of Sudanese authorities seizing newspapers and engaging in other forms of censorship, allegedly for reporting on expression of political views. The arrest of political leaders for non-violent dissent risks hindering efforts for an inclusive National Dialogue that involves all the relevant political forces in Sudan in line with the African Union Roadmap, which we all support. We call on the Sudanese authorities to allow the people to exercise their right to freedom of expression. At the same time, we urge those exercising their fundamental rights to express their opinions peacefully.

According to our interlocutors, the government ensures through a variety of measures to reduce the impact of the 19th of December "being more prepared than for the first call". This included

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<sup>2</sup> Since our delegation, Human Rights organisations have alerted about the life-threatening situation of Dr. Mudawi Ibrahim Adam, who has been held in prison without charge or trial since December 7, 2016. His family has been permitted to visit him only once in the past 50 days, on January 27, 2017. The visit came after Adam staged a hunger strike to protest his detention, the lack of charges against him, his torture and ill treatment, and the denial of medication. His family announced after the visit that Adam is in poor health and has lost a drastic amount of weight. See more about the case here: <http://www.cihrs.org/?p=19552&lang=en>

instructions to public institutions to introduce exams on that day, the celebration by the governor of Khartoum of Independence Day on that day (which had never been done before) and threats of dismissal of public services officials, including teachers, if they would not come to work. This technique had proven to be quite successful in Khartoum as the call was less followed than at the end of November. In other cities, the impact of the call on the activity of the cities could be seen.

### **Sudan, a country of transit, origin and mass displacement**

The Horn of Africa has an estimated 242 million inhabitants and hosts over 8.7 million forcibly displaced persons, including over 6.5 million Internally Displaced Persons (IDPs) and about 2.2 million refugees<sup>3</sup>. There are four main direction of movements of migrants in the region: northward through Egypt; westward through Libya; eastward to Yemen and Gulf States; and southward towards South Africa.

Sudan's geographical position plays a key role as transit country but also geopolitically in the region as it is seen as pointed out by official interlocutors from the EU and the government as the only "stable" country in the region and plays therefore a major role in the "peace and security" of the region. Sudan is like all countries in the Horn of Africa a country of origin, transit and displacement. It is estimated that Sudan has 3.2 million internally displaced persons (IDPs), including 2.6 million in Darfur, and hosts about 500 000 refugees mostly from Eritrea, Ethiopia and Somalia. IOM estimates that 2.5 million people have spent more than 10 years in camps, leading to "stagnated displacement". Sudan has appeared for the EU and Italy as a key transit country based on the number of migrants that have been arriving in Italy having travelled through or from Sudan i.e. 30 000 in the first 11 months of 2016, including 8.066 Sudanese, 15.043 Eritreans, 6025 Somalis and 577 Syrians. Sudanese represent the third nationality on the "central Mediterranean route". In 2016, IOM assisted 4.430 refugees to resettle in third countries, with Canada being the first country of reception with 2.386 resettled and 108 family reunification. Europe has resettled during the same period 774 persons among which 607 to the UK.

Regarding refugees, the government and EU officials portray the Sudanese society as a "welcoming society" despite the very harsh socio-economic situation of the people. There are two different categories of refugees:

- Refugees per the 1951 Geneva Convention: Sudan ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 1974 (henceforth referred to jointly as the 1951 Convention) and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in 1978. People apply for international protection to the Sudanese Commissariat for Refugees. Sudan has 17 entry points at its eastern border where people will be identified and transferred to refugee camps. Sudan's reservation to Article 26 of the 1951 Convention restricting freedom of movement of refugees has led to encampment policies and penalization of refugees who attempt to leave the camps. Thus, for the past 40 years the protracted refugees in the eastern camps have been dependent on food rations and other assistance, in a region, which is one of the poorest of Sudan. Eritreans and Ethiopians represent the largest numbers of refugees in Sudan.

- "Brothers": This applies to Syrians and till recently to South Sudanese. Sudan is the only remaining country that does not require a visa for Syrians, as Syrians are seen as "brothers". The existence of a direct flight from Damascus to Khartoum enabled many Syrians to flee and settle in Sudan but without any clear legal framework and can not benefit from any UNHCR support. The Syrian population is estimated to be 20-30,000. While South Sudanese used to be welcome

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<sup>3</sup> World Bank & UNHCR, Forced Displacement & Mixed Migration, 2015.

as “brothers” without any need for visas or refugee status, the Sudanese government has been recognizing Southern Sudanese since November 2016 as refugees. They are estimated to be 1 million.

New arrivals of asylum-seekers, mainly Eritreans, continue at a rate of over 1.000 per month since early 2015. Due to the encampment policy, many people abduct during their asylum procedure and move irregularly to Khartoum as “asylum-seeker” and will then become at risk of arrests and deportation to their countries of origin if caught by the police. It is estimated by IOM that 80% of new arrivals of asylum-seekers move onward, within Sudan or abroad.

The Sudanese government has established recently a national mechanism for migration coordination where all government actors involved in migration are represented (Commissariat for refugees, anti-trafficking committee, police, ministry of justice, ministry of interior...). Our delegation was, according to the EU delegation, the first delegation to meet all members of the national mechanism for migration coordination in a formal meeting.

In terms of legal framework, Sudan has two new laws that were adopted in 2014 and 2015:

- The 2014 anti-trafficking law:

The law established a “National Committee for Combating Human Trafficking” that is tasked with various functions and powers. The offence of human trafficking is described as “whoever kidnaps, transfers, abducts, transports, harbors, receives, detains or equips a natural person, with intent to exploit or use the same in unlawful business, or any acts, as may by nature degrade his dignity, or achieve unlawful aims in consideration of the following: (a) material return, or promise therewith; (b) moral gain, or promise therewith; (c) granting any type of advantage”. The law prescribes between three and 10 years’ imprisonment for acts of trafficking, between five and 20 years’ imprisonment for aggravated trafficking, and death penalty in cases in a series of cases (e.g. leader of criminal group, underage or disabled victim, use of torture, sexual abuse, being public servant, led to death).<sup>4</sup>

Victims and witnesses are meant to be protected: “The Committee, the Public Prosecution and the competent court shall take such measures, as may secure provision of protection for the victims and witnesses, and prevent influence thereon; together with preserving to defence and requirements of the doctrine of confrontation of the parties”. When it comes to “Alien victims”, the law states that “the competent authorities in the State, in co-ordination with the authorities concerned in other States, shall strive to facilitate repatriation of alien victims to their homelands; together with taking such measures, as may be necessary for their safety”.

This law led to the adoption of a 2015-2017 Strategy with IOM and UNODC to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan.<sup>5</sup> It is interesting to note that the strategy has among its objectives to “Enhance the Border Management Information System in Sudan” and “Enhance the technical capacity of the government to manage borders and migration through providing the necessary technical support and training on best practices.” The strategy is accompanied by a budget that shows that IOM and UNODC will fund 1,275,430 US Dollars for border management.

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<sup>4</sup> See translation of the 2014 Anti-trafficking law into EN:

<http://www.ilo.org/dyn/natlex/docs/MONOGRAPH/99189/118286/F148132047/SDN99189%20Eng.pdf>

<sup>5</sup> <http://www.refworld.org/pdfid/581b3ba64.pdf>

- The 2014 asylum Regulation Act:

According to this law, “any person who wishes to seek international protection as a refugee in Sudan shall present himself within 30 days after his entry into Sudan to the nearest office of the Commission or official authority.” After lodging of the application, “the Commissioner or his delegate shall examine the asylum application as soon as possible within a term not exceeding three months from the date of the submission of the asylum application”.

**General overview of the economic and human rights situation**

The economic situation of Sudan has been depicted by all our interlocutors as “very bad”, Sudan being one of the poorest countries in the region. In terms of resources, most of the oil production was lost with the partition of the country as it was located in South Sudan. Gold production amounts to 80 tons/year but it was reported to our delegation that 90% of the production is in hands of artisanal miners and smugglers. Sudan used to have a strong working class that led to the emergence of the strongest Communist party in Africa. The regime used to receive money from the Gulf States after they broke their relationships with Iran in 1990, but this stopped. Inflation has been high: while 6 SPD used to amount to 1 USD, it amounts to 16 SPD now. Sudan has been implementing austerity economic packages in 2013 and recently in 2016 that have led to important people’s protests.

The Country has been under unilateral US sanctions since 1997. According to our interlocutors, the impact of the sanctions has not been severe, and sanctions have rather been used by the regime as an excuse for the economic situation. All our interlocutors, including human rights defenders and members of the opposition, were nevertheless against the sanctions. However, since our visit, President Obama has announced a partial lifting of the sanctions against Sudan.<sup>6</sup> Our delegation met with various Human Right Defenders who shared a common assessment of the repressive situation they are being faced with made mainly of preventive arbitrary arrests of human right defenders and journalists followed by up to 9-month detention without charges and trial as well as regular seizing of newspapers after printing.

The Khartoum process and the increased dialogue with the Sudanese regime raised also issues for them in terms of harming the process of memory and reparation for the genocide in Darfur as Al-Bashir has an ICC warrant against him for this act.

Students have been also facing repression across the country. Human rights defenders have reported to our delegation the repression, violence including death and harassment of students by the NISS or students from the ruling party in universities. Since our delegation, Amnesty International reported in 2017 specifically about the human rights violations suffered by students from Darfur since 2014. These violations include: suppression of freedom of expression, association

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<sup>6</sup> Obama revoked the trade embargo imposed in 1997 for Sudan’s perceived support for terrorist organisations, unfroze assets of Sudanese government officials, and waived laws that prohibit US foreign assistance to Sudan and that block the country’s access to financing through Institutional Financial Institutions. The order is effective 12 July 2017, with key provisions subject to confirmation by the incoming Trump administration. But a general license authorising all trade with Sudan introduced by the Treasury provides immediate sanction relief. Some sanctions remain intact, however, including those imposed in 2006 against a handful of individuals thought to be responsible for human rights violations in Darfur. Sudan also retains its spot on the list of state sponsors of terrorists, a designation that even the US agrees is baseless today, but that can only be lifted with congressional approval. For more information, see: <http://linkis.com/africanarguments.org/pGyna>

and peaceful assembly; arbitrary arrests; torture and other ill-treatment in detention; and unlawful killings.<sup>7</sup>

## 2. EU and Italian cooperation with Sudan in “migration management”

All actors met have as a guiding map in its cooperation with Sudan the Valleta declaration and its action plan and are working towards its implementation in a “realistic way”. Actors cooperate in the framework of the Khartoum Process and the “Africa Union - Horn of Africa Initiative. The latter initiative was formally launched after the signing of the Khartoum declaration on 16 October 2014 and aims at addressing “the challenges of migration, including irregular migration, human trafficking and people smuggling within and from the Horn of Africa”. Core countries include: Egypt, Eritrea, Ethiopia and Sudan. They have set up a specific Working Group on Law Enforcement to “conceptualise and develop a mechanism for information exchange and sharing; fostering and enhancing cooperation and coordination among law enforcement agencies in the region; as well as capacity building”.

Actors with whom EU and Member States have been cooperating in Sudan regarding migration management include:

- **Sudanese police:** General Dahia is the focal point for migration. He has been portrayed by all our interlocutors as a proper interlocutor to work with as if the police would be fully independent of the regime, the military and the NISS.
- **IOM:** IOM has been present in Sudan since 2000 and has a Khartoum office since 2014. They work in close collaboration with the Italian government and IGAD. IOM has provided so far 3 cycles of training to Sudanese police on border management. IOM has a Migrant Resource and Response Center (MRCC) in Khartoum since 2015 that provides mainly medical services, voluntary returns, language courses, assist resettlement to third countries and organise awareness-raising sessions for migrant communities on the risks of irregular migration.
- **Inter Governmental Authority on Development (IGAD):** Various actors in Sudan referred to IGAD as a key actor in regional cooperation on migration. IGAD has a five-year Migration Action Plan (MAP 2015-2020) in line with the Regional Migration Policy Framework (RMPF) adopted in July 2012. IGAD Sectoral Ministerial Committee on Migration brings together ministers and representatives of ministers responsible for migration issues from IGAD member states. On 10th November 2016 IGAD member states held a high level meeting on issues related to migration, with the participation of the State Minister of Labour and Social Affairs of Ethiopia, the State Minister of Interior Affairs of Sudan, the State Minister of Internal Affairs of Uganda, the Deputy Minister of Interior of South Sudan as well as officials delegated for the purpose by their respective Ministers from Djibouti, Kenya, and Somalia.

### Italian bilateral cooperation with Sudan

Italy’s cooperation with Sudan is mainly based on two pillars, one focused on development cooperation focusing on health, rural development and gender & disability. And the political pillar made of cooperation between Home Affairs ministries through contacts, official visits. In terms of development cooperation, their intervention is focused on Kasala region, notably the strengthening of the health system.

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<sup>7</sup> Since the conflict started in Darfur in 2003, the police and the security services have arbitrarily arrested and detained at least 10,000 students from Darfur. During the same period, Amnesty International documented at least 13 students from Darfur killed in various universities across Sudan, possibly by police officers, National Intelligence and Security Service (NISS) agents and/or ruling party affiliated students. See: Amnesty International, “Uninvestigated, unpunished’: human rights violations against Darfuri students in Sudan”, 2017, <https://www.amnesty.org/en/documents/afr54/4848/2017/en/>

Regarding border management, Italy has been working in close cooperation with IOM to provide border management training to officials from the Ministry of Interior. Their stated objective of cooperation is “to stop the trafficking of human beings not to stop the movement of people” and to identify the victims of trafficking. IOM as well as the Italian embassy insisted during our visit that it is essential for the Sudanese government to have adequate standards in place for migration management e.g. to be able to recognize fake passports, read a visa as well as to provide them with equipment as they have nearly none.

Italy signed a bilateral police agreement on 3rd August 2016 with the Sudanese Police<sup>8</sup>. The Italian-Sudanese memorandum of understanding was signed by the chief of police and director-general of the public security department, prefect Gabrielli, on the Italian side, and by the director-general of the Sudanese police forces, General Hashim Osman el Hussein, on the Sudanese side, on the past 3 August in Rome, in the presence of officials from the interior ministry and the foreign affairs and international cooperation ministry. The subject of the MoU is constituted by the fight against crime, the management of borders and migration flows and the delicate issue of repatriations; the agreement consists of a preamble and twenty articles divided into four chapters which respectively concern police cooperation, cooperation in border management, of migration flows in the area of repatriations, data protection and, finally, formal procedures and expenses. This MoU has not been subjected to any parliamentary oversight whatsoever as would be required by art. 80 of the Italian Constitution.

This agreement between the two police forces has been implemented already at two occasions:

- The repatriation of 48 Sudanese refugees on the past 24 August 2016 - taken from Ventimiglia, and then led, always by force, to the airport terminal in Turin;
- The arrest in Khartoum and transfer to Italy of an Eritrean that was supposed to be the leading trafficker Medhanie Yehdego Mered;

Regarding the return flight, testimonies gathered in Italy and Khartoum by ASGI lawyers have clearly shown the illegality of the operation (see the ECHR appeal launched on 13.02.2016). Regarding the Eritrean that has been arrested at the end of August, all contacts met in Khartoum told us that everybody knew in Khartoum from day one that the Sudanese police had given the wrong person to the Italian and UK intelligence service. What happened according to our sources there is that the trafficker having been warned that an operation would take place did not have lunch at his usual lunch restaurant in Khartoum on that day and that the Sudanese police gave knowingly a wrong person to the Italians. However, this person till today is still in jail in Italy despite a bulk of evidence including pictures and testimonies that he is not the right person. Recently, Facebook provided data showing that the person held in jail for the past nine months is indeed not the trafficker. The lawyer of the Eritrean that has been transferred to Italy told the Guardian in February:

“My client is no people smuggler. He is a refugee. They got the wrong man. And I really hope prosecutors are going to admit their mistake as soon as possible because an innocent man has spent almost nine months in jail. And this is unfair.”<sup>9</sup>

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<sup>8</sup> See ASGI commentary about the MoU: <http://www.statewatch.org/news/2016/nov/asgi-italy-sudan-mou.pdf>

<sup>9</sup> <https://www.theguardian.com/law/2017/feb/01/facebook-data-supports-wrong-man-claim-people-smuggling-case>

## **EU cooperation with Sudan regarding border control**

All EU actions are based on the European Agenda for Migration and the action plan that came from the Valleta Summit. Actions in the field of border control responds to the priority domain 4 of the Valleta Action Plan on “prevention of and fight against irregular migration, migrant smuggling and trafficking of human beings” and to the objective 3 of the EU Trust Fund i.e. improving migration management in countries of origin and transit.

To pursue these objectives, the EU Trust Fund has provided a budget of approximately €878.8 million to date for the Horn of Africa until 2020, including 115 million euros to Sudan. The European Development Fund provides in addition 1,88 billion euros as part of the “special measure for Sudan” and an extra 100 million euros. No fund has been given to the Sudanese government, till now, all funds are given to International organisations or Member States agencies. ECHO has been providing based on means-based approach structural support to people displaced.

Regarding border management, two EU Trust Fund projects might provide in the near future concrete support to Sudan, notably equipment under the umbrella of “improved regional cooperation” as both are regional projects that include Sudan and Eritrea. The EU-funded regional project "Addressing mixed migration flows in Eastern Africa" (EUR 7 million) contains a component on "Identification of the capacity building needs in the area of data collection, analysis, data sharing and criminal investigations". Appraisal missions of these Trust Fund projects have been carried to identify better the needs in the region.

### **The BMM project (Border Migration Management)**

BMM is a 46 million project approved in April 2016 and coordinated by GIZ. The project includes four components on policy harmonisation, capacity building (in particular to strengthen the capacities of all institutions responsible for migration management bilaterally and regionally), protection and awareness-raising. Implementing partners include: British Council, CIVIPOL, Expertise France, IOM, Italian Ministry of Interior and UNODC.

The BMM includes in its key activities the “targeted provision of technical equipment based on a detailed needs assessment”; “enhancing of border crossing points through upgrading/refurbishing the existing border point infrastructure, including connectivity with INTERPOL data-bases, national alert lists and associated e-platforms” ; “support to ongoing efforts to develop e-immigration infrastructure for immigration officials including e-passports, e-visas”. In the annex of the action fiche of BMM, a table clearly shows the proposals from the Sudanese Ministry of Interior for support they are requesting the EU to provide in the framework of the BMM:

- Assistance to develop or implement comprehensive migration policy, including human trafficking regulations;
- Training for immigration and other border management officials and border police officers;
- Equipment and personnel for regional training centre in Khartoum;
- Improved border infrastructure at 17 crossing points (computers, cameras, scanners, servers, cars, aircraft)
- 2 reception centres in Gadaref and Kasala with custody rooms.
- Improved migration management capacity and services (friendly entry and exit processing and assistance for victims and vulnerable people)
- Awareness raising and promotion of legal migration (government institutions, civil society and the media)
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All the items but aircraft are identified as able to be addressed in BMM. Regarding the improved border infrastructure, the table says “in principle yes but aircraft unlikely” while for the two reception centers with custody rooms it says “in principle could be funded later”.

During our delegation, we met with Pierre Jaubert, GIZ coordinator for the BMM in charge of Eritrea and Sudan, who had been appointed to the position for 1 month.

### **Regional Operation Centre in support of the Khartoum Process and AU-Horn of Africa Window (ROCK)**

ROCK is a 5-million Trust Fund project approved on 15.12.2016 which main objective is “to reduce the number of incidents of human trafficking and people smuggling through an enhanced regional capacity to better track and share information on irregular migration flows and associated criminal networks, and to develop common strategies and shared tools to fight human trafficking and people smuggling”. Participating countries are: Djibouti, Egypt, Ethiopia, Eritrea, Kenya, South Sudan, Sudan, Somalia, and Tunisia. The project could also potentially benefit Uganda and Libya, “the latter as a country of transit for refugees and migrants from the region”. The main beneficiaries of this action will be law enforcement and judiciary authorities of the participating countries. The Center will be based in Khartoum in the Police Training Center.

Implementing authorities are said to be “a consortium of EU MS and INTERPOL by virtue of their highly technical competence and specialisation in the area of law enforcement, of their institutional profile and of the legitimacy vis-à-vis the authorities of the countries of the Khartoum Process in such a sensitive matter as law enforcement.”

Given the risks associated to such support, a specific paragraph mentions that:

“The formulation of this action builds on strong risk-mitigating mechanisms, which are conflict-sensitive, rights-based and people-centred. They will establish appropriate checks and balances, notably by ensuring close monitoring of the action under the Khartoum Process and the bilateral High Level Dialogues, by striking a right balance between support to law enforcement agencies and human rights approaches”.

In the ROCK action fiche<sup>10</sup>, it is clearly written that the recommendations of appraisal missions of former Trust fund projects “coincide in that the provision of equipment for data collection constitutes an important aspect of a balanced approach to regional capacity building and, consequently, for the effective implementation of operational support. It is also considered important by African partners.”

Within ROCK, there is the objective “To support African law enforcement agencies to establish and carry out operational cooperation in the fight against human trafficking and people smuggling networks, including through support to common investigation teams to assist the arrest and prosecution of suspected criminals.” Activities include “Support to authorities in the creation or strengthening of joint investigative teams and patrols on key borders”.

While this project was barely mentioned during our meetings (this one had just been adopted on 15.12.2016), it was highlighted by some diplomats as the most sensitive one in Sudan, stressing the need to have adequate staff in charge given the risks associated to it.

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<sup>10</sup> [http://ec.europa.eu/europeaid/trust-fund-projects/regional-operational-centre-support-khartoum-process-and-au-horn-africa\\_fr](http://ec.europa.eu/europeaid/trust-fund-projects/regional-operational-centre-support-khartoum-process-and-au-horn-africa_fr)

### 3. GUE/NGL Delegation findings

#### **- The EU will be providing equipment to Sudanese police for migration control and border surveillance**

One of the most debated items during our visit was the question whether the EU or some Member States have been already providing equipment to Sudanese police or will be providing equipment and if so, what type.

In the table compiling identified needs of each country of the Horn of Africa that could be funded in the BMM project (see above), the Sudanese government has made their demands clear to the EU. In our meetings with the new national coordination mechanism on migration, we have felt a frustration as the authorities were under the impression that the Khartoum process would mean funding to them directly, including for development while this has not been the case as all financial support so far has been provided to international organisations or Member States agencies. In terms of border management, the authorities were also frustrated that till now, this has only consisted of trainings. The members of Sudanese Parliament we met pointed out clearly to our delegation the possibility to work towards common objectives with the EU, specifically on efforts to control its borders and in the fight against radicalization to “keep moderate communities”.<sup>11</sup>

While we can believe that no equipment has been provided so far given the “sensitivity” of the matter as well as the known risks by the EU delegation and Member States, it is clear from starting EU Trust fund projects e.g. BMM and ROCK that these projects will be providing equipment to national police across the region for border control. The EU delegation has insisted that there will never be any military equipment, nor financial means given to Sudanese military. However, indeed provision of equipment will be possible if approved by the steering group chaired by the EC and made up of contributing Member States.

Many diplomats insisted that they are aware of the risks associated to this, pointing that it should be “with caution”. Some nevertheless pointed out that they do not believe in the training of police forces in this type of regime and that we continue to transpose our models to countries that have another culture. While acknowledging that the police seems to be “serious” and “decent”, one diplomat insisted that there are no guarantees of impermeability among the different structures within the Sudanese state and that the failed operation to capture a well-known trafficker is a clear example of this.

Our interlocutors all told us that the Sudanese authorities are well aware of the “migratory issue” and the opportunity it represents for them to “put pressure on the EU”. However, taking into account the length of the Northern border, one could question whether the objective of the EU is even achievable and would make sense in a context of transborder activity where the same tribes live on both sides and have transborder commercial and seasonal activities.

Members of our delegation regarding the provision of equipment have warned to various stakeholders the risk of providing equipment as the instruments provided for a given objective could be used for a different one, a risk strongly raised by human right defenders during our meeting with them.

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<sup>11</sup> Our delegation was however told by MPs of the regime “not to want to give to the Sudanese more rights than what they have at the moment”.

In an interview provided to us by a journalist of a member of the national anti-trafficking committee, his frustration was highlighted regarding the EU partnership with Sudan:

“The EU wants to turn Sudan into a large prison for migrants, and that’s why all of the partnerships they have built are with the police. (...) today there are a lot to run away from refugee camps because of the poor conditions in these camps. We would like them to work with us on protection and prevention, just as they work on the security and policy sectors”.

He warned also of the risks of such policies: “Their current policy might lead to the deterioration of relations amongst countries of the region, because some of them might close their borders and that has consequences. We do not want to move in that direction. We have a moral obligation towards migrants. But I fear that with the current situation we might lose our ethical stand and that conflicts might arise between nations”.

**- We have confirmation that it is the Rapid Support Forces that are controlling the Northern border region with Libya.**

While we were told in our introductory meeting by the EU delegation that it is not true that the RSF is controlling the Northern border and that 2000 police officers were controlling the Northern borders with Libya and Egypt, we have had confirmation by Human Rights Defenders, journalists and diplomats that it is indeed the RDF that control the Northern Border Region<sup>12</sup> with Libya and are being tasked officially by the government to do so.

The Rapid Support Forces (RSF) are a new and advanced form of the Janjaweed force that wreaked havoc on Darfur, mostly in the early days of the conflict and this new force came into full-force in 2014 as a paramilitary force to support the Sudan Armed Forces (SAF) counter insurgency in Darfur and also to suppress the conflicts in the two areas, Blue Nile and Southern Kordofan. The RSF have an awkward position, they are not integrated in the SAF and they receive their funds from the National Intelligence and Security Services (NISS) , but are directly managed by the president himself as stated in a recent presidential decree. Known for its ruthlessness, Human Rights Watch released a report on the RSF in 2015 in which it called them “men with no mercy”.

In July 2016, the RSF’s leader, Mohamed Hamdan who is known as Hemedity, told the press that they (the RSF) protect the Sudanese-Libyan borders from gangs and bandits and not long after this statement, Hemedity has said that his forces have captured 300 in the Chevrolet area on the Libya-Sudan border on their way to Libya.

**- The fight against trafficking proclaimed by the government seems to be a façade**

Although the incidents of trafficking seem to have reduced in the Eastern camps according to UNHCR, this does not mean that trafficking does not take place anymore. One confirmation we have is that during the period Sinai was used by traffickers as a place of torture for ransom during 2009-2013, there were reported cases of “selling” by Sudanese police forces of asylum-seekers in Eastern states to traffickers. The Sinai trafficking industry reportedly generated USD 622 million in ransoms during that time. These cases seem to have radically decreased since 2013. This is linked also to the changing route from Sudan-Egypt-Israel to Sudan-Libya-Europe through Khartoum. The highest numbers of trafficking and kidnapping incidents currently recorded by UNHCR are taking place at the Sudanese borders with Eritrea and Ethiopia and in Khartoum rather than in the refugee camps in Eastern Sudan as in previous years.

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<sup>12</sup> They might not be at the border per se, as borders do not exist but are controlling the Northern part, through which people have to go to reach Libya.

However, we have had confirmation that the government is involved at different levels in the trafficking industry. This does not mean that all officials are involved, but the involvement encompasses high officials close to Bashir to very low officials who would take bribes for people to be let through.

In an interview given to us by a journalist of one member of the national anti-trafficking committee, we have discovered that two years after its creation, the committee does not have a physical work place nor a budget nor trained personnel and no safe houses for victims. From the interview, the main achievement of the committee is the participation of its members in international gatherings in London, Addis Abeba, Italy, Bahrein and Qatar.

- **Victims of trafficking and smuggling are being detained despite different provisions of protection in the 2014 anti-trafficking law.**

In Eastern states, you have at the various entry points what the government calls “reception centers” to identify refugees arriving, then people are moved to a refugee camp as Sudan as an encampment policy of refugees. If people abduct from the asylum procedure, they are then considered as “illegals” and can be put into detention. At the Northern border with Libya, there are at the moment no reception/detention facility. When asked whether the EU would be financing “reception centers” at this border to put people who have been intercepted, the answer has always remained unclear. However the BMM Trust Fund project foresees the possibility in the future to fund reception centers with “custody rooms”.

Despite claims by the police that victims of trafficking are not being detained, different stakeholders have told us the contrary. All persons arrested without a refugee status are being detained and at risk of deportation to their country of origin as the numerous reported case of Eritrean deportations have shown. If somebody who has been granted refugee status in Sudan, the person will be referred to the Commissariat for Refugees. IOM has confirmed they have access to a limited numbers of persons in detention because of their migration status but can not give an estimate of the total numbers of migrants being detained on this basis. The 2015-2017 strategy on trafficking has as one of its actions to “effectively monitor the detention of persons who are VOTs, smuggled migrants, refugees and asylum seekers in prisons, police stations and security offices in key areas along the trafficking and smuggling route and provide them with direct legal support and advice.” This confirms the detention but also shows that this objective is not systematically being applied given the very limited access of organisations to the detention places. Another practice that the coordinator of the BMM project raised as problematic is that victims of trafficking should not be in the same cells as the traffickers, pointing to the need to systematically separate them.

<p style="text-align: center;"><b>Program GUE/NGL Delegation to Khartoum, Sudan</b> <b>19-22 December 2016</b></p>
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**Participants:**

**Members of the European Parliament:**

Cornelia Ernst  
Iosu Mirena Juaristi Abaunz  
Marie-Christine Vergiat  
Joao Pimenta Lopes

**Staff:**

Amandine Bach

**Accompanying the delegation:**

Sara Prestianni, researcher, ARCI  
Salvatore Fachile, lawyer, ASGI  
Dario Belluccio, lawyer, ASGI  
Emilien Urbach, journalist

**Interpreter:**

Muna Adam

**Objectives:**

This mission has the general aim to look at EU increased partnership with Sudan in the framework of the Khartoum process, the Africa Trust Fund and the new "Migration partnerships".

**Monday 19 December 2016**

10.00-11.45: Introductory briefing with Jean-Michel Dumond, head of the Delegation of the European Union in Sudan and staff of the EU delegation

12.00: Meeting with Sudanese Foreign Ministry

13.00-14.30: Session with the Sudanese coordinating mechanism on migration (General Dahia from the Ministry of Interior, in presence of the Ministry of Justice and Commissioner for Refugees)

*14.30-16.30: Lunch with the Sudanese members of the coordinating mechanism on migration*

**Tuesday 20 December**

9.30-11.00: Meeting with the Italian Embassy and the Italian development cooperation, location: Italian embassy

11.00-12.30: Meeting with GIZ, location: EU delegation

13.00-14.30: Meeting with the Commissariat for Refugees

14.30-16.30: Meeting with UNHCR, location: UNHCR office

17.00-18.30: Meeting with journalists

### **Wednesday 21 December**

8.30-11.00: Meeting with IOM + Visit of the Migrant Resource and Response Center (MRRC), managed by IOM, in Khartoum

More info: <https://sudan.iom.int/migration-management-and-development-1>

11.30-12.30: Meeting with the committee of Foreign Affairs, National Assembly

13.00-14.00: Lunch with the committee of Foreign Affairs, Corinthia Hotel

14.00-16.00: Visit of UNIDO Vocational Training Center, Haj Youssif

16.30-17.30: Debrief meeting with EU Heads of Missions (ambassadors from France, UK, Spain, Germany, Romania and Sweden) and EU Delegation, location: EU delegation

17.30-19.30: Reception at EU delegation with Human Rights defenders

### **Thursday 22 December**

11.30-12.30: Meeting with Human Rights Defenders, location: EU delegation

12.30-16.00: Working Lunch with the French Ambassador and French embassy staff, location: residence of the ambassador